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'A Sneaky Bit of Stalking': Young People, Social Network Sites, and Practices of Online Surveillance

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This article maps the important albeit under-researched relationship between young people, social network sites, and surveillance practices they encounter or engage with in their digital lives. Based on original empirical research, this article unpacks the complexities of young people's digital identities, and explores strategies of surveillance, covert and overt, that young people are subjected to and perform on a daily basis. Often justified through risk-based crime prevention narratives, such intrusive strategies scrutinise young people in order to anticipate crime and victimisation on social network sites that has not yet, and might never occur. As such, these strategies are arguably underpinned by pre-crime logics of anticipating and targeting impending crime and victimisation. Importantly, they are increasingly normalised as they are imposed for young people's "own good". Yet, as this article demonstrates, young people are aware of such strategies and simultaneously engage in, experience being subject to, and resist surveillance practices.

Key words: young people, social network sites, surveillance, digital identity.

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Introduction

The Internet and social network sites provide 'a global forum for surveillance performances' (Koskela, 2012: 54) by a range of actors, and for a variety of purposes. Surveillance is perceived as necessary to mitigate the uncertainty of late modernity, especially when it comes to the most vulnerable of population groups – children and young people. The panic about young people's use of the Internet and other information and communication technologies is well documented in the literature (see Kelly, 2000; Shade, 2007; Slane, 2010; Barnard-Wills, 2012). Indeed, the 'youth-at-risk' narrative appears to be particularly potent in the virtual world. Surveillance is, thus, "promoted ... as a way to protect children from online dangers, and parents are often co-opted into a joint surveillance project of care and control" (Steeves, 2012: 352; also Kelly, 2000). Often, surveillance in the digital age is covert, with objects of such interventions unaware of the practice itself, nor that their information is stored, let alone where (Hope, 2005). Importantly, both 'lateral' surveillance (Andrejevic, 2005), performed by family members, potential employers, acquaintances, colleagues, and surveillance by agents of institutions – private or public – are on the rise. As such, while much is made of the ungovernability of cyberspace, young people are in effect often subject to increasing levels of surveillance as they navigate their digital lives. As Lyon (2007: 13) argues, "ours is the first generation that has deliberately sought techniques used by the military or the police in order to monitor [children's] activities".

The information and communication technologies that we focus on in this paper are just one, albeit important, segment of security technologies (Ceyhan, 2008). The implementation of security technologies is largely based on three sets of logic: a security logic of identification of risks; a logic of management flows of goods, people and transportation; and a logic of ambient intelligence that seeks to improve the quality and comfort of our daily lives (Ceyhan, 2008). The first set of logics, as we analyse in this paper, underpin the development of surveillance interventions on social network sites that aim to mitigate the perceived vulnerability of young people in a globalised, network society. In this context risk logics play an increasingly important role in regulating a whole spectrum of human interactions (Mythen, 2014).

Surveillance, according to Lyon (2001: 4), has the capacity to "reinforce social and economic divisions, to channel choices and to direct desires, and even at

its sharp end to constrain and control." It presumes monitoring of the observed population for specific purposes (Clarke, 1998). In the risk society (Beck, 1992) surveillance as "collection and processing of personal data, whether identifiable or not, for the purposes of influencing or managing those whose data have been garnered" (Lyon, 2001: 2), is embedded into information technology. The consolidation of Web 2.0 platforms, in which consumers are creators of the content, has arguably increased surveillance opportunities and practices. Social network sites – web-based services that allow individuals to construct a public or semi-public profile, create a list of users with whom they share a connection and information, and view and negotiate that list and connections made by others within the system (Boyd, Ellison, 2007: 211) – are spaces where surveillance strategies arguably flourish. Indeed, most of us accept terms of use that create an ability to be surveilled, giving little thought to the implications of agreeing to the various 'terms and conditions' caveats that gate keep the various social network sites that we access, often on a daily basis. Surveillance, thus, becomes embedded into our various online lives and is somewhat multimodal and directional – a liquid surveillance as Bauman and Lyon (2013) put it.

Surveillance of young people's online behaviour is becoming mainstream (Stoddart, 2015). Schools, for example, have always been sites for surveillance (Taylor, 2012). As Ahrens (2012: 1697-1698) argues, "[i]n their quest to get tough on cyberbullying, an increasing number of schools have begun to confiscate and inspect students' electronic communication devices and, more generally, to monitor and police their electronic communications." This surveillance also often extends to after-hours, post-school practices (Ahrens, 2012). Parents, government agencies, potential employers and other interested parties engage in practices of surveillance and monitoring of young people's online activities. As Ahrens (2012: 1713) notes, "[p]erhaps one of the most surprising facts about the recent trend towards more punitive and surveillance-oriented policies in the public schools is the degree to which parents have supported and embraced such policies." Often, parents lobby schools to impose strict punishments in cases of sexting and cyberbullying, or bring the matter to the school authorities themselves. Presented as crime/victimisation prevention strategies, these practices, whether impromptu or well planned, are increasingly problematic as "each new surveillance or discipline technique normalizes a certain amount of state intrusion and paves way for the next program that goes a step further" (Ahrens, 2012: 1704).

Attempts to regulate and moderate young people's online engagement quickly transform into policy. The panic about cyberbullying and sexting – two examples of activities facilitated by new technologies involving young people – has resulted in knee-jerk interventions that aim to 'get tough' on perpetrators and eliminate such practices altogether (Crofts et al., 2015). Nevertheless, young people increasingly use social network sites for self-expression, entertainment, to experiment with their identities, and to belong (Davies, 2007; Evers et al., 2013; Gabriel, 2014). Social network sites are crucial tools through which they negotiate and develop their intimate relationships and encounters (Pascoe, 2011). While living their digital lives, young people experience, and resist, various surveillance intrusions on a daily basis. They also proactively use social network sites to find information about a range of actors: their peers, potential love interests, family, even teachers.

This article offers an analysis of young people's perceptions, experiences, resistance and engagement with practices of online surveillance, in particular in the context of social network sites, within a broader theoretical context of pre-crime. We argue that strategies of surveillance have been imposed on young people and justified by the need to anticipate and target impending crime and victimisation that might never occur. As such, they are questioned, and resisted by the object of surveillance. Importantly, however, young people also conceptualise online surveillance as a reality that is, and can be, practiced and justified.

Method

This article draws on data collected as part of a larger research project that explored the perceptions, practices and policies of sexting by young people. The project consisted of four methods of data collection, including a quantitative survey of young people between the ages of 13 and 18 on their perceptions and practices of sexting; focus groups with young people aged 18 – 20 years regarding their views and experiences of sexting; an analysis of media reporting of sexting to capture the tenure of public discourse around sexting; and, an analysis of existing laws and sanctions that apply to sexting at state and federal levels across Australia. The data in this article is drawn predominantly from the focus group research component of the project that, while focusing on sex-

ting, also allowed participants to consider a broad range of their online activities and their perceptions in relation to these online activities (such as building and maintaining their online identity; the use of social media; responding to risk and surveillance, and how they conceptualise online privacy).

Eight focus groups were conducted with 54 young adults (34 females and 20 males) between the ages of 18 and 20. Respondents were drawn from the first year student body of the University of Sydney, University of Western Sydney,¹ and a Technical and Further Education (TAFE) New South Wales Institute. These institutions represent a broad cross section of educational establishments across New South Wales (NSW) and as such the sample included a range of backgrounds in relation to gender, class, ethnicity and geography. All participants signed a written consent form indicating the voluntary and confidential basis for their participation in the project. The form also stipulated that participants could withdraw from the focus groups at any time, and that the conversations in the focus groups would be audio recorded. Participants were asked to comment on several key topics, including their use of information technologies and the negotiation of their online identity, as well as how they conceptualise sexting and what underpins their knowledge on the topic. Focus groups also sought to capture opinion on criminal justice, regulatory, and informal responses to sexting. In the context of these themes, much of the discussion focused on surveillance and the monitoring of young people's online lives by various agents and/or agencies. Young people also commented on their use of information technologies to gather information about others (current or future partners, school mates, and the like). The participants were asked to reflect on these issues in their current lives, but also recalled experiences that occurred in their late childhoods.

This research deployed a grounded theory approach (see Strauss, Corbin, 1998). Data collection, transcription and analysis occurred in alternating sequences. Data was analysed even as it was gathered, which in turn impacted upon subsequent data collection, leading to the refinement of the analysis, which fed back into data collection and so on. Interviews were transcribed and anonymised before being imported into the qualitative analysis program, nVivo, which allowed codes to be assigned to specific lines or segments of text. This approach is defined by Strauss and Corbin (1998) as the breaking down, naming, comparing and categorising of data, a process

¹ Renamed in 2015 to Western Sydney University.

in which hypotheses or theories are generated directly from the data, rather than through a priori assumptions or existing theoretical frameworks. A coding matrix was developed from the initial interview data that was then used to inform and refine the structure of subsequent interviews in order to maximise the quality of the data gathered. We ensured interrater reliability by running a coding comparison query at the beginning of the project.

While there are possible limitations in terms of sample size, geographical location of the project, and potential bias of focus group moderators, through these processes of analysis a number of themes emerged in relation to young people, their identity on social network sites, and experiences of/resistance to surveillance². The remainder of the article explores and explains these themes through the voices of our participants.

Digital natives or 'careless zombies'³: Living a (precarious?) virtual life

It is not surprising that young people consider information technologies an important part of their everyday lives. According to a Newspoll report prepared for the Australian Communications and Media Authority (2013: 6) that surveyed 1,511 children and young people between 8 and 17 years of age, 95% of 11 year olds and 100% of 16-17 year olds had accessed the Internet in the four weeks prior to the survey. Furthermore, 87% of 14-15 year olds and 94% of 16-17 year olds owned a mobile phone. Over two thirds of 12 year olds surveyed and 92% of 16-17 year olds surveyed use the Internet for social networking purposes (Newspoll, 2013: 7). According to the report, the majority of young people indicate that using the Internet is a positive experience, with only 6-7% of teenagers reporting bad experiences every time or most times they are online. The majority of social network site users also reported positive outcomes when it came to social network activity, such as feeling good about themselves, and feeling closer to another person (Newspoll, 2013: 8).

² Limitations, comprehensive overview of literature and research on the topic in Australia and elsewhere, broader themes that emerge from focus groups, analysis of Australian media and legal responses to sexting, as well as analysis of surveys completed by young people as a part of our broader research project on sexting in Australia has been detailed in Crofts et al., 2015.

³ Absorption of social network sites is perceived to create a generation of 'careless zombies' that are ultimately ethically degenerate (Stanley, 2013).

Around 20% of 8-13 year olds and around a quarter of 14-17 year olds, however, had seen something on the Internet that bothered them in the year before the survey (Newspoll, 2013: 7).

While young people of today are considered ‘digital natives’ (Thomas, 2011; Bruno, 2012) that are comfortable and competent in virtual spaces, online safety of their children is a key concern for parents (Newspoll, 2013: 8). Parents, along with schools, government agencies and non-governmental organisations, spend a lot of time (and money) trying to teach young people e-safety,⁴ in order to mitigate perceived online risks. The naivety with which young people supposedly use technology as well as their ignorance of risks often underpin such interventions (Betts, Spenser, 2015: 20; see also Cranmer, 2013). As Barnard-Wills (2012: 240) notes, discourses of e-safety “provide a particular representation of the online environment and information technology,” one that prioritises certain threats and actors over others, in particular child sexual abuse. At the same time, children and young people are constructed as both potential victims and potential offenders (Barnard-Wills, 2012; Stoddart, 2015), at risk and in the need of protection (e.g. child sexual abuse) and/or in the wrong and in the need of punishment (e.g. cyberbullying).

Pre-crime society, as Zedner (2007: 262) notes, “shifts the temporal perspective to anticipate and forestall that which has not yet occurred and may never do so.” Within pre-crime logic, rescue and punishment narratives require and/or legitimise the surveillance of young people’s behaviour online. As a result, a whole range of cyber moral entrepreneurs have cemented themselves into the school system, providing moral training thinly disguised as cyber-safety education. Young people, however, are more tech-savvy than their parents, or teachers (Pascoe, 2011). Our research suggests that Millennials⁵ often find it humorous when adults try to teach them about risks and how to mitigate them when online:

“[S]ome researcher has said [recently] that schools should ban all electronic things until students get a licence, so that they’re taught that you have to be good with your phone and you know the consequences of doing certain things and they have to sign some agreement and they get a

⁴ E-safety refers to “the way that young people are taught about risks online, how they can protect themselves, and to whom they should report worrying activity” (Barnard-Wills, 2012: 239).

⁵ The demographic population following Generation X, born between early 1980s and late 1990s.

licence. And there's a little cartoon next to it that showed this adult saying you know 'you have to get a licence to get your phone', and then it says 'and then you can teach us how to use it'. So it's like the chicken and the egg." (Female, USyd FG 4)

Similar to findings by Cranmer (2013) in the UK, our research suggests that messages about online threats communicated by e-educators, the media and law enforcement resonated with the young people that participated in our focus groups. In the pre-crime logic, the crime threat is not identified, and is non-imminent (McCulloch, Wilson, 2016: 9). Nevertheless, the permanency of online behaviour and the loosely defined threat of online predators are key issues young people have in mind when engaging on social network sites:

"I think the other scary thing about Facebook as well is once you put up that pic it never really disappears. You go in and finish your Facebook ... it gets deactivated until you decide to sign in and then it's just... it's like you can never fully delete your Facebook. I mean it might dissolve over time I don't really know how that works, but I know it will never really be gone because you're just deactivating it temporarily. So you have to be really careful about it." (Female, USyd FG4)

"When I was in high school they had those seminars ... this guy told us this story – I don't know if it was real or not – but this girl put a status [on Facebook] and it said – it was 10 o'clock at night – going to go walk my dog on so and so beach or something by myself. So this man – I don't know this stalker or whatever he knew she was going to be alone at 10 o'clock at night walking her dog on some beach, so he went. So I'm just really careful." (Female, UWS FG3)

Underpinning these concerns is the notion of technological determinism (Selwyn, 2012), in which engagement with social network sites will inevitably, at some point, lead to victimisation, exploitation, or some other negative consequence for the young people in question. Such outcomes are deemed unavoidable, regardless of individual circumstances or contexts. And while many young people in our focus groups echo these narratives, others question the permanency of digital imprints that have the potential to harm them. Importantly, they consider proactive strategies to mitigate such risks:

"I know there's certain companies where you actually hire them to get all the information they can about you on the internet, put it on a disk and then – well they sort of trace stuff on the internet and somehow you can get rid of it. ... I know when I graduate and I'm looking for a job I would consider doing that, having someone professional to show me exactly how much information about me [is out there], and I don't know really why, I don't know what I'm trying to hide, but I would probably still do it anyway to be honest." (Female, USyd FG4)

While young people are aware of risks associated with their use of technology, evidence suggests that this has a limited impact on young people's digital lives. Social network sites in particular are perceived as "the modern-day equivalent of the mall or movie theatre, a place where teens can hang out with friends and run into other friends and peers" (boyd, Marwick, 2011: 7). Indeed, similar to findings by Lenhart et al. (2010), Pascoe (2011) and Richards et al. (2015), our research suggests that social network sites are a very important "communication device" (Female, USyd FG2) young people use to socialise with their family and friends:

"If I didn't have Facebook I would hardly ever talk to my family or anyone at home because the time difference is 14 hours, so that's how we communicate." (Female, USyd FG2)

Also importantly, as we have examined elsewhere (Crofts et al., 2015), young people use technology, and social network sites, to explore their sexuality. They perceive social networks as "...relatively safe space(s) to experiment with adult identities and try to sort out social behaviors that they would not otherwise encounter" (Steeves, 2012: 355). Whether it is sexting, sex chats or exploring sexuality on social network sites, young people socialise and engage in sexual/romantic encounters with strangers or acquaintances online:

"I've had friends that have been 'poked' by friends [on Facebook] they haven't known and they're now going out." (Female, USyd FG4)

Dating and romance, however, are themes that dominate young people's engagement on social network sites (see Lenhard, Madden, 2007). The importance of Web 2.0 platforms has been especially highlighted in the context of intimate relationships. Research by Young and Brown (2012) and Rose

and Morstyn (2013) indicates that young people predominantly use Facebook to form or maintain a relationship. As one participant in our focus groups argued, a Facebook relationship status can save you from "*a lot of awkward conversations*" (Male, USyd FG4). Further, social network sites can not only help young people clarify a relationship status to their peers and friends but also to themselves:

"[W]hen I was dating with my boyfriend and we weren't officially together, it was like everybody knew but it was not official, and then they say yeah you should put it on Facebook then it's official. So it's official only when you put it on Facebook." (Female, USyd FG3)

As Brown (1999) reminds us, technology meshes with young people's romantic relationships. Indeed, technology and social network sites in particular are simply an extension of young people's terrestrial lives. According to our participants, social network sites often play a vital role in maintaining or ending relationships:

"I go online a lot especially for Internet messaging, because my boyfriend lives all the way in Gold Coast and that's our means of communication... With instant messaging we can reply straight away. Occasionally we do share funny photos, nothing explicitly nude or anything, just harmless innocent funny photos." (Female, UWS FG2)

"[Social network sites] can make [it] or break [it]. So much drama happens online, so many relationships have been destroyed that I've seen, just from social network sites. It's sad, I think it's sad." (Female, USyd FG3)

Importantly, and similar to dysfunctional terrestrial relationships where only the 'glossy' side is presented to the public, social network sites sometimes present a dishonest portrait of relationships:

"I think sometimes a lot of couples show off, like look at us, we've got such a great relationship. ...And I also think it's really fake, because one of my first guy friends, he started dating this girl, but he liked me prior to that, and all over Facebook there'd be love hearts sent to her, I love you blah, blah, blah tagging her name, and then like he would sometimes ask me on a Friday night what are you doing tonight. It drives you mad." (Female, USyd FG3)

For young people then, the challenge is in balancing the risks and rewards, as well as sorting through dishonesty in a search for credibility in an increasingly digital world. Such balance is often sought through practices of fact-finding on the Internet and social network sites.

'We're weird': Surveilling others and scrutinising self on social network sites

Research suggests that young people routinely engage in practices of surveillance, while voyeurism, curiosity and distrust commonly underpin such practices (Subrahmanyam et al., 2008; Bruno, 2012; Junco, 2012). As Steeves (2012) notes, the Internet is particularly attractive to young people precisely because of its surveillance opportunities. Whether it is Google-ing people to find out information about them, or establishing how their online identity is represented on the biggest Internet search engine, young people spend considerable time online searching for information on persons of interest or themselves:

"Yes, I do [use Google to find out information about people]. When I first started going out with my boyfriend I did [Google] him. It was fine, it's all boring stuff. I would only do that when I started dating somebody, and I did it with my own name – my school had a Moodle where they upload things and with me it was..., you have not paid your sport fees. I was like, it's not really the first thing I want to come up." (Female, USyd FG1)

Young and Brown (2012) suggest that young people overwhelmingly use social network sites, in particular Facebook, to find out information about people they have just met, and want to have a relationship with. Indeed, social media is "often the first place young people will go to seek information" (Rose, Morstyn, 2013: 6). Our research confirms that social networking sites are especially important in collecting data about potential partners, to satisfy curiosity, or to find out more information about people they will be spending time with:

"It doesn't even come to mind when I think of using the Internet to find out more about someone I go straight to Facebook, I would never Google someone." (Female, USyd, FG1)

"I'm going on a trip with a group in a couple of weeks and they sent us everyone's name on email and all my friends got together and put their emails in Facebook and we stalked them all. That person's cute, that person looks kind of weird. So we had an idea of whom we were going with." (Male, USyd FG1)

A number of respondents, however, acknowledged the peculiarities of such practices, and indicated they often question their excessive interest in other people' online lives:

"[W]hen I started going out with my boyfriend six months ago, he had no privacy settings, my friends were going through all his photos and going who's this girl? Who's she? I'm like oh my God. And everything – what did he mean by that? It was incredible. I'd go through [his profile] and you'd get really annoyed when they got good privacy settings, you're like but I want to – you just go through and... we're weird." (Female, USyd FG1)

"We used to do that on teachers. One of the teachers at high school he didn't have any privacy settings and we found him on Facebook. Everyone's going oh he went to Bali last week, and we're going through all his holiday photos with his family, then halfway through it we're going 'this is really weird'." (Female, USyd FG1)

The idea that there is a reciprocal component to (a lack of) privacy is very important here – young people expect a certain level of intrusion but there is clearly a threshold that should not be crossed. Consequently, some focus group participants agreed that there is a point at which a person should consider what their intentions are when seeking information on others:

"I think everyone does a sneaky bit of stalking, but I think the line is where the intention gets – like if you're not just doing it 'cause you're interested and curious, you're doing it because you're like I've got to know what they're doing,' then it's weird." (Female, USyd FG1)

Thus, while a 'sneaky bit of stalking' – or 'innocent stalking' (Steeves, Regan, 2014) is permissible, more intrusive surveillance practices should be considered, and treated as 'annoying stalking' or 'creeping' (Steeves, Regan, 2014) – that is, ignored or blocked. Such practices can have serious, negative

consequences for the young people in question. A number of focus group participants suggested that the outcomes of carrying out these over-the-top surveillance activities were not always beneficial. Such practices were seen to be especially damaging if carried out whilst in a relationship, as it may imply a lack of trust between the partners:

"You have to draw that line for yourself, because I checked my boyfriend's Facebook for a while, like every day or something and I realised that I was going crazy, and checking up on him all the time and it drove me mad because I was checking it, so now I never check his Facebook again and I feel so much more calm and everything's okay." (Female, USyd FG3)

"I think trust has kind of gone out the door because you have that constant like 24/7 I can check up on you, where are you checking in without me, you have it all there." (Female, USyd FG3)

While young people are clearly no strangers to the undertaking of surveillance activities, we were also interested in finding out how they experience/analyse situations in which their online (and consequently terrestrial) lives are subject to surveillance by others.

'Okay, they are stalking me': Young people's experiences of surveillance

Research finds that, contrary to popular belief, young people do care about privacy, and they do want their privacy online to be upheld (Livingstone, Bober, 2005; boyd, Marwick, 2011; Davis, James, 2012). Yet, young people are aware of, or have personally experienced, incidents of online stalking, when the line of 'appropriate' or 'tolerable' (and reciprocal) surveillance on social network sites by their peers is crossed:

"[A] close friend of mine ... they know each other in the real world kind of thing, but now – it's crazy, it's so weird. She is always on his [Facebook] wall and she comments on all of his photos and you can tell that she is just obsessed, messages she sends him and things like that, really inappropriate. ... I think he needs a restraining order because his privacy is being invaded way too much" (Female, USyd FG1)

"Sometimes you get friends on Instagram ... Like I get random notifications from people liking all the photos and think okay they're stalking me. You can tell because they're looking through all of them. A photo that has been there for two months or so, you think okay they're just looking at my profile now. You sense a bit of stalking happening at the moment. Yeah it's happened to me and I'm thinking okay why are they looking through this." (Female, TAFE)

While young people are somewhat worried about these instances of peer 'stalking', surveillance practices by various government agencies and individuals are also of concern to young people. The state has long been identified as an intruder into young people's digital lives, supposedly driven by children and young people's 'best interest' (Stoddart, 2015). The young people we spoke with were also familiar with these surveillance cultures of control (Lyon, 2007):

"I'm in the Army Reserve ... the day I got enlisted, I had to sign a declaration, swear allegiance and it said do you have Facebook, do you have this, do you have that and I ticked all the boxes. 'Cause they actually check you up even though your account is private, the government gets in and some people have been requested to take stuff down. But I have to now complete a security clearance pack for the Australian vetting agency and they also want to know all these details. So it can be a barrier to your employment, yeah. Especially if you want to get into the military, police, or the secret service like ASIO." (Male, USyd FG1)

However, in pre-crime society the responsibility for security against risk goes beyond the state (Zedner, 2007). A range of agents are now on the watch, including potential employers. The knowledge that these agents might be checking your social network profile impacts on the choices young people make around online privacy; what is available/hidden on their digital profiles, but also how they use information technologies in their everyday life:

"My dad works for the New South Wales government. Any major organisational company has, they do have departments of people who will go through and search through these – like before they hire people they check through [their online profiles]. ... [It] just makes you think. I'm not going to put photos of me disgustingly off my face from last Saturday night on Facebook. That can stay private. You only put out what you feel

comfortable people seeing and consider the consequences of where the photos end up." (Male, UWS FG1)

Many participants in our focus groups were aware of numerous incidents of invasions of privacy undertaken by employers. While such interventions were sometimes seen as warranted, they were perceived as unnecessary in most cases:

"[Y]ou can have a personal life and business life, right? You have the right to that, and if you want to go out on the Saturday night and party and get drunk, you should be allowed to do that and it should not affect your business life. Maybe like Monday to Friday you're really working hard and stuff. Yeah, I think it's a bit unfair that they judge your entire personality on a photo of one night." (Female, USyd FG3)

"[If] you're someone who has things on Facebook that you're showing that you're – I don't know, involved in really dangerous sort of a life and then you want to be a babysitter, I think there's circumstantial (sic) definitely.... Like I don't know, if you're applying for a job at Maccas obviously they don't care at all what your private life is like, but yeah it depends on the job I reckon." (Female, USyd FG3)

As previously noted, schools have also become "sites of technologically mediated surveillance" (Barnard-Wills, 2012: 240). As young people we spoke with testified, school administrators and teachers often make use of social network sites to monitor students' activities and make students comply with school regulations. According to some of our participants, many of the surveillance strategies deployed by the school administration and teachers are covert, unknown to the object of surveillance:

"Our school was very dodgy the way they did it... we found out afterwards that some of the teachers were monitoring our Facebooks. ... They would make fake accounts. The stuff they would do – they wouldn't talk to us about it but in a really sneaky way try to monitor our Facebook. ... [We] found out later on that the teacher was actually stalking, not monitoring Facebook. That's how they saw it and the student was like, 'How did you find this photo', and the Principal was 'Oh some students

'showed it to us', when really they were the ones that were monitoring her Facebook. She got suspended for three days for that." (Female, UWS FG1)

"Our high school had a Facebook page ... and I know that the Principal monitors it to read what everyone writes, like about the lack of mirrors in the bathrooms and comments made about teachers and other students." (Female, UWS FG1)

While some focus groups participants argued schools would want to keep an eye on students, on balance they thought such activities were a privacy concern:

"That could be hard for the students' wellbeing because you're sort of like looking after them, but it could also be like you're invading our privacy, this is a bit much, it's really none of your business." (Female, USyd FG3)

However, when it comes to privacy invasion on social network sites the biggest culprits appear to be parents and family members. As Ahrens (2012: 1715) notes, "the rise of ... the intensive parenting model means a substantial and increasing number of parents expect full access to information about their children and consider it necessary to involve themselves in all aspects of their children's lives." Parents, thus, increasingly monitor young people's online activity, including their social network profiles. While young people have an empathetic understanding of motivations for such surveillance (Steeves, Regan, 2014), they often resent it:

"[A] couple of times my mum called me and she said my aunt had seen my Facebook and I'm thinking my aunt doesn't even have Facebook, and from my picture [mum] gathered that I was drinking whiskey every day and told my grandparents that." (Female, USyd FG2)

Young people are, thus, increasingly unhappy with the above outlined intrusions, especially incidents of covert surveillance into their digital space and identity. They spend a considerable amount of time carefully crafting their image on social network sites, and engaging in strategies to minimise the impact of such intrusions.

Re-imagining a digital life: Resistance to surveillance and managing online identity

From our research, and that of others, it is clear that many young people have undertaken some form of action to hide their online activity from parents and other possible surveillance actors (see Livingstone, Bober, 2005: 3; Steeves, 2012; Newspoll, 2013: 9; Steeves, Regan, 2014). Indeed, young people have largely turned to the Internet "precisely because it was beyond the parental gaze" (Steeves, 2012: 353). The fact that something is posted on social network sites does not mean that there are no privacy expectations attached, and that anyone can access such content. In this context, as Steeves (2012: 356) notes "negotiating self in this space necessitates careful and deliberate judgments about who sees what." Participants in our research confirmed that they actively pursue a range of options to maximise privacy and minimise the opportunity for surveillance. A strategy they often pursue is operating a social networking profile under a pseudonym – or hiding in plain sight:

"I know a lot of people that are using false names that are recognisable as being their names, but they're un-Google-able. So if you say Ben Pikelet whoever, you go okay I know who that is." (Male, USyd FG2)

"When I applied to college everyone changed their names on Facebook, just temporarily in case the school was going to look you up. Even if it was just like you erased your last name and put a random name. Then once we all got into college we changed it back". (Male, USyd FG1)

"I still use a fake name on stuff. My Facebook is the only thing that sort of has my real name on it, but I have Tumblr, I have Twitter, I have a fair bit of social networking and everything else I just use a generic username. Not that there's anything bad about it but I just wouldn't want it coming up." (Female, USyd FG1)

Strategies they use to achieve privacy goals are many and varied, from almost complete withdrawal from certain social network sites' platforms, to carefully adjusting their privacy settings or even rethinking their online content to cater for their real or imagined 'audience'. Unwanted intrusions into

their digital lives sometimes deterred young people from sharing information on social network sites platforms, temporarily or permanently:

"You have the choice whether you want to put up the information or not. Like if there's something about me that I don't want people to know I don't put it on the Internet." (Female, USyd FG1)

"[It] depends on how much you disclose on your web pages, like date of birth, name, where you work and various other things. I think it is unsafe if you disclose too much information on there. Because then if someone knows where you work, if someone knows your date of birth, they pretty much know everything about you then, the important information." (Male, USyd FG1)

The main motivation for young people in self-policing their digital identity on social network sites is the impact their digital footprint might have on their potential or current employment. Photos were of particular concern to participants, and they sometimes get so cautious they either refrain from posting altogether or use pseudonyms to make sure their current or future employers cannot see their online activities:

"I personally make sure there's not an inappropriate photo of me being taken, I still want to look professional, I try not to curse as much, just in case you never know who's going to see [it]. I had a private link with my friend, so they can't see my wall or photos, but nowadays you never know and it's better to be safe than sorry." (Male, USyd FG3)

"Yeah like I'm not going to put [photos of me] cuddling naked with my boyfriend or whatever. You can control it and I'm becoming more aware that people can access my account. Getting a job now these days, a company can look at your Facebook. My mum will message me and say take that photo down, so I'm more aware of that." (Female, USyd FG2)

"I had to become a friend with my work on Facebook, and now I just don't post anything at all really because I have to think about it really carefully, about if I post anything they're going to see it and could have possible repercussions. So I think you have to think really carefully about who's seeing it now because a lot of people don't know who's viewing their page

through friends of friends or whatever, so you have to be careful about what you put out there." (Female, USyd FG4)

The above responses suggest that young people's understanding of privacy and surveillance requires further, and careful, elaboration. Better understanding young people's strategies to negotiate their privacy might lead to a better understanding of how online victimisation, as well as unwanted intrusions into their privacy, might be minimised in the future.

Conclusion

There is no credible evidence to establish the real extent and consequences of unsafe online practices by young people (Livingstone, Haddon, 2009). Nevertheless, young people are constructed as legitimate objects for surveillance intrusions. Such intrusions, justified as risk-based crime or victimisation prevention strategies, are arguably underpinned by pre-crime interventions that aim to anticipate and disrupt young people's non-conformist behaviour. Justified by "the need to pre-empt catastrophic threats by intervening at an earlier point in time than the law would normally contemplate" (McCulloch, Wilson, 2016: 133), such pre-crime interventions are tangible, and many. While overt forms of visual surveillance deployed in schools such as CCTV cameras are on the rise (Taylor, 2012), new strategies of surveillance often incorporate a range of actors (in addition to school authorities), and are becoming more covert, carefully hidden in a chaotic world of social network sites. In this context, young people's activity on social network sites have come to constitute a new risk, against which young people can 'legitimately' be scrutinised, monitored, followed and pre-emptively punished, 'for their own good'. Importantly, such surveillance strategies are not reciprocal and suggest that social actors such as schools, teachers, employers, and parents do not trust young people to do 'the right thing', and as such they negate young people's agency and self-expression. Taylor notes that "[u]pcoming generations will... have no experience or comprehension of a world without invasive surveillance for even the most mundane activities" (Taylor, 2012: 225). Monitoring both the terrestrial and digital lives of young people is becoming the mainstream, not the exception. As Lyon notes, "[s]urveillance has become

ubiquitous and taken for granted in today's world" (Lyon, 2007: 1). To this end it is also largely, if begrudgingly, accepted and even normalised (Lyon, 2007). However, as our respondents indicate, while living a digital life young people sometimes simultaneously engage in, experience being subject to, and resist surveillance. Friends, parents, teachers, police, corporations and others were identified at various times as surveilling young people, and our respondents also noted how they use social network sites and other new technologies to monitor others and themselves.

As has become clear from the discussions above, young people today live in a networked world shaped by cyber as well as terrestrial experiences. Our respondents clearly understood the risks and challenges of balancing these online lives and questions of their privacy in a context in which the public and private spheres of activity are fluid, unstable, and where one can never be certain anything is actually private. Moreover, they have internalised the messages of the permanency of online data and how this might affect their futures, while also remaining optimistic of their capacities to manage it. Our research suggests the complexity of online world in which young people spend a significant amount of their time, and as such responses to challenges that this complex world brings cannot be reduced to simple binaries.

Humans have always had an ambiguous relationship to new technologies, and the online lives of young people are regarded by adults variously with optimism on the one hand, and concern and anxiety on the other. The latter emerges particularly in the context of technologically facilitated sexual relationships, and the sexualisation of young people more generally though these technologies (Lee et al., 2013). Yet, technology also provides the capacity to monitor and correct such behaviour, even if that requires 'a sneaky bit of stalking'.

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References

- Ahrens, D. (2012) Schools, Cyberbullies, and the Surveillance State. *American Criminal Law Review*, 4, pp. 1695-1722.
- Andrejevic, M. (2005) The Work of Watching One Another: Lateral Surveillance, Risk, and Governance. *Surveillance and Society*, 4, pp. 479-497.
- Barnard-Wills, D. (2012) E-safety Education: Young People, Surveillance and Responsibility. *Criminology and Criminal Justice*, 3, pp. 239-255.
- Bauman, Z., Lyon, D. (2013) *Liquid Surveillance*. Cambridge: Polity Press.
- Beck, U. (1992) *The Risk society: Towards a New Modernity*. London, Thousand Oaks, New Delhi: Sage.
- Betts, L., Spenser, K. (2015) A Large Can of Worms: Teachers' Perceptions of Young People's Technology Use. *International Journal of Cyber Behavior*, 2, pp. 15-29.
- Boyd, D., Ellison, N. (2007) Social Network Sites: Definition, History, and Scholarship. *Journal of Computer-Mediated Communication*, 13, pp. 210-230.
- Brown, B. (1999) You're Going Out With Who? Peer Group Influences on Adolescent Romantic Relationships. In: W. Furman, B. Brown, C. Feiring (eds.) *The Development of Romantic Relationships in Adolescence*. Cambridge: Cambridge University Press, pp. 291-329.
- Bruno, F. (2012) Surveillance and Participation on Web 2.0. In: K. Ball, K. Haggerty, D. Lyon (eds.) *Routledge Handbook of Surveillance Studies*. New York: Routledge, pp. 343-351.
- Ceyhan, A. (2008) Technologization of Security: Management of Uncertainty and Risk in the Age of Biometrics. *Surveillance and Society*, 2, pp. 102-123.
- Clarke, R. (1998) Information Technology and Dataveillance. *Communication of the ACM*, 5, pp. 498-512.
- Cranmer, S. (2013) Listening to Excluded Young People's Experiences of E-safety and Risk. *Learning, Media and Technology*, 1, pp. 72-85.
- Crofts, T., Lee, M., McGovern, A., Milivojevic, S. (2015) *Sexting and Young People*. Basingstoke: Palgrave.
- Davies, J. (2007) Display, Identity and the Everyday: Self-presentation through Online Image Sharing. *Discourse: Studies in the Cultural Politics of Education*, 4, pp. 549-564.
- Davis, K., James, C. (2012) Tweens' Conceptions of Privacy Online: Implication for Educators. *Learning Media and Technology*, 38, 1, pp. 4-25.

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Evers, C., Albury, K., Byron, P., Crawford, K. (2013) Young People, Social Network Sites, Social Networking Sites and Sexual Health Communication in Australia: This is Funny, You Should Watch It. *International Journal of Communication*, 7, pp. 263-280.

Gabriel, F. (2014) Sexting, Selfies and Self-harm: Young People, Social Media and the Performance of Self-development. *Media International Australia incorporating Culture and Policy*, 151, pp. 104-112.

Hope, A. (2005) Panopticism, Play and the Resistance of Surveillance: Case Studies of the Observation of Student Internet Use in UK Schools. *British Journal of Sociology of Education*, 3, pp. 359-373.

Junco, R. (2012) The Relationship Between Frequency of Facebook Use, Participation in Facebook Activities, and Student Engagement. *Computers and Education*, 1, pp. 162-171.

Kelly, P. (2000) The Dangerousness of Youth-at-risk: The Possibilities of Surveillance and Intervention in Uncertain Times. *Journal of Adolescence*, 4, pp. 463-476.

Koskela, H. (2012) You Shouldn't Wear That Body – The Problematic of Surveillance and Gender. In: K. Ball, K. Haggerty, D. Lyon (eds.) *Routledge Handbook of Surveillance Studies*. New York: Routledge, pp. 49-56.

Lee, M., Crofts, T., Salter, M., Milivojevic, S., McGovern, A. (2013) Let's Get Sexting: Risk, Power, Sex and Criminalisation in the Moral Domain. *International Journal for Crime, Justice and Social Democracy*, 1, pp. 35-49.

Livingstone, S., Bober, M. (2005) *UK Children Go Online: Final Report of Key Project Findings*. London: London School of Economics and Political Science.

Livingstone, S., Haddon, L. (2009) Conclusion. In: S. Livingstone, L. Haddon (eds.) *Kids Online*. Bristol: The Policy Press, pp. 241-252.

Lyon, D. (2001) *Surveillance Society*. Buckingham and Philadelphia: Open University Press.

Lyon, D. (2007) *Surveillance Studies: An Overview*. Cambridge: Polity Press.

McCulloch, J., Wilson, D. (2016) *Pre-crime: Pre-emption, precaution and the future*. London, New York: Routledge.

Mythen, G. (2014) *Understanding the Risk Society, Crime, Security and Justice*. Basingstoke: Palgrave.

Pascoe, C. (2011) Resource and Risk: Youth Sexuality and New Media Use. *Sexuality Research and Social Policy*, 1, pp. 37-50.

Richards, D., Caldwell, P., Go, H. (2015) Impact of social media on the health of children and young people. *Journal of Paediatrics and Child Health*, 12, pp. 1152-1157.

-
- Selwyn, N. (2012) Making Sense of Young People, Education and Digital Technology: The Role of Sociological Theory. *Oxford Review of Education*, 1, pp. 81-96.
- Shade, L. (2007) Contested Spaces: Protecting or Inhibiting Girls Online? In: S. Weber, S. Dixon (eds.) *Growing Up Online: Young People and Digital Technologies*. Basingstoke: Palgrave, pp. 227-244.
- Slane, A. (2010) From Scanning to Sexting: The Scope of Protection of Dignity-based Privacy in Canadian Child Pornography Law. *Osgoode Hall Law Journal*, 3-4, pp. 543-593.
- Strauss, A., Corbin, J. (1998) *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*. Thousand Oaks, London and New Delhi: Sage.
- Steeves, V. (2012) Hide and Seek: Surveillance of Young People on the Internet. In: K. Ball, K. Haggerty, D. Lyon (eds.) *Routledge Handbook of Surveillance Studies*. New York: Routledge, pp. 352-360.
- Steeves, V., Regan, P. (2014) Young People Online and the Social Value of Privacy. *Journal of Information, Communication and Ethics in Society*, 4, pp. 298-313.
- Stoddart, E. (2015) The Named Person: Surveillance and the Wellbeing of Children and Young People in Scotland. *Surveillance and Society*, 1, pp. 102-116.
- Subrahmanyam, K., Reich, S., Waechter, N., Espinoza, G. (2008) Online and Offline Social Networks: Use of Social Networking Sites by Emerging Adults. *Journal of Applied Developmental Psychology*, 6, pp. 420-433.
- Taylor, E. (2012) The Rise of Surveillance School. In: K. Ball, K. Haggerty, D. Lyon (eds.) *Routledge Handbook of Surveillance Studies*. New York: Routledge, pp. 225-232.
- Thomas, M. (2011) Technology, Education, and the Discourse of the Digital Native. In: M. Thomas (ed) *Deconstructing Digital Natives*. New York and London: Routledge, pp. 1-11.
- Young, C., Brown, B. (2012) Motives for Using Facebook, Patterns of Facebook Activities, and Late Adolescents' Social Adjustment to College. *Journal of Youth Adolescence*, 3, pp. 403-416.
- Zedner, L. (2007) Pre-crime and Post-criminology? *Theoretical Criminology*, 2, pp. 261-281.

Internet sources

- boyd, d., Marwick, A. (2011) Social Steganography: Privacy in Networked Publics. Available at: <http://www.danah.org/papers/2011/Steganography-ICAVersion.pdf>, page accessed 20.11.2017.

Sanja Milivojevic, Thomas Crofts, Murray Lee, Alyce McGovern '*A Sneaky Bit of Stalking': Young People, Social Network Sites, and Practices of Online Surveillance*

Lenhart, A., Madden, M. (2007) Social Networking Websites and Teens: An Overview. Pew Internet & American Life Project. Available at: <http://www.pewinternet.org/2007/01/07/social-networking-websites-and-teens/>, page accessed 22.11.2017.

Lenhart, A., Purcell, K., Smith, A., Zickuhr, K. (2010) Social Media & Mobile Internet Use Among Teens and Young Adults, Pew Internet & American Life Project. Available at: http://www.pewinternet.org/files/old-media/Files/Reports/2010/PIP_Social_Media_and_Young_Adults_Report_Final_with_toplines.pdf, page accessed 22.11.2017.

Newspoll (2013) Like, Post, Share: Young Australian's Experience of Social Network Sites. Report Prepared for the Australian Communications and Media Authority. Available at: <http://www.acma.gov.au/~/media/mediacomms/Report/pdf/Like%20post%20share%20Young%20Australians%20experience%20of%20social%20media%20Quantitative%20research%20report.pdf>, page accessed 22.11.2017.

Rose, J., Morstyn, L. (2013) What Makes you Tweet?: Young People's Perspectives on the Use of Social Media as an Engagement Tool. Report. Youth Affairs Council of Victoria. Available at: <https://www.yacvic.org.au/assets/Documents/WhatMakesYouTweet-YACVic-report-Jun2013.pdf>, page accessed 29.11.2017.

Stanley, T. (2013, 21 July) Living Life in Not Enough for Zombie Generation, *Sydney Morning Herald*. Available at: <https://www.smh.com.au/entertainment/living-life-is-not-enough-for-zombie-generation-20130720-2qb5n.html>, page accessed 22.1.2017.

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'Skriveno proganjanje': Mladi, društvene mreže i praksa onlajn nadzora

U ovom radu su prikazani važni, mada nedovoljno istraženi odnosi između mladih ljudi, društvenih mreža i prakse nadzora sa kojim se susreću ili ga primenjuju u svom digitalnom životu. Polazeći od rezultata originalnog empirijskog istraživanja, u radu se raščlanjuju složeni digitalni identiteti mladih i analiziraju strategije nadzora, prikivenog i otvorenog, kojima su mladi svakodnevno izloženi ili koje praktikuju. Često opravdavane narativima o prevenciji kriminaliteta zasnovanoj na riziku, takve nametljive strategije podrazumevaju detaljno proučavanje mladih, sa ciljem predikcije kriminaliteta i viktimalizacije na društvenim mrežama, koji se nisu dogodili i koji se ne moraju nužno ni dogoditi. Kao takve, ove strategije su potkrepljene prekriminalnom logikom predviđanja i bavljenja potencijalnim kriminalitetom i viktimalizacijom. Što je još značajnije, ove strategije nadzora se sve više prihvataju jer se nameću za „dobrobit mladih“. Pa ipak, kako ovaj rad pokazuje, mladi su svesni takvih strategija i istovremeno ih primenjuju, izloženi su im, ali se i opiru ovakvim praksama nadzora.

Ključne reči: mladi, društvene mreže, nadzor, digitalni identitet.

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Sajber viktimizacija i izazovi pružanja podrške žrtvama

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Problematic Internet Use among Adolescents: Psychometric Properties of the Index of Problematic Online Experiences (I-POE)

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IVANA PEDOVIĆ

TANJA PANIĆ

The basic aim of this research was to evaluate the psychometric properties of the Index of Problematic Online Experiences (I-POE) on a sample of adolescents from Serbia. Construct validity, which had previously been tested by the authors of the test themselves (Mitchell, Jones, Wells, 2013), was retested here. The possibility of predicting I-POE scores based on selected personality traits and parental mediation was also evaluated. A total of 339 students from two cities in Serbia, aged 18 and 19, participated in the study. The results indicated that very similar behavior determined problematic Internet use (PIU) both in this research and that of the authors of the test. Construct validity testing indicated that the scores on the I-POE predicted online perpetration, sexual behavior and victimization, as expected. Negative valence was correlated with the I-POE scores with mediation effect of Parental involvement. The results indicate that I-POE encompasses significant characteristics of PIU as a global phenomenon and it can be of significant importance in assessing this problem among the adolescent population.

Key words: problematic internet use, adolescence, negative valence, parental mediation, research, Serbia.

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Introduction

The Internet offers adolescents many positive activities when it comes to studying for school (such as searching for information), or ways to spend their leisure time (computer mediated communication, creating content on the Internet, playing games or simply browsing through interesting content posted by others). The activities that are most popular among adolescents today include social networking sites, which, despite some reserve on the issue, could have significant positive effects on mental health (for example, Best, Manktelow, Taylor, 2014; Opsenica Kostić, Panić, 2017). However, for as long as two decades there has been concern regarding problematic Internet use, especially among adolescents (for example, Caplan, 2003; Tokunaga, 2012; Tam, Walter, 2013). In this paper we will not treat problematic Internet use as a disorder – since there are different names and definitions that could be provided for this phenomenon, as well as justifiable criticism of the concept itself (see for example: Morahan-Martin, 2007). Problematic use is a problem (not necessarily a disorder) that can be present to various extents, and the term itself does not have pathological overtones. In other words, as Spada put it “Problematic Internet use (PIU), which has become a global social issue, can be broadly conceptualized as an inability to control one’s use of the Internet which leads to negative consequences in daily life” (Spada, 2014: 3). It should be noted that in this definition excessive Internet use alone does not qualify as problem – problematic use is defined by its negative effect on a person’s life, not by the amount of time spent on the Internet. Indeed, authors define excessive Internet use as “such use of online applications that puts the user at risk of adverse consequences” (Škařupová, Ólafsson, Blinka, 2015: 118). Therefore, excessive Internet use is potentially problematic.

The issue of problematic Internet use becomes even more complex when it is being analyzed in the adolescent population. New technology is so pervasive in adolescent culture that it can sometimes be difficult for parents and health professionals alike to distinguish between normative and problematic technology use by youths (Mitchell, Jones, Wells, 2013). The best known instruments that can help determine excessive Internet use are Young’s Diagnostic Questionnaire (Young, 1998a), Young’s Internet Addiction Test (Young, 1998b), and the Chen Internet Addiction Scale (Chen et al., 2003). Their goal is to measure excessive use or addiction and the consequences of such use;

the greatest drawback of these instruments is precisely the fact that they are oriented toward extreme forms of PIU, that is, the pathologization of the phenomenon itself. Mitchell, Jones and Wells (2013) have a somewhat different view of testing for the presence of PIU among adolescents – this concept has to be broader in order to include problems in online communication and behavior, and it could be studied as a dimension of individual differences. This view of PIU was also adopted in this research, which is focused on determining the psychometric properties of a new questionnaire for determining the presence and extent of the aforementioned phenomenon.

Excessive use of the Internet

Excessive use refers to spending significant amounts of time online, usually followed by a decreased sense of time or neglect of basic drives (Block, 2008). Sometimes authors associate excessive use with tolerance, i.e. with developing a growing need to be online more often and for longer periods of time, resulting in deleterious outcomes in real life and in increased offline social isolation (Lortie, Guitton, 2013). This definition of excessive Internet use corresponds with Griffiths' definition of salience (Griffiths, 2005) as a component of Internet addiction. The point is that a certain online activity will become the most important activity in one's life and will dominate their opinions, feelings and other activities. All these definitions are essentially similar – the use of the Internet takes up a significant part of one's time and other activities are of secondary importance compared to online activities. It is in cases like these that we can talk about excessive use of the Internet. As mentioned above, excessive use can indicate the presence of PIU, but not necessarily.

Adverse consequences

Now we come to what actually defines problematic use, i.e. the adverse effects on a person's life. This component can be found under many different names in different attempts to define Internet addiction. Block (2008) writes about *negative repercussions* which include arguments, lying, poor achievement, social isolation, and fatigue. Griffiths (2005) talks about the *conflict* between an addict and either those around him or his own internal conflict.

In the life of adolescents, excessive use of the Internet can cause problems in personal relationships (with one's family, friends, boyfriend or girlfriend), problems in school and performance at school, as well as problems related to participation in other social or recreational activities. In I-POE (Mitchell, Jones, Wells, 2013) negative aspects are termed as *social and communications problems*, and include all the mentioned indicators of negative consequences.

Some specific problematic online behaviors

Problematic behavior that attracts much attention from researchers is online bullying – a repeated aggressive and intentional act conducted by an individual or a group using electronic forms of communication, directed toward a victim who cannot easily defend himself (Hinduja, Patchin, 2009). Recent studies on this phenomenon, among other things, include examining risk factors for becoming involved in bullying (Mishna, et al., 2012), correlations between personality traits and bullying (Opsenica Kostić, Panić, Cakić, 2015; Kokkinos, Baltzidis, Xynogala, 2016), as well as the role of empathy and morality in bullying (Sasikirono Suparlia, Ramdhani, 2015; Del Ray et al., 2016).

The Internet offers many recreational activities, including online sexual activities (OSAs) (Werry, Billieux, 2016). OSAs were initially defined by Cooper, Griffin-Shelley, Delmonico and Mathy as the “use of the Internet (via text, audio, video, and graphic files) for any activity that involves human sexuality, including but not limited to having sexual chats, looking for or participating in recordings made by sex webcam, watching pornography, or trying to find sexual partners” (Cooper et al., 2001: 269). In most cases, OSA involvement is unproblematic in both sexes, but if those individuals are not adults, the situation differs significantly. As explained by Baumgartner, Valkenburg and Peter (2010), adolescents use the Internet for leisure time activities much more frequently than adults do; they are also involved in offline bullying and different sexual activities more than adults, and they perceive risks and benefits of risk-taking behavior differently. All this makes them potentially more vulnerable in online sexual behavior, because they may fail to perceive specific risks associated with risk-filled behavior and at the same time overestimate the benefits of such behavior.

Factors associated with problematic internet use

Numerous characteristics associated with PIU may be grouped into cognitive, personality and social factors (Liu, Ang, Lwin, 2013). One of the most significant cognitive factors are privacy concerns (Joinson, et al., 2010). The most commonly mentioned personality traits are two factors that make adolescents vulnerable to PIU: narcissism (Ong et al., 2011; Liu, Ang, Lwin, 2016) and social anxiety (Ong et al., 2011; Weidman et al., 2012); and the personality trait consistently associated with PIU is depression (Chen, Lin, 2016; Banjanin et al., 2016). The importance of parental mediation, which can either be active or restrictive, is singled out among social factors: the active one promotes positive online behaviors, which leads to PIU risk reduction (Livingstone, Helsper, 2008; Liu et al., 2016).

The present study

The basic goal of this study is to examine problematic online behavior by using the I-POE questionnaire on a sample of Serbian adolescents – to test the psychometric properties of the I-POE. The participants belong to a different social environment than the population on which the questionnaire was developed, and whether or not the same claims will once again be distinguished as highly discriminative for determining PIU will also be tested. The construct validity of the scale will be tested using online indicators, as in the study of Mitchell, Jones and Wells (2013) – by using online perpetration, sexual behavior and victimization. There will also be further testing of the possibility of predicting scores on the I-POE through selected personality factors and social factors which have been already confirmed to be connected with problematic use of the Internet. Three subscales of the Big Five +2 questionnaire were selected (Čolović, Smederevac, Mitrović, 2014): dimensions of self-evaluation, as constructs that include narcissism and depression; and extraversion, as a construct that includes social anxiety. Social factors associated with PIU are given in the scale of parental involvement in the online activities of adolescents. The basic significance of the research is the evaluation of the reliability and validity of a simple instrument used to register PIU – if it proves to be reliable and valid, the questionnaire would have significant prac-

tical implications in identifying adolescents who abuse technology and thus become its victims (which does not classify them as belonging to the group of Internet-addicted adolescents).

Method

Participants and procedure

The participants were high school students of the legal age from two cities in Serbia (Sremska Mitrovica and Užice), who agreed to participate in the research. All of the participants attended the same type of general education secondary schools; they represented a convenience sample. In total, 339 adolescents participated in the research, aged 18 and 19, of whom 135 were boys and 204 girls. The goal of the research was explained to the participants, as well as the fact that participation was both voluntary and anonymous. After that the participants gave their oral consent to participate in the research, they filled in the questionnaires at their schools, with an examiner present. There was no monetary or any other kind of compensation for participating in the research.

Instruments

a) Index of Problematic Online Experiences (I-POE)

The I-POE (Mitchell, Jones, Wells, 2013) is designed to measure problematic online experiences and contains items that refer to several different problematic behaviors. The validation of this instrument was carried out on a representative sample of adolescents (aged between 10 and 17) in the United States. Using explorative factor analysis, the authors distinguished two factors in the I-POE. The first one is *excessive use* and contains items that indicate neglecting duties, skipping meals, feelings of guilt and concern from family and friends because of the participant's Internet use. The second factor is *social/communication problems* and contains items concerning arguments, problems at school and loss of friends as consequences of the Internet use. No differences in scores between the boys and girls were found in this research. The original scale has 27 items, one of which is not included in this study

because it refers to suspension from school, which does not exist as a punishment option for the participants in our research (item 12). During the preparation for the research, the questionnaire was translated, and a pilot study carried out on a small sample ($N=30$); no problems with translation/understanding the claims occurred, and so the scale was accepted for use in the research.

b) Online perpetration

The adolescents responded to questions related to their involvement in online harassing behavior (for instance, using the Internet to send an offensive or rude comment, to harass or embarrass someone against whom a person holds grudges, asking a person to do something sexual in nature when that person does not want to do so). The answers offered for all 11 claims were Yes and No. This questionnaire and the questionnaires on sexual behavior and sexual victimization consist of the same items as those used in the study by Mitchell, Jones and Wells (2013).

c) Online sexual behavior

The participants answered about their online sexual behavior (whether they talked about sex with someone whom they had not met in person; whether they had sent or received messages of a sexual nature, which did not include erotic photos; whether they had sent or received messages of a sexual nature that also included erotic photos; whether they had downloaded erotic content from the Internet). The offered answers were Yes and No, and the total score was obtained by summing up the affirmative responses.

d) Online victimization

Adolescents answered whether someone on the Internet, i.e. someone they had engaged in online communication with, had tried to chat with them about sex when they did not want to; asked for sexual information when they did not want to respond to such questions (for instance, to describe their body or their sexual experiences), or whether someone had asked them to perform something of a sexual nature and they did not want to. Here as well

the offered answers were Yes and No, and the total score was obtained by summing up the affirmative responses.

e) Dimensions of self-evaluation and extraversion

Three subscales of a shorter version of the Big Five (BF)+2 Questionnaire (Čolović, Smederevac, Mitrović, 2014) were used, and they correspond to the dimensions of personality that were singled out in previous studies: the dimensions of self-evaluation (positive and negative valence) and extraversion. Positive valence contains dimensions of superiority and a positive self-image (ending with narcissism as the extreme form). Negative valence is associated with a negative self-image and a depressive cognitive style, but also with the readiness to attribute the role of a dangerous person to oneself. The scale of extraversion in the BF+2 questionnaire includes mostly social aspects of extraversion, the quantity and quality of social interactions, as well as indicators of positive affectivity. The participants answer on a five-point Likert type scale.

f) Involvement of the parents

The scale of parental mediation was designed based on the research on parental mediation carried out by Livingstone and Helsper (2008). The final version of the scale contains 9 items which represent both active mediation and control of online behavior: parents set the rules on the number of hours and period during the day when their children can go online; parents assist when it comes to issues involving the Internet and have related discussion; parents install a filtering or monitoring software; an adolescent believes that his parents check any online activities on their phone, Facebook profile and/or any websites they visit.

Data analysis

The Confirmatory factor analysis (CFA), principal components analysis and CATPCA (Principal Components Analysis for Categorical Data) were used to analyze the I-POE. The construct validity of the questionnaires was tested with a linear regression, and the possibility of prediction based on the I-POE was tested by using a hierarchical regression analysis.

Results

First we used the confirmatory factor analysis (CFA) using IBM®SPSS® Amos™ 22 to evaluate the two-factor structure of the I-POE suggested by Mitchell, Jones and Wells (2013). The goodness of fit was evaluated using the root mean square error of approximation (RMSEA) (good model fit<.05), adjusted goodness-of-fit index (AGFI) which adjusts for degrees of freedom (good model fit>.90), standardized root mean square residual (SRMR) (good fit<.05), non-normed fit index (NNFI) (>.90 acceptable fit), and the comparative fit index (CFI) (should be >.90 to accept the model). All fit criteria were defined according to Hu and Bentler (1999). Given indications of poor model fit, we proceed with conducting a principal components analysis using CATPCA (Principal Components Analysis for Categorical Data) in SPSS®22 (see Linting, van der Kooij, 2012).

Given the sample size, the Chi-square goodness of fit test was significant and additional measures of fit were also evaluated. Taken together the proposed two-factor structure did not provide a good fit for our sample.

Table 1: Goodness of fit parameter estimation for the Index of Problematic Online Experiences – CFA for the two-factor solution

	df	χ^2	χ^2/df	RMSEA	LO90/HI90 RMSEA	NFI	CFI
Two-factor model	134	483.881	3.611	0,088	.80/.96	.650	.715

Since all of the variables were dichotomous, the principal components analysis was performed using CATPCA (Principal Components Analysis for Categorical Data).

The analysis of the two-dimension solution showed that almost all items had higher loadings on the first dimension. The second dimension was loaded only for item 11.

Based on these findings, the values of Cronbach's Alpha coefficient, the total Eigenvalue for both of proposed dimensions, and the theoretical interpretability of the component loadings, we decided to exclude that item and propose a one-dimensional solution. (To treat Problematic Online Experiences as an one-dimensional construct – Table 2).

Table 2: Component loadings for a two-dimensional solution and percentage of affirmative responses

Items	Percent-age of Yes answers	Percent-age in Mitchell, Jones, Wells (2013)	Component loadings	
			Factor 1	Factor 2
1) Have you felt that you use the internet a lot more than most other people?	18	19	.330	
3) Have friends or family thought you use the internet a lot more than other people?	35.7	28	.378	
4) Have friends or family worried or complained about your internet use?	21.5	15	.432	
5) Have you felt guilty about your internet use?	10.7	9	.329	
6) Have you gotten into arguments or had other problems with people you communicate with on the internet?	35.1	20	.459	
7) Has your internet use created problems between you and any of your friends or family?	5.9	6	.526	
8) Have you lost friends because of your internet use? ^a	4.1	2	.466	
9) Have you gotten into trouble at school or work because of your internet use? ^b	7.7	4	.497	
10) Have you been upset, embarrassed, or afraid because of something that happened while you were using the internet?	16.8	9	.414	
11) Have friends or family gone to anyone for help about YOUR internet use? ^a	2.1	1		.585
13) Have you neglected your obligations for 2 or more days in a row because of your internet use?	38.3	7	.789	
14) Have you skipped taking a shower or bath for 2 or more days in a row because of your internet use? ^a	5.0	2	.454	
15) Have you lost sleep for 2 or more days in a row because of your internet use?	37.8	7	.615	
16) Have you skipped meals or eaten too much unhealthy food for 2 or more days in a row because of your internet use?	23.3	6	.536	
17) Do you use the internet late at night fairly often?	62.2	23	.438	
21) Has anyone you met on the Internet been arrested or in trouble with the law, where what they said or did to you were part of the problem? ^a	3.5	2	.344	

23) Have you communicated with someone on the internet who didn't turn out to be who they said they were?	25.4	9	.376	
27) Have you done something on the internet you later regretted?	18.6	13	.437	

Note: ^aItems with prevalence of 5% and less are given higher weights in scoring as they are highly discriminating of problematic Internet use (a weight of 2 instead of 1, as in Mitchell, Jones, Wells (2013)).

As seen in Table 2, the data analysis of our sample indicates one factor in the structure of problematic online experiences. This factor encompasses both items from the domain of excessive use (all 9 of them from the original version) and from the domain of social/communication problems (8 out of 9 items from the original version; Item 11 is different, and it clearly belongs to the second factor in our study).

Table 3: Reliability statistics of the one-dimensional I-POE scale

Cronbach's Alpha	N of Items
.770	17

From Table 3 it can be seen that the reliability of the scale is satisfactory (Alpha coefficient for the total I-POE in Mitchell, Jones, Wells (2013) was .74, N of items = 18).

Construct validity was also examined by testing external validity through a linear regression model. Online perpetration, Online sexual behavior and Online victimization were used as predictors of the I-POE score (Table 4).

Table 4: Linear regression analyses for Total I-POE scores predicted by the given indicators

Variable	I-POE			r
	B	SE B	β	
Online perpetration	0.45	0.10	.26**	0.43**
Online sexual behavior	0.56	0.13	.26**	0.45**
Online victimization	0.49	0.18	.14**	0.30**
R ²		.27		
F		41.22**		

Note: *** p<.001

The results go in favor of good external validity.

The results indicate that there is a difference between males and females in the Total I-POE scores (Table 5).

Table 5: Results of the t-test and Descriptive Statistics for Total I-POE scores by Sex

	Sex						95% CI for Mean Difference			
	Male			Female				t	df	
	M	SD	n	M	SD	n				
I-POE	4.19	3.35	135	3.38	2.27	204	0.127, 1.45	2.34*	245.9	

* p<.05.

In the following step of the study, we tested if it was possible to predict the results of the I-POE based on the studied personality traits (positive valence, negative valence and extraversion - model 1) and the involvement of parents (added to the personality traits in model 2) (Table 6).

Table 6: Hierarchical regression analysis – prediction of I-POE based on Positive valence, Negative valence and Parental involvement

Variable	Model 1			Model 2		
	B	SE B	β	B	SE B	β
Positive Valence	0.02	0.02	.06	0.02	0.02	.06
Negative Valence	0.14	0.02	.35**	0.12	0.02	.31**
Extraversion	0.00	0.02	.00	0.00	0.11	.01
Parental Involvement				0.57		.25**
R ²	.14			.20		
F for change in R ²	18.12**			26.25**		

Note: **p < .01.

Introducing a predictor in the second step of analysis, wherein the value of the β-coefficient is reduced or the statistical significance of the predictors introduced in the first step is lost, can point to the effect of mediation, although not necessarily. Since the results of the regression analysis indicated that the β-coefficient of Negative valence is reduced when Parental involvement is introduced, an indirect role of that variable in the effect of Negative valence on problematic online experiences was tested using the procedure proposed by Preacher and Hayes (2008) (Table 7).

Table 7: Effect of Negative valence on Problematic online experiences mediated by Parental involvement

	Total effect of X on Y			Direct effect of X on Y			Indirect effect of X on Y			
	Effect	SE	p	Effect	SE	P	Effect	Boot SE	Boot LLCI	Boot ULCI
Parental involvement	.0082	.0011	.00	.0074	.0011	.02	.0008	.0004	.0001	.0018

Note: SE – standard error; LLCI – lower limit of the 95% confidence interval; ULCI – upper limit of the 95% confidence interval; 1,000 bootstrap of the sample.

It can be taken as probable that a nonzero effect exists if the confidence level does not encompass zero. Therefore, there is a partial mediation effect of Parental involvement in the effect of Negative valence on problematic online experiences; in other words, there is a statistically significant relation between Negative valence and the score on the I-POI, but it is partially mediated by Parental involvement.

Discussion

In this study, factor analysis of the questionnaire did not back up the solution with two factors; a single interpretable factor was obtained that contained both the items from the domain of excessive use and the items from the domain of social-communication problems. In our opinion, such a result does not raise doubts about the construct validity of the questionnaire; the measured phenomenon does indeed consist of two necessary components – excessive use and the ensuing problems in daily life (Lortie, Guitton, 2013; Spada, 2014; Škařupová et al., 2015). It is also possible that different results were obtained because of a smaller sample (339 compared to 1560 in Mitchell, Jones, Wells, 2013), and also because of the different sampling method: the convenience sample gathered in schools compared to the random sample formed by random digit dialing in Mitchell, Jones, Wells (2013). Despite these differences, the results demonstrate significant similarities. The factor analysis singled out the same items as valid for measuring PIU, and it is especially interesting to look at the claims with a prevalence of 5% and less. These are highly discriminative events in determining whether an individual is manifesting PIU or not. In the study by Mitchell, Jones, Wells (2013) they included

the following items: Have you lost friends because of your internet use (item 8); Have you gotten into trouble at school or work because of your internet use (item 9); Have friends or family gone to anyone for help about YOUR internet use (item11); Have you skipped taking a shower or bath for 2 or more days in a row because of your internet use (item 14); and Has anyone you met on the Internet been arrested or in trouble with the law, where what they said or did to you were part of the problem (item 21). In our study, item 11 also has a prevalence lower than 5%, but it was excluded from the total score because it belongs to the second factor (perhaps because it refers to others as much as it does to the participant). Items 8, 14 and 21 have a low prevalence in both studies and identify (potentially universal) different markers for PIU. Of them, one item – 14 – is related to excessive use, primarily to neglecting basic motives (Block, 2008). The other two items, 8 and 21, indicate very serious social-communication problems: loss of friends and online communication with persons who were in trouble with the law. These are rare events which in both studies occur in 4 to 2% of the participants. We believe that these findings are important for all practitioners who work with adolescents, because they identify those phenomena that indicate that an adolescent undeniably uses the Internet in a way that puts their wellbeing in jeopardy. Besides, it should be noted that these highly discriminative items are very similar in both populations: PIU is indeed a global phenomenon and the I-POE succeeds in grasping it this way.

There are also items with a frequency of affirmative answers much higher than in Mitchell, Jones, Wells (2013). These are claims 13 (neglecting obligations), 15 (sleep deprivation), 16 (skipping meals) and 17 (using the Internet late at night). Since our participants are older adolescents, it can be assumed that the higher autonomy that they enjoy leads to more intensive excessive use. Further studies are needed to confirm that this is an effect of age rather than a cultural specificity.

Furthermore, the results indicate that the I-POE score is a good predictor of online aggression and sexual behavior and a somewhat weaker predictor of sexual victimization; Mitchell, Jones, Wells (2013) obtained similar results. These findings are much more than merely proof of construct validity. Participants in psychological studies on use of the Internet are also younger adolescents. Despite parental consent, the justifiability of exposing young girls and boys, young adolescents, to claims which refer to aggressive or sexual online

experiences is questionable. On the other hand, it is important to know (or at least to have a reasonable doubt) whether young adolescents have such experiences. The application of the I-POE would be useful in this case.

Boys scored higher on the I-POE; this was not obtained in the study by Mitchell, Jones, Wells (2013), but it was obtained in other studies that used the same instrument, for example, González and Orgaz (2014), who examined a sample of Spanish college students. Regardless of the instruments, higher PIU scores among boys are expected, because previous studies indicate that they spend significantly more time online, and the intensive use of the Internet correlates with PIU (Li et al., 2010; González, Orgaz, 2014; Odaci, Çikrikçi, 2014).

The score prediction on the I-POE was also tested through selected characteristics which are associated with problematic online behavior, as previously established: dimensions of evaluation – negative and positive balance, as constructs that include tendencies toward narcissism and depression; extraversion, as a construct that encompasses social anxiety; and parental involvement in the use of the Internet by adolescents. In our study, extraversion was not indicated as a significant predictor of the score on the I-POE. In recent studies that include both extraversion and PIU, different results can be found, for example, in a study by Öztürk and Özmen (2016), in which the participants were aged between 14 and 19, no correlation between extraversion and PIU was found; in a study by McIntyre, Wiener and Saliba (2015) a correlation was found, but perhaps it should be noted that the participants were older, i.e. adults. On a sample of adolescents, there are reports of correlations between extraversion and potentially problematic behavior, such as greater exposure on social networks (Ong et al., 2011), but this is not problematic use of the Internet. This correlation deserves further attention by researchers; it seems probable that extraversion singles out vulnerable adolescents, but it is not a crucial characteristic of adolescents with PIU. Positive valence, high scores of which represent narcissism, is also not a significant predictor of scores on the I-POE. As in the case of extraversion, there is a possibility that narcissism is more of a significant risk factor (Ong et al., 2011; Liu, Ang, Lwin, 2016) than a distinctive characteristic of adolescents with PIU. A significant predictor of I-POE scores was negative valence, which represents a negative self-image and a depressive cognitive style. In the study by Mitchell, Jones, Wells (2013), depression was used to prove construct validity, and a significant correlation of I-POE scores with this variable was obtained. Such results

are consistent with previous studies (Chen, Lin, 2016; Banjanin et al., 2016), and they support the hypothesis of social compensation, which explains the reasons for (intensive) use of the Internet (Valkenburg, Peter, 2007; McKenna, 2008). On our sample, it was also determined that parental involvement had a mediation effect on the relation between depression and I-POE scores. In addition to the significance of parental mediation being confirmed (Livingstone, Helsper, 2008; Liu, Ang, Lwin, 2016), this finding also indicates a possible direction in future actions for the prevention of PIU.

Conclusion

Despite the differences in the results regarding the factor structure of the instrument, it can be concluded that the I-POE is also applicable on samples from other social environments than the population for which it was developed. Events that are highly discriminative (and potentially universal) in recognizing problematic use are skipping baths/showers and losing friends due to use of the Internet, as well as online communication with someone in trouble with the law. These data are very significant for all professionals who work with adolescents, because they offer the possibility of determining whether the use of the Internet has become problematic in a specific case. Furthermore, it is important to notice that this assessment is also suitable for younger adolescents, because they would not be exposed to claims regarding aggressive or sexual online behavior, but it is known that I-POE scores are associated with those phenomena as well. Since it is not easy to modify personality traits, such as negative valence – depressive cognitive style, an important way of prevention may be parental involvement in the online activities of adolescents. This could lead to a significant decrease in the victimization of adolescents.

It should be kept in mind that the research was carried out on a convenience sample, which might bring into question the possible generalization of the results. This could be resolved in further research which would systematically include various types of schools, and at the same time overcome the limitations which stem from the relatively small sample. Now that researchers can rely on the I-POE, further effort in realizing such studies is justifiable.

References

- Banjanin, Nikolina, Banjanin, Nikola, Dimitrijevic, I., Pantic, I. (2016) Relationship Between Internet Use and Depression: Focus on Physiological Mood Oscillations, Social Networking and Online Addictive Behavior. *Computers in Human Behavior*, 43, pp. 308–312. DOI:10.1016/j.chb.2014.11.013
- Baumgartner, S. E., Valkenburg, P. M., Peter, J. (2010) Unwanted Online Sexual Solicitation and Risky Sexual Online Behavior Across the Lifespan. *Journal of Applied Developmental Psychology*, 6, pp. 439–447. DOI:10.1016/j.appdev.2010.07.005
- Best, P., Manktelow, R., Taylor, B. (2014) Online Communication, Social Media and Adolescent Wellbeing: A Systematic Narrative Review. *Children and Youth Services Review*, 41, pp. 27–36. DOI:10.1016/j.childyouth.2014.03.001
- Block, J. J. (2008) Issues for DSM-V: Internet Addiction. *The American Journal of Psychiatry*, 165, pp. 306–307. DOI:10.1176/appi.ajp.2007.07101556
- Caplan, S. E. (2003) Preference for Online Social Interaction: A Theory of Problematic Internet Use and Psychosocial Well-Being. *Communication Research*, 6, pp. 625-648. DOI:10.1177/0093650203257842
- Chen, S. K., Lin, S. S. J. (2016) A Latent Growth Curve Analysis of Initial Depression Level and Changing Rate as Predictors of Problematic Internet Use Among College Students. *Computers in Human Behavior*, 54, pp. 380-387. DOI:10.1016/j.chb.2015.08.018
- Chen, S., Weng, L., Su, Y., Wu, H., Yang, P. (2003) Development of a Chinese Internet Addiction Scale and Its Psychometric Study. *Chinese Journal of Psychology*, 3, pp. 279-294.
- Cooper, A., Griffin-Shelley, E., Delmonico, D. L., Mathy, R. M. (2001) Online Sexual Problems: Assessment and Predictive Variables. *Sexual Addiction and Compulsivity*, 8, pp. 267-285. DOI:10.1080/107201601753459964
- Čolović, P., Smederevac, S., Mitrović, D. (2014) Velikih pet plus dva: Validacija skraćene verzije. *Primenjena psihologija*, 3-1, pp. 227-254. doi: <https://doi.org/10.19090/pp.2014.3-1.227-254>
- Del Ray, R., Lazuras, L., Casas, J. A., Barkoukis, V., Ortega-Ruiz, R., Tsorbatzoudis, H. (2016) Does Empathy Predict (Cyber) Bullying Perpetration, and How Do Age, Gender and Nationality Affect This Relationship? *Learning and Individual Differences*, 45, pp. 275–281. DOI:10.1016/j.lindif.2015.11.021
- González, E., Orgaz, B. (2014) Problematic Online Experiences Among Spanish Sollege Students: Associations with Internet Use Characteristics and Clinical

- Jelena Opsenica Kostić, Ivana Pedović, Tanja Panić *Problematic Internet Use among Adolescents: Psychometric Properties of the Index of Problematic Online Experiences (I-POE)*
Symptoms. *Computers in Human Behavior*, 31, pp. 151-158. DOI: 10.1016/j.chb.2013.10.038
- Griffiths, M. D. (2005) A 'Components' Model of Addiction Within a Biopsychosocial Framework. *Journal of Substance Use*, 4, pp. 191–197.
- Hinduja, S., Patchin, J. W. (2009) *Bullying Beyond Schoolyard: Preventing and Responding to Cyberbullying*. Thousand Oaks: Sage Publications.
- Hu, L. T., Bentler, P. M. (1999) Cutoff Criteria for Fit Indexes in Covariance Structure Analysis: Conventional Criteria Versus New Alternatives. *Structural Equation Modeling: A Multidisciplinary Journal*, 1, pp. 1-55. doi: <https://doi.org/10.1080/10705519909540118>
- Joinson, A. N., Reips, U. D., Buchanan, T., Schofield, C. B. (2010) Privacy, Trust and Self-disclosure Online. *Human-Computer Interaction*, 1, pp. 1-24. DOI:10.1080/07370020903586662
- Kokkinos, C., Baltzidis, E. Xynogala, D. (2016) Prevalence and Personality Correlates of Facebook Bullying Among University Undergraduates. *Computers in Human Behavior*, 55, pp. 840–850. DOI:10.1016/j.chb.2015.10.017
- Li, D., Zhang, W., Li, X., Zhen, S., Wang, Y. (2010) Stressful Life Events and Problematic Internet Use by Adolescent Females and Males: A Mediated Moderation Model. *Computers in Human Behavior*, 5, pp. 1199-1207.
- Linting, M., van der Kooij, A. (2012) Nonlinear Principal Components Analysis with CATPCA: A Tutorial. *Journal of Personality Assessment*, 1, pp. 12-25. doi: <https://doi.org/10.1080/00223891.2011.627965>
- Liu, C., Ang, R. P., Lwin, M. O. (2013) Cognitive, Personality, and Social Factors Associated with Adolescents' Online Personal Information Disclosure. *Journal of Adolescence*, 36, pp. 629–638. DOI:10.1016/j.adolescence.2013.03.016
- Liu, C., Ang, R. P., Lwin, M.O. (2016) Influences of Narcissism and Parental Mediation on Adolescent's Textual and Visual Personal Information Disclosure in Facebook. *Computers in Human Behavior*, 58, pp. 82-88. DOI:10.1016/j.chb.2015.12.060
- Livingstone, S., Helsper, E. J. (2008) Parental Mediation and Children's Internet Use. *Journal of Broadcasting and Electronic Media*, 4, pp. 581-599. DOI:10.1080/08838150802437396
- Lortie, C. L., Guitton, M. J. (2013) Internet Addiction Assessment Tools: Dimensional Structure and Methodological Status. *Addiction*, 7, pp. 1207–1216. DOI:10.1111/add.12202
- McKenna, K. Y. A. (2008) MySpace or Your Place: Relationship Initiation and Development in the Wired and Wireless Word. In: A. Wenzel, S. Sprecher, J. Harvey (eds.) *Handbook of Relationship Initiation*. NY: Psychology Press, pp. 235–247.

-
- McIntyre, E., Wiener, K.K.K., Saliba, A. J. (2015) Compulsive Internet Use and Relations between Social Connectedness, and Introversion. *Computers in Human Behavior*, 48, pp. 569–574. DOI:10.1016/j.chb.2015.02.021
- Mishna, F., Khoury-Kassabri, M., Gadalla, T., Daciuk, J. (2012) Risk Factors for Involvement in Cyber Bullying: Victims, Bullies and Bully-victims. *Children and Youth Services Review*, 34, pp. 63–70. DOI:10.1016/j.childyouth.2011.08.032
- Mitchell, K. J., Jones, L. M., Wells, M. (2013) Testing the Index of Problematic Online Experiences (I-POE) with a National Sample of Adolescents. *Journal of Adolescence*, 36, pp. 153-1163. DOI:10.1016/j.adolescence.2013.09.004
- Morahan-Martin, J. (2007) *Internet Use and Abuse and Psychological Problems*. In: A. Joinson, K. McKenna, T. Postmes, U. D. Reips (eds.) *The Oxford Handbook of Internet Psychology*. New York, Oxford University Press, pp. 331-345.
- Odaci, H., Çikrikçi, Ö. (2014) Problematic Internet Use in Terms of Gender, Attachment Styles and Subjective Well-being in University Students. *Computers in Human Behavior*, 32, pp. 61–66.
- Ong, E. Y., Ang, R. P., Ho, J. C. M., Lim, J. C. Y., Goh, D. H., Lee, C. S., Chua, A. Y. K. (2011) Narcissism, Extraversion and Adolescent's Self-presentation on Facebook. *Personality and Individual differences*, 2, pp. 180-185. DOI:10.1016/j.paid.2010.09.022
- Opsenica Kostić, J., Panić T., Cakić V. (2015) Karakteristike nosilaca uloga u elektronskom maltretiranju. *Primenjena psihologija*, 2, pp. 131-146.
- Opsenica Kostić, J., Panić, T. (2017) Internet and Mental Health of Adolescents. *Collection of Papers of the Faculty of Philosophy of Priština*, 3, pp. 197-216. DOI:10.5937/ZRFFP47-14986
- Öztürk, E., Özmen, S. K. (2016) The Relationship of Self-perception, Personality and High School Type with the Level of Problematic Internet Use in Adolescents. *Computers in Human Behavior*, 65, pp. 501-507. DOI:10.1016/j.chb.2016.09.016
- Preacher, K. J., Hayes, A. F. (2008) Asymptotic and Resampling Strategies for Assessing and Comparing Indirect Effects in Multiple Mediator Models. *Behavior Research Methods*, 40, pp. 879-891. PMID:18697684
- Sasikirono Suparlia A., Ramdhani, N. (2015) Does Moral Emotion Plays Role in Cyber-bullying? *Procedia – Social and Behavioral Sciences*, 165, pp. 202 – 207.
- Spada, M. M. (2014) An Overview of Problematic Internet Use. *Addictive Behaviors*, 1, pp. 3-6. DOI:10.1016/j.addbeh.2013.09.007
- Škařupová, K., Ólafsson, K., Blinka, L. (2015) Excessive Internet Use and Its Association with Negative Experiences: Quasi-validation of a Short Scale in 25

- Jelena Opsenica Kostić, Ivana Pedović, Tanja Panić *Problematic Internet Use among Adolescents: Psychometric Properties of the Index of Problematic Online Experiences (I-POE)*
European Countries. *Computers in Human Behavior*, 53, pp. 118–123. DOI:10.1016/j.chb.2015.06.047
- Tam, P., Walter, G. (2013) Problematic Internet Use in Childhood and Youth: Evolution of a 21st Century Affliction. *Australasian Psychiatry*, 6, pp. 533-536. DOI:10.1177/1039856213509911
- Tokunaga, R. (2012) A Unique Problem or the Manifestation of a Preexisting Disorder? The Mediating Role of Problematic Internet Use in the Relationships Between Psychosocial Problems and Functional Impairment. *Communication Research*, 4, pp. 531–560. DOI:10.1177/0093650212450910
- Valkenburg, P., Peter, J. (2007) Who Visits Online Dating Sites? Exploring Some Characteristics of Online Daters. *Cyber Psychology & Behavior*, 10, pp. 849–852. PMID:18085977
- Wery, A., Billieux, J. (2016) Online Sexual Activities: An Exploratory Study of Problematic and Non-problematic Usage Patterns in a Sample of Men. *Computers in Human Behavior*, 56, pp. 257-266. DOI:10.1016/j.chb.2015.11.046
- Weidman, A. C., Fernandez, K. C., Levinson, C. A., Augustine, A. A., Larsen, R. J., Rodebaugh, T. L. (2012) Compensatory Internet Use Among Individuals Higher in Social Anxiety and Its Implications For Well-being. *Personality and Individual Differences*, 53, pp. 191–195. DOI:10.1016/j.paid.2012.03.003
- Young, K. (1998a) Internet Addiction: The Emergence of a New Clinical Disorder. *Cyber Psychology & Behavior*, 3, pp. 237–244.
- Young, K. S. (1998b) *Caught in the Net: How to Recognize the Signs of Internet Addiction – And a Winning Strategy for Recovery*. New Jersey: John Wiley & Sons.

JELENA OPSENICA KOSTIĆ*

IVANA PEDOVIĆ

TANJA PANIĆ

Problematična upotreba interneta kod adolescenata: psihometrijske karakteristike Indeksa problematičnih onlajn iskustava (I-POE)

Osnovni cilj ovog istraživanja je provera psihometrijskih karakteristika Indeksa problematičnih onlajn iskustava (I-POE) na uzorku adolescenata iz Srbije. Testirana je konstrukt valjanost, na način na koji su to radili autori testa (Mitchell, Jones, Wells, 2013), a proverena je i mogućnost predikcije I-POE skorova na osnovu određenih osobina ličnosti i roditeljske medijacije. U istraživanju je učestvovalo 339 adolescenata (18 i 19 godina) iz dva grada u Srbiji. Rezultati pokazuju da vrlo slična ponašanja određuju problematičnu upotrebu interneta i na ovom uzorku. Testiranje konstrukt valjanosti pokazalo je da su skorovi na I-POE prediktori onlajn maltretiranja, seksualnog ponašanja i viktimizacije, kao što je i očekivano. Značajan prediktor viših skorova na I-POE je Negativna valenca, uz medijatorski efekat Roditeljske medijacije. Rezultati pokazuju da I-POE obuhvata značajne karakteristike problematične upotrebe interneta kao globalnog fenomena i da može biti vrlo koristan instrument u utvrđivanju postojanja ovog problema kod adolescenata.

Ključne reči: problematična upotreba interneta, adolescencija, negativna valenca, roditeljska medijacija, istraživanje u Srbiji.

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Sajber viktimizacija i izazovi pružanja podrške žrtvama

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Internet i viktimizacija žena

NATALIJA ŽUNIĆ*

VIDA VILIĆ

Predmet rada je rodna analiza viktimizacije žena na internetu. Internet i društvene mreže posreduju kontinuirani, prostorno i vremenski neograničen susret i kontakt između korisnika/korisnica. Svako od nas, korisnika i/ili korisnica, može postati žrtva. Nalazi istraživanja ukazuju da seksistički i mizogini stavovi prema ženama na socijalnim mrežama imaju za posledicu njihovo isključivanje, marginalizovanje i/ili viktimiziranje u virtuelnom prostoru. Cilj rada je da ukaže na osnovne fenomenološke i etiološke karakteristike rodnih dimenzija upotrebe i zloupotrebe na internetu i socijalnim mrežama. Virtuelni svet nije rodno neutralan i internet nasilje ima svoje rodne implikacije. Viktimizacija žena na društvenim mrežama deo je rodnog sistema moći. Na društvenim mrežama žene mogu da dožive različite oblike nasilja. Osnovne teme rada odnose se na pristup fenu menu virtuelnog prostora i internet nasilja, modelima rodnog nasilja na internetu, karakteristikama i sprečavanju viktimizacije žena na internetu.

Ključne reči: internet, internet nasilje, viktimizacija, rod, žene.

Uvod

Internet je, poslednjih decenija, u savremenom svetu napravio revoluciju u socijalnom i tehničkom poimanju komunikacije i njenih nus proizvoda, razvoju novih društvenih obrazaca, potkultura i „umrežene individualnosti“ (Castells, 2003). Nikada ranije informacije nisu bile toliko i na tako poseban način

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dostupne, i ljudi tako dobro i specifično povezani jedni sa drugima. Danas internet funkcioniše kao prolaz za protok ideja i resursa, i širom sveta on daje šansu ljudima da zamisle nove mogućnosti, da ih projektuju i ostvare svoje zamisli. Istraživači kažu da internet može biti dobar „izjednačavatelj“ ljudi, ali pojedini izveštaji, poput „Women & Mobile: A Global Opportunity“, koji je sačinila fondacija Cherie Blair i GSMA fond za razvoj, ukazuju na činjenicu da pristup internetu nije jednak (Women and the Web, 2012: 6). Savremena era interneta promenila je našu percepciju društvenosti i jednakosti, pa se društveni svet posmatra iz okvira virtuelnog prostora. Internet kao globalna svetska mreža povezuje bilo koje dve tačke na planeti kroz virtuelni prostor, stvarajući svojevrstan „socijalni prostor“ globalnih dimenzija kao refleksiju naše realnosti.

Internet, kao postmoderni medij komunikacije, i samo doba interneta postali su tema intenzivnih rasprava u javnom i akademskom diskursu. Imenovani su kao novo doba „društvene izolacije“ (Weiss, 2017), koje traži drugačije paradigme za razumevanje i objašnjenje. U središtu je debata o složenim i višeslojnim implikacijama koje sa sobom donosi informacijsko doba, kao i tendencija da se iz korena menjaju oblici našeg svakodnevnog života i način na koji smo u njega uključeni. Novi načini povezivanja, mogućnost društvene kontrole i odnosi moći, deo su društvenih procesa koji se ostvaruju posredstvom virtuelnih prostora komunikacije i predstavljaju materijalizaciju društva - oni čine vidljivim ono što se u društvu dešava i ne moraju nužno da vode ka njegovom „rastakanju“ (Ristić, Pajvančić-Cizelj, Marinković, 2014: 34).

Internet i socijalne mreže, između ostalog, omogućavaju neslućenu interaktivnu komunikaciju, u bilo koje vreme i sa bilo kog mesta. Taj model umreženosti otvara mnoge alternativne odnose, kao i mogućnost da svaki korisnik ili korisnica, u nekom trenutku, može postati žrtva. Takođe, same socijalno-tehnološke performanse interneta omogućavaju da se veoma teško kontroliše broj osoba koje mogu biti uključene u nasilne incidente putem društvenih mreža. Identitet tih osoba, takođe, nije lako, ili je nemoguće otkriti.¹ Dalje, u toj ukupnoj socijalno-psihološkoj dimenziji interakcije na internetu, poznato je da anonimnost ohrabruje nasilnike i pojačava nesigurnost kod žrtve. Ova socijalna činjenica će, iz perspektive viktimizacije žena i devojaka na socijalnim mrežama i Internetu, biti predmet analize u našem radu.

¹ Postoji jedna slavna karikatura na kojoj se vidi pas koji sedi ispred kompjutera. Tekst ispod slike kaže: „Super je što na internetu niko ne zna da si pas“ (Gidens, 2005: 474).

Sa druge strane, u radu ćemo zastupati i utemeljiti stav da virtuelni prostor komunikacije, po svojim društvenim posledicama, nije rodno neutralan (Gurumurthy, 2004: 1). Naime, istraživanja pokazuju da pojavljivanje, kao i dinamika učestalosti, seksističkih i mizoginih stavova prema ženama na socijalnim mrežama, proizvodi isključivanje, marginalizovanje i/ili viktimiziranje žena i devojka u internet prostoru. Najnoviji podaci iz 2017. godine koje je objavilo Britansko psihološko društvo,² pokazuju da je oko 46% žena u Britaniji prijavilo da su bile žrtve seksualnog uzinemiravanja na internetu, što je podrazumevalo slanje sugestivnih slika ili priča o seksu, dok je 38% žena izjavilo da je doživelo neprijatnost na internetu zbog koje se osećalo poniženo zbog slanja eksplisitnih slika ili razgovora čija je tema, pre svega, seks. Takođe, 13% ispitivanih je navelo da je seksualno viktimiziralo ljudе preko interneta (British Psychological Society, 2017). Komisija za održivi razvoj (The Broadband Commission for Sustainable Development, 2018),³ konstatiuje se da je internet nasilje nad ženama, i pored teških posledica koje izaziva, još uvek nedovoljno vidljivo kako za društvo, tako i za državu. Naime, žene mogu da dožive različite oblike nasilja i ti novi, eksplisitni i zastrašujući oblici internet nasilja prema ženama mogu značajno da uzdrmaju i ugroze njenu privatnost (izražavanje mržnje, širenje laži, proganjanje, montaža fotografija, stvaranje lažnih korisničkih profila, vršnjačko nasilje, nastavak porodičnog nasilja, pretrje i ucene i drugo). Komisija je naglasila da je neophodna kontinuirana senzibilizacija javnosti za nasilje prema žena putem interneta i društvenih mreža, ustanovljenje i primena efikasnih mera zaštite sigurnosti korisnika i korisnica u virtuelnom prostoru, kao i edukacija i promena postojećih zakonskih normi i državnog reagovanja. U radu je fokus na analizi rodne viktimizacije žena na internetu, modela viktimizacije žena i društvenih odgovora na ugrožavanje prava žena u takvom specifičnom prostoru komunikacije.

Feministička istraživanja upozoravaju da je „internet (je) samo akcelerator kulture na koju smo svi navikli, a to je patrijarhat“ (Durkalić, 2015). Smatramo da je, iz tog saznajnog diskursa, viktimizacija žena na društvenim mrežama u

² Britansko društvo psihologa (British Psychological Society - BPS) je 2017. godine sprovedo anonimno istraživanje preko interneta, u kome je učestvovala 261 ženska osoba starosti od 13-72 godine.

³ Komisiju za održivi razvoj (The Broadband Commission for Sustainable Development) formirali su UNESCO i Internacionala komunikaciona unija (ITU) maja 2010. Za više informacija videti: The Broadband Commission for Sustainable Development. Dostupno na <https://www.broadbandcommission.org/Pages/default.aspx>, stranici pristupljeno 28.10.2017.

korelacijski sa dominantnim kulturnim vrednostima i tradicionalnom ideologijom roda u jednom društvu, kao i sa uticajem medija, kao jednim od promotor-a i kreatora društvenih vrednosti, koji omogućavaju da masovna publika na osnovu prezentovanih slika i sadržaja formira model društvenog, ali i individualnog ponašanja (Konstantinović Vilić, Žunić, 2012: 234). Takođe, važna karika u sprečavanju viktimizacije žena na internetu su regulatorni instrumenti zaštite na internetu, njihova vidljivost, pouzdanost i efikasnost, kao i ukupan koncept zaštite prava žena u društvu. Stoga je u radu pažnja posvećena i sprečavanju viktimizacije žena na internetu.

Internet i društvo – rizici i posledice

Digitalne tehnologije su postale važan agens kulture i u virtuelni prostor su prenele sve indikatore interaktivnog socijalnog života. Društvene mreže su omogućile da se u kreiranju podataka aktivno učestvuje, ali i da se ne dovodi u pitanje odgovornost za učinjena dela. Utoliko postaje izuzetno značajno pitanje bezbednosti korisnika interneta, pa se iz te perspektive internet može posmatrati kao faktor ugrožavanja bezbednosti. Proučavanje problema i modela manifestovanja nasilja na društvenim mrežama iz ugla ljudske bezbednosti predstavlja danas važnu tačku u proučavanju bezbednosti ljudi, kako lične, tako i kolektivne. U širem društvenom smislu internet je postao medij u okviru kojeg, ili kojim, se organizuju terorističke akcije, širi propaganda, razni nacionalistički, diskriminatorički ili drugi socijalno neprihvatljivi stavovi sa stanovišta javnog morala i ugrožavanja ljudskih prava i sloboda. Sa druge strane, sve veća masovnost korisnika povećava broj onih koji nisu pripremljeni i edukovani da prepoznaju sve zamke bezbednosnih rizika i mogućnosti adekvatne zaštite. Takođe, internet je, u velikoj meri, uzdrmao i ugrozio polje privatnosti ljudi u virtuelnom prostoru. Sama činjenica da se lični podaci mogu sakupljati, čuvati, distribuirati, umnožavati, objavljivati i činiti dostupnim širokom krugu ljudi, stvorila je osećaj nesigurnosti i nedovoljne zaštićenosti (Vilić, 2016: 35). Upravo svojom masovnom popularnošću, kao i sve većim brojem korisnika, društvene mreže su proizvele svojevrstan „nadzor“ nad svakodnevnim aktivnostima ljudi, njihovim navikama, potrebama, kretanjem i druženjem. Postale su deo svakodnevnog identiteta savremenog čoveka.

Globalne društvene mreže doprinele su stvaranju do sada „neidentifikovanog”, novog, neupadljivog, tehnološki savršenog oblika kriminaliteta, koga je, zbog njegovih specifičnih performansi, veoma teško uočiti i suzbiti. Računarske mreže se mogu koristiti kao meta napada (napad na usluge, karakteristike i sadržaj mreža), kao sredstvo za napad (tržište seksa u virtuelnom prostoru, tržište ljudskih organa, žene i deca kao žrtve prostitucije, proizvodnja i distribucija štetnih i zabranjenih sadržaja, kao što su dečja pornografija, pedofilija, verska sekta, rasističke, nacističke ili slične ideje), ili kao okruženje u okviru kojega se odvijaju napadi (mreža se koristi za prikrivanje kriminalnih aktivnosti). Zato se kriminološke analize usredstvuju na to kako internet utiče na korisnike i kako podstiče njihovu agresivnost, kao i na dinamiku vršenja krivičnih dela uz pomoć informacionih tehnologija (Konstantinović Vilić, Nikolić-Ristanović, Kostić, 2009: 184).

Iako upotreba i zloupotreba interneta reprodukuju muškost i hijerarhiju moći, a internet se koristi kao sredstvo kontrole i ugnjetavanja, neka istraživanja u okviru ženskih studija pokazuju da internet, u određenim okolnostima, za žene može postati sredstvo rasta njihove ekonomske i političke moći (Mohapatra, 2015: 222). Ali, iako nema sumnje da je elektronska socijalizacija pretvorila ljude i njihov život u „e-život” i doprinela kvalitetu njihovog života, ona ih je, u nekim okolnostima, učinila i žrtvama takve vrste komunikacija i životnog modela. I još jednom treba naglasiti važnu tačku analize odnosa socijalnih mreža i viktimizacije, a to je da anonimnost minimizira društvenu kontrolu, ali je ne ukida i ne briše. Naime, povezivanje na Internet i učestvovanje u komunikaciji putem Interneta, neizbežno uključuje neku vrstu samo-identifikacije, uvek sa nekom mogućnošću ulaska u trag, ako ne direktno onda indirektno, od strane vlasti, organa gonjenja, posrednika (pružalaca Internet usluga – ISP) ili nekog drugog fizičkog lica. Kao online građani mi doprinosimo sopstvenom nadzoru i učestvujemo u njemu (Vorhof, 2010: 76).

Internet, viktimizacija i uloga roda: ko su žrtve i ko su učiniovi?

Kriminološke i sociološke analize pokazale su da je upotreba i zloupotreba interneta i socijalnih mreža rodno obeležena, rodno usmerena i da su virtuelni prostori komunikacije samo dislocirani prostori diskriminacije žena (Banet-Weiser, Miltner, 2016: 171-174). Pitanje je na koji način su vidljive rodne

implikacije upotrebe socijalnih mreža i kako se u virtuelni prostor transferišu stavovi o rodu?

Feministička istraživanja roda govore o neravnopravnom položaju muškaraca i žena koji je zasnovan na „logici“ patrijarhalnog ili tradicionalnog sistema društvene moći (Blagojević Hjuson, 2015). Socijalne veze između muškaraca i žena, a onda i njihov stvarni položaj i uloge koje obavljaju u privatnom i javnom životu, značajno su određeni stavovima i vrednostima o muškarcima i ženama koje deli šira društvena zajednica. Naime, feminističko objašnjenje kaže da „društvo konstruiše dve odvojene rodne kulture, verovanja, društvene prakse i institucije“ (Levit, 1998: 15), što pokazuje i realno razlikovanje statusa muškarca i žene u svim segmentima društvenog života. Rod je moćan princip društvenog života i na nivou razumevanja značaja socijalne i kulturne uloge rodne ideologije treba reći da je on „sistem društvenih praksi na više nivoa, koji proizvodi razlike između muškaraca i žena i organizuje nejednakosti na osnovu tih razlika“ (Wharton, 2005: 229). Feminističko razumevanje i objašnjenje statusa podređenih grupa u društvu (u ovom kontekstu to su žene, ali i ostale društvene grupe marginalizovane na osnovu rase, etniciteta, seksualnosti i slično), ustanovilo je da ideologije reprodukuju odnose dominacije u oblasti roda. Feministička kritika se odnosila na seksističke ideologije koje su zastupale dominaciju muškaraca nad ženama, kao i na društvene institucije i prakse koje su to podržavale. Dakle, ideologije reprodukuju socijalnu dominaciju, one daju legitimitet ponašanju dominantnih grupa nad podređenim i pomažu da se ponavljaju postojeći odnosi hijerarhije, moći i kontrole. Sa druge strane, kada posmatramo način na koji funkcionišu socijalne mreže i kada, u širem smislu, pristupimo analizi interneta možemo se složiti da se i oni mogu posmatrati kao deo „društvene tehnologije roda“ (Williams, 2003: 131).

Internet i socijalne mreže se u današnje vreme njihove masovne upotrebe i medijske privilegovane, mogu sagledati i kao „centralna mesta na kojima se dešavaju diskurzivna pregovaranja o rodu“ (Williams, 2003: 57), i da internet, kao i ostali mediji, može jačati postojeće društvene norme i stereotipe o ženama. Danas postaje za istraživače medija intrigantna činjenica da mediji nisu samo „sredstvo masovnog informisanja“, već da su sve više „sredstvo masovnog interpretiranja“ (Jones, 2013: 757). Konačno, čuvanjem svakodnevnog poimanja rodnosti mediji socijalizuju za nejednakost (Milivojević, 2004). Naime, oni mogu da prodube ili poboljšaju stereotipne stavove o muškom i

ženskom rodu, a onda i da doprinesu različitim vrstama rodne diskriminacije, pa čak i da doprinesu nasilju nad ženama.

Analiza viktimoške literature ukazuje da je pol/rod, posebno ženski, značajna viktimogena predispozicija, koja uvećava rizik kriminalne viktimizacije lica određenog pola/roda. Žene su izložene riziku viktimizacije pre svega zbog svojih biofizioloških, psiholoških ili socijalnih obeležja, ali i zbog načina života, situacionih faktora i odnosa koje imaju sa potencijalnim učiniocima krivičnih dela. One su najčešće viktimizirane seksualnim nasiljem, napadom na život i telo, krivičnim delima izvršenim u okviru porodice i imovinskim deliktima. Globalno posmatrano, obim viktimizacije žena je ispod nivoa viktimizacije muškaraca, ali je „tamna brojka viktimizacije“ veoma visoka usled neprijavljanja krivičnih dela, posebno onih koja pripadaju seksualnoj delinkvenciji i porodičnom nasilju (Konstantinović Vilić, Žunić, 2012: 223-246).

Internet nije sigurno mesto za žene i devojke. Velika rasprostranjenost interneta i socijalnih mreža, u kombinaciji sa pandemijom nasilja protiv žena i devojaka, dovela je do nastanka internet nasilja nad ženama različite starosne dobi. Ovaj oblik nasilja postao je danas rastući globalni problem, sa potencijalno značajnim ekonomskim i društvenim posledicama (Cyber Violence Against Women and Girls, 2017). Utoliko je viktimizacija žena na društvenim mrežama nedvosmisleno povezana i uslovljena datim socijalnim okruženjem, kao što su nivo patrijarhalne ideologije roda u jednom društvu, uticaj medija, funkcionalni pravni instrumenti, zaštita prava žena i drugo.

Takođe, istraživanja pokazuju da su novinarke i blogerke izložene ozbiljnim oblicima online uznemiravanja, seksualnog i nasilnog karaktera, koje se često opravdava slobodom govora (Vujnović, 2015). Nalazi da su u digitalnom okruženju novinarke tri puta češće nego njihove muške kolege meta vrlo agresivnih komentara, pokazuju kako su one u javnomgovoru i procesu informisanja, iznošenjem mišljenja i ličnog stava, često izložene pretnjama, seksualnom uznemiravanju, seksizmu u virtuelnom prostoru i internet proganjanju, što govori o vidljivom trendu rasta rodne nejednakosti u online komunikaciji. Novinarkama se slikovito opisuje šta će im se desiti: silovanje, ubistvo, napad na decu i druge članove porodice. Amberin Zaman, turska dopisnica nedeljnika *The Economist* i kolumnistkinja turskog dnevnika *Taraf*, rekla je da je dobijala na stotine twitova pisanih najopscenijim jezikom, sa pretnjama ubistvom, pretnjama silovanjem i pretnjom da će „sesti na slomljenu bocu za vino“ (Bell, 2015). Žrtva nasilnih i uvredljivih komentara na društvenim mrežama bila je i britanska

slobodna novinarka i feministička aktivistkinja Caroline Criado-Perez. Kako ona kaže, nasilnici žele da žene „zatvore usta” i zato im prete seksualnim nasiljem (Mijatović, 2016). Takođe, Azerbejdžanska novinarka je slične pretnje dobijala zato što je bila optužena da je nacionalni izdajica i one su uključivale opis kako će biti silovana i mesto gde će biti zakopana kada bude ubijena (Žikić, 2015).

Istraživanja interneta, viktimizacije i roda ukazuju na to kako i na koji način se putem društvenih mreža i digitalnih portala reproducuju i prenose polarizovani stavovi i sadržaji o tome kakve uloge i položaje zauzimaju muškarci i žene u određenoj društvenoj zajednici. Internet kao medij i „mrežni obrazac formirane društvenosti” snažno odražava, predstavlja i konstruiše stereotipne rodne uloge i identitete koje definiše tradicionalna ideologija roda. To je obrazac kojim seksistički i mizogini stavovi prema ženama na socijalnim mrežama dovode do njihovog isključivanja, marginalizovanja i viktimiranja u internet prostoru (Banet-Weiser, Miltner, 2016: 171-172).

Modeli i sadržaji viktimizacije žena na Internetu

Prostor društvenih mreža je postao polje neograničene komunikacije, a onda i velike zloupotrebe, u kome se dešavaju različiti oblici digitalnog nasilja putem društvenih mreža, koje se može definisati kao svaka komunikacijska aktivnost računarskom tehnologijom koja se sastoji u pretnji, uz nemiravanju, omalovažavanju, zastrašivanju ili drugom načinu ugrožavanja i nanošenja štete pojedincu (Hinduja, Patchin, 2014: 3). Nasilnici, korišćenjem društvenih mreža, mogu pristupiti žrtvi u bilo koje vreme i sa bilo kog mesta, što dovodi do toga da žrtva postaje ili može postati stalna meta viktimizacije. Postoje različiti oblici ove vrste nasilja, a među njima najčešći su: *slanje uz nemiravajućih poruka putem mobilne mreže (SMS, MMS), elektronske pošte ili opcije časkanja; krađa ili neovlašćena promena lozinke na nekoj od društvenih mreža; krađa ili neovlašćena promena „nadimka“ na opciji časkanja; objavljivanje privatnih podataka ili neistina o nekome korišćenjem opcija časkanja na privatnim internet stranicama ili na blogu; postavljanje uvredljivih internet anketa o nekome; postavljanje slika žrtava i pisanje uvredljivih komentara i slično.*

Relevantno i indikativno za polazište o povezanosti nasilja nad ženama u realnom svetu i virtuelnog nasilja na socijalnim mrežama je istraživanje koje je septembra 2013. godine sprovedla organizacija za pomoć ženama iz Engleske

(Women's Aid, 2013: 8). Istraživanje je sprovedeno preko interneta, a rezultati su ukazali na povezanost nasilja u porodici i partnerskog nasilja sa nasiljem koje se dešava preko interneta. Od ispitanih 307 žena žrtava porodičnog nasilja, 45% je izjavilo da je pored nasilja u porodici za vreme trajanja emotivne veze preživelo i neki od oblika nasilja preko društvenih mreža ili elektronske pošte, 48% je navelo da je doživelo neku vrstu zlostavljanja preko interneta od strane bivšeg partnera, a 38% da je bilo žrtva proganjanja preko interneta nakon raskida partnerskog odnosa. Pored toga, 75% je navelo da policija nije znala kako da odreaguje na prijavljeno nasilje preko interneta, a 12% je čak reklo da policija nakon prijavljivanja internet nasilja nije htela ni da reaguje (Women's Aid Conference Links Online Abuse to Off-line Violence against Women, 2013: 8). Istraživanje u kome su učestvovalo 293 korisnice različitih društvenih mreža iz celog sveta, a koje je sprovedeno 2015. godine, ukazalo je na postojanje rodno zasnovanog nasilja na društvenim mrežama (Burke Winkelman i dr., 2015: 194). U navedenom istraživanju, 20% ispitanica je izjavilo da je više puta u kontinuitetu dobijalo poruke sa seksualnom konotacijom ili seksualne ponude preko interneta, a 11,5% je navelo da je preko interneta dobijalo poruke sa pornografskim sadržajem od nepoznatih osoba. Ministarstvo pravde Sjedinjenih Američkih Država (SAD) sprovedlo je 2000. godine telefonsko istraživanje, u kome je učestvovalo 8000 žena i 8000 muškaraca, državljana SAD, a koje se odnosilo na vrste viktimizacije koju su doživeli (Tjaden, Thoennes, 2000). Podaci ovog istraživanja su pokazali da je 20% žena u SAD bilo izloženo viktimizaciji proganjanjem putem interneta, slanjem neželjenih elektronskih poruka ili iniciranjem neželjenog kontakta na internetu. Na znatno veći procenat viktimizacije žena nego muškaraca kada je u pitanju devijantno ponašanje poput internet proganjanja ukazalo je i istraživanje koje je 2014. godine sproveo američki Nacionalni pravosudni institut: žrtva internet proganjanja bila je jedna od sedam žena (15,2%) i tek jedan od devetnaest muškaraca (US Department of Justice, 2017: 2).

Kako pokazuju nalazi pomenutih istraživanja, jedan od najčešćih pojava-
nih oblika nasilja prema ženama u virtuelnom okruženju predstavlja *seksualno
nasilje putem interneta i društvenih mreža* i to onda kada se internet, društvene
mreža ili neki drugi elektronski način komunikacije koristi za ispoljavanje nasil-
nog, maltretirajućeg i neželjenog ponašanje, bilo od strane jedne osobe ili
od strane grupe (Women's Aid, 2014). Internet proganjanje i seksualno uzne-
miravanje preko interneta u potpunosti relativizuje pitanje fizičkog kontakta

između žrtve i njenog napadača (Vilić, 2013a: 39). Neželjena seksualna pažnja u virtuelnom prostoru obično podrazumeva neposrednu, ličnu, verbalnu komunikaciju između zlostavljača i žrtve, a manifestuje se kroz poruke u kojima se direktno pominje seks ili seksualnost (na primer, poruke koje se odnose na polne organe žrtve, njen seksualni život, njene intimne sadržaje i slično), kao i kroz insinuacije ili provokacije slične prirode. Suština je da je ovakav kontakt za žrtvu nasilan, tj. da ga žrtva ne želi. Ovakva dela u virtuelnom prostoru najčešće se dešavaju preko društvenih mreža, javnih foruma ili u pričaonicama, ali i u privatnim elektronskim komunikacijama između zlostavljača i žrtve. Motiv zlostavljača jeste da sa žrtvom prvenstveno uspostavi neku vrstu seksualne povezanosti, ali motiv, takođe, može da bude nanošenje emotivne patnje žrtvi, namerno zlostavljanje i slično. Rizično ponašanje za seksualno nasilje putem interneta i društvenih mreža je seksting⁴ i sajberseks,⁵ zbog toga što se gubi kontrola nad poslatim materijalom i odlukama. To znači da seksualno eksplicitan materijal postaje potencijalno svakome vidljiv, da taj materijal može opstati večno i da ne postoji mogućnost da se spreči njegovo distribuiranje, stavljanje na pornografske vebajtove ili druge vrste zloupotrebe.

„Pornografija iz osvete“ na internetu i putem društvenih mreža je, takođe, jedan od oblika viktimizacije žena na internetu. Ona predstavlja postupak javnog objavljuvanja seksualno eksplicitnih fotografija ili video snimaka na internetu, posebno na pornografskim internet stranicama, bez saglasnosti osobe koja se nalazi na njima i sa ciljem da se ona osramoti i ponizi (Expres vesti, 2016). Svi materijali koji se objavljuju obeležavaju se punim imenom i prezimenom žrtve, a često sadrže i broj telefona, radno mesto ili ime pod kojim je žrtva registrovana na nekoj od društvenih mreža.⁶

Zloupotreba fotografija na internetu je oblik povrede privatnosti kada se neovlašćeno koriste i prikazuju fotografije sa naloga korisnika društvenih mreža bez njihove saglasnosti (Vilić, 2016: 231). Fotografija bilo koje osobe može biti prikazana na način koji joj možda može škoditi na nekom ličnom planu, a vremenom društvena mreža može preuzeti fotografiju tako da veliki

⁴ Seksting podrazumeva razmenjivanje kratkih poruka ili fotografija vrlo intimne ili eksplicitno seksualne sadržine putem chat servisa, slanje provokativnih ili seksualno obojenih fotografija, poruka ili video materijala putem mobilnog telefona ili postavljanja na mrežu. Videti: Bogavac, Popadić, 2015.

⁵ Sajberseks predstavlja simulaciju seksualnih odnosa na daljinu putem informaciono-komunikacionih tehnologija. Videti: Bogavac, Popadić, 2015: 12.

⁶ Više o pornografiji iz osvete videti u: Halder, Jaishankar, 2016.

broj korisnika ima šansu da tu fotografiju vidi, podeli sa nekim ili prosledi. Većina krivičnih zakona ne štiti osobe čije su fotografije napravljene u javnosti jer se smatra da fotografisanje ne spada u ugrožavanje privatnosti. Tako ni u krivičnom zakonodavstvu Republike Srbije nije predviđeno kao posebno krivično delo zloupotreba fotografija na internetu ili putem društvenih mreža, ali se u nedostatku posebne inkriminacije mogu koristiti postojeće odredbe Krivičnog zakonika Republike Srbije⁷, i to član 144, u kome se opisuje krivično delo neovlašćeno fotografisanje i član 145 koji se odnosi na neovlašćeno objavljuvanje i prikazivanje tuđeg spisa, portreta i snimka.

U kriminološkoj literaturi *proganjanje korišćenjem interneta*, kao jedan od najčešćih oblika viktimizacije žena na internetu, definiše se kao uporno i ciljano zlostavljanje pojedinca putem elektronskih načina komunikacije. Ova forma proganjanja utiče da žrtva postaje nesigurna, uplašena, zastrašena i ne sagledava opcije kojima može da utiče na prestanak uznemiravanja i proganjanja (Vilić, 2013c: 151). Pojam proganjanja putem interneta još uvek nije potpuno precizno određen i usaglašen u teorijskim i istraživačkim radovima. Proganjanje predstavlja neželjenu i zlonamernu komunikaciju, oštećenje tuđe imovine i fizički ili seksualni napad na neku osobu, koji je intenzivan i neželjen i izaziva strah (Women's Aid, 2014).

Jedan od novijih vidova zloupotrebe društvenih mreža je *upotreba govora mržnje* na društvenim mrežama i na internetu uopšte. U literaturi se kao govor mržnje označavaju izjave koje zastrašuju, vređaju ili uznemiravaju pojedince ili grupe, i/ili izjave koje pozivaju na nasilje, mržnju ili diskriminaciju pojedinaca ili grupa. Govor mržnje se najopštije može definisati kao izražavanje koje sadrži poruke mržnje ili netrpeljivosti prema nekoj rasnoj, nacionalnoj, etničkoj ili verskoj grupi ili njenim pripadnicima. U poslednje vreme, govor mržnje se sve češće odnosi na rodnu netoleranciju i na netoleranciju zasnovanu na seksualnoj orientaciji, ali i na netoleranciju različitih političkih mišljenja, nacionalnog i društvenog statusa (YUCOM, 2007). Kao takav, može da ima određene posledice koje se sastoje u izazivanju straha, zebnje, nelagode ili ljutnje.

⁷ Službeni glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016.

Internet, viktimizacija žena i društveni odgovori

Nasilje prema ženama nije fragmentirano, ono je u socijalnom kontinuumu, i to je stanovište iza koga stoje feministički diskursi u sociologiji i kriminologiji. Obe vrste nasilja nad ženama, ono koje je vezano za Internet i socijalne mreže, isto koliko i nasilje nad ženama u stvarnom životu, imaju svoje polazište u nejednakim rodnim odnosima moći. Isti oblici rodne diskriminacije koji obeležavaju socijalne, ekonomske, kulturne, političke strukture, reprodukuju se na socijalnim mrežama i različitim digitalnim platformama (Kee, 2006). Izvesno je da se iz perspektive kontinuma diskriminacije i zloupotrebe prava žena poboljšava razumevanje nasilja nad ženama, kao što se poboljšava i pristup pravu i definisanju pravnog okvira u sprečavanju nasilja nad ženama. Tehnologija povezana sa viktimizacijom žena se onda shvata kao poseban fenomen na ovom kontinuumu (umesto kao izolovana pojava), a posebno je obeležena specifičnom prirodom informacionih tehnologija, odsustvom fizičkog kontakta i anonimnošću koju omogućavaju digitalne tehnologije (Gurumurthy, 2004: 1). Društveno odgovorno ponašanje koje se može odnositi na fenomen viktimizacije žena i devojaka na socijalnim mrežama podrazumeva, pre svega, promovisanje pristupa žena Internetu, a u skladu sa tim treba stati naglasak na promovisanje privatnosti i slobode izražavanja. Naravno, u taj proces treba uključiti ženske organizacije i zastupati ženska prava. Značajan broj istraživanja, literature i izjava o politici razvoja informacionih tehnologija pohvaljuje potencijalni značaj novih tehnologija u cilju promovisanja i razvoja ženskih prava. Sve to prepoznato je i u Agendi UN za održivi razvoj do 2030. godine (United Nations, 2015). Manji, ali narastajući, broj inicijativa bavi se istraživanjem načina na koji informacione tehnologije mogu naneti štetu ženama i kako mogu pogoršati nejednakost, uključujući različite vrste zloupotreba na socijalnim mrežama. Međutim, mnogo je manje literature koja kritički razmišlja o potencijalno štetnim efektima novih tehnologija. Paradoksalno je što se u većini dostupne literature borba više vodi oko leksike i kršenja ženskih prava u virtuelnom i stvarnom prostoru, bez prave svesti i uvida u stanje ljudskih prava i posebno ženskih (digitalnih) prava (GenderIT.org, 2017).

Posledice virtuelnog nasilja nad ženama nekada mogu biti i ozbiljnije od posledica „realnog“ nasilja: naime, žrtva uvek može iznova da pročita šta je nasilnik napisao, koju je sliku postavio ili kakvi su komentari napisani. Žrtva je izložena pogledima i sudu javnosti, dok nasilnik ostaje sakriven ili anoniman,

zaklonjen iza nadimka, tako da ovakva situacija čini da se izvršioc i ovih krivičnih dela osećaju moćno, nedodirljivo i zaštićeno u svojoj anonimnosti. Priroda i obim viktimizacije žena i devojaka na socijalnim mrežama su indikacija šireg obrasca rodne nejednakosti, mizoginije i trajnog prihvatanja onih društvenih stavova i uverenja koji to podržavaju.

Zaključak

Viktimizacija žena i seksizam u virtuelnom prostoru je svakodnevna pojava u životima i iskustvima žena i devojaka širom sveta, nasuprot raširenom, popularnom, mišljenju da ta vrsta ponašanja nije devijantna i da je, zapravo, epizodična (Kee, 2006). Viktimizacija žena i devojka u virtuelnom prostoru predstavlja ozbiljnu i sve veću pretnju savremenom društvu, ali se ova vrsta kriminogenog ponašanja i dalje ne smatra zločinom i krivičnim delom, već se posmatra kao uslovljeni „društveni konstrukt“. Brojni istraživački nalazi govore o tome da je delo internet proganjanja, pre svih žena i devojaka, sve ozbiljnija i frekventnija pretnja sigurnosti korisnika interneta, sa sve češćim, tragičnim posledicama po žrtve (Banet-Weiser, Miltner, 2016: 171).

Iako u virtuelnom svetu internet prestupnici zloupotrebljavaju nove tehnologije kako bi stvarali nove kontakte i socijalne veze u različitim formama destruktivne komunikacije, društvo još uvek ne nalazi adekvatne mehanizme za preventivu ovakvih socijalno neprihvatljivih radnji, već sistem preventive i zaštite stavlja u ruke pojedinca ili pojedinke. Naime, rešavanje problema viktimizacije žena i devojaka putem interneta prepostavlja mnoštvo različitih pristupa, uključujući lične preventivne strategije, zakonodavna rešenja i pravne regulative, kao i pronalaženje tehnoloških rešenja za trenutno prevazilažeње tehničkih mana društvenih mreža. Izvesno je da se internet kriminalitet ne razlikuje od stvarnog kriminaliteta, zato što on, takođe, može da rezultira nizom uvredljivih, protivpravnih i opasnih ponašanja.

Kako je internet u savremenom društvu postao neodvojivi, negde i nužni, svakodnevni deo života velikog broja ljudi, nije rešenje, jednostavno, isključiti kompjutere. Samo razvijanjem kompatibilnih standarda i pravnih propisa ovake vrste inovacija i visokog tehnološkog napretka mogu da se razvijaju uz smanjenje rizika od njihove zloupotrebe. Način na koji uspemo da oblikujemo pravne standarde i zakone vezane za ovu vrstu kriminaliteta imaće uticaja na

živote miliona ljudi. Pravni standardi i zakoni, koji tek nastaju, moraju biti veoma fleksibilni, da bi mogli da prate svakodnevni razvoj kompjuterske tehnologije i inovacija (Vilić, 2013b: 120-143). Internet korisnici i korisnice moraju da nauče etičko ponašanje na internetu, a onda i kako i na koji način da zaštite sebe od svih vrsta potencijalno opasnih ponašanja na internetu, zato što je dosadašnja praksa pokazala da svako ko koristi internet može da postane žrtva, bez obzira na pol.

Literatura

- Banet-Weiser, S., Miltner, M. K. (2016) Masculinity So Fragile: Culture, Structure, and Networked Misogyny. *Feminist Media Studies*, 1, str. 171-174.
- Blagojević Hjuson, M. (2015) *Sutra je bilo juče: Prilog društvenoj istoriji žena u drugoj polovini XX veka u Jugoslaviji*. Novi Sad: Zavod za ravnopravnost polova.
- Burke Winkelmann, S., Oomen Early, J., Walker, A. D., Chu, L., Yick-Flanagan, A. (2015) Exploring Cyber Harassment among Women Who Use Social Media. *Universal Journal of Public Health*, 5, str.194-201.
- Castells, E. (2003) *Internet galaksija*. Zagreb: Jesenski i Turk.
- Gidens, E. (2005) *Sociologija*. Beograd: Ekonomski fakultet.
- Gurumurthy, A. (2004) *Gender and ICTs: An Overview*. Brighton: BRIDGE.
- YUCOM (2007) *Govor mržnje i zločin mržnje kao instituti međunarodnog i domaćeg prava*. Beograd: Komitet pravnika za ljudska prava YUCOM.
- Halder, D., Jaishankar, K. (2016) Celebrities and Cyber Crimes: An Analysis of the Victimization of Female Film Stars on the Internet. *Temida*, 3-4, str. 355-372.
- Konstantinović Vilić, S., Nikolić-Ristanović, V., Kostić, M. (2009) *Kriminologija*. Niš: Pelikan print.
- Konstantinović Vilić, S., Žunić, N. (2012) Viktimizacija žena – medijsko prikazivanje. U: P. Dimitrijević (ur.) *Međunarodna naučna konferencija „Mediji i ljudska prava“*: zbornik sažetaka. Niš: Centar za publikacije Pravnog fakulteta, str. 223-246.
- Krivični zakonik Republike Srbije, Službeni glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016.
- Levit, N. (1998) *Men, Women and the Law*. New York: New York University Press.

Milivojević, S. (2004) Žene i mediji: Strategija isključivanja. *Genero - Časopis za feminističku teoriju*. Posebno izdanje. Beograd: Centar za ženske studije i istraživanja roda, str. 11-24.

Mohapatra, S. K. (2015) Victimisation of Women under Cyberspace in Indian Environment. *International Journal of Academic Research*, 1, str. 221-228.

Ristić, D., Pajvančić-Cizelj, A., Marinković, D., (2014) Mapiranje društvene geografije interneta: Značenje, materijalnost, moć. U: D. Torodović, D. Petrović, D. Prlja (ur.) *Internet i društvo*. Međunarodni tematski zbornik radova. Niš: Filozofski fakultet u Nišu, Beograd: Srpsko sociološko društvo, str. 23-40.

Tjaden, P., Thoennes, N. (2000) *Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey*. Washington DC: U.S. Department of Justice, Office of Justice Programs, NCJ 181867.

Vilić, V. (2013a) Stalking and Sexual Harassment on the Internet. *Facta Universitatis, series: Law and Politics*, 1, str. 39 – 48.

Vilić, V. (2013b) Proganjanje putem interneta – ko su izvršioc i žrtve? *Godišnjak Pravnog fakulteta u Istočnom Sarajevu*, 2, str. 123-143

Vilić, V. (2013c) Viktimizacija proganjanjem putem interneta. *Temida*, 1, str. 151-162.

Vilić, V. (2016) *Povreda prava na privatnost zloupotrebom društvenih mreža kao oblik kompjuterskog kriminaliteta*. Doktorska disertacija. Niš: Pravni fakultet. COBISS.SR-ID 1026747809

Vorhof, D. (2010) Internet i pravo na anonimnost. U: J. Surčulija (ur.) *Sloboda izražavanja na Internetu*. Beograd: Centar za razvoj Interneta, str. 73-80.

Wharton, A. S. (2005) *The Sociology of Gender: An Introduction to Theory and Research*. Oxford: Blackwell Publishing Ltd.

Williams, K. (2003) *Understanding Media Theory*. Bloomsbury Academic, New York City - USA.

Internet izvori

Bell, B. (February 6, 2015) Twitter Abuse: Women Journalists Get More Threats. *BBC news*. Dostupno na: <https://www.bbc.com/news/blogs-eu-31162437>, stranici pristupljeno 15.6.2017.

Bogavac, Lj., Popadić, D. (2015) *Tagged - Priručnik za zaštitu dece i mladih od sajber nasilja i primenu u redovnom nastavnom programu osnovnih i srednjih škola*. Beograd:

Incest trauma centar. Dostupno na: <http://kliknibezbedno.rs/files/materijali/ITC%20-%20Tagged%20Manual%202013.pdf>, stranici pristupljeno 1.10.2015.

British Psychological Society (2017) *Nearly HALF of women have been sexually victimised online*. Dostupno na: <https://www.bps.org.uk/news-and-policy/nearly-half-women-who-use-social-media-say-they-have-been-sexually-victimised>, stranici pristupljeno 20.9.2017.

Cyber Violence Against Women and Girls (2017) European Institute for Gender Equality. Dostupno na: http://eige.europa.eu/sites/default/files/documents/cyber_violence_against_women_and_girls.pdf, stranici pristupljeno 5.9.2017.

Durkalić, M. (17. april, 2015) Na internetu možemo biti slobodni, ali internet nije sloboden. Sarajevski otvoreni centar. Dostupno na: <http://soc.ba/na-internetu-možemo-bit-slobodni-ali-internet-nije-slobodan/>, stranici pristupljeno 20.9.2017.

Expres vesti (8. oktobar, 2016) *Pornografija iz osvete: Imali ste aferu i ljubavnik nakon prekida preti da će objaviti kompromitujući snimak. Šta da se radi?*. Dostupno na: <http://www.expres.rs/magazin/ljubav-i-sex/18958-pornografija-iz-osvete-imali-ste-aferu-i-ljubavnik-nakon-prekida-preti-da-ce-objavitii-kompromitujuci-snimak-sta-da-se-radi>, stranici pristupljeno 14.8.2018.

GenderITorg (2017) [Editorial] *Mapping Gaps in Research in Gender and Information Society*. GenderITorg - Feminist Reflection on Internet Policies. Dostupno na: <https://www.genderit.org/editorial/editorial-mapping-gaps-research-gender-and-information-society>, stranici pristupljeno: 10.12.2017.

Hinduja, S., Patchin, J. W. (2014) *Cyberbullying Glossary: Brief Overview of Common Themes*. Cyberbullying Research Center. Dostupno na: <https://cyberbullying.org/cyberbullying-glossary.pdf>, stranici pristupljeno 11.3.2014.

Jones, R. G. (2013) *Communication in the Real World: An Introduction to Communication Studies*. Dostupno na: <http://open.lib.umn.edu/communication/>, stranici pristupljeno 5.7.2018.

Kee, J. (2006) *Cultivating Violence Through Technology? Exploring the Connections Between Information Communication Technologies (ICT) and Violence Against Women*. Dostupno na: www.genderit.org/sites/default/upload/VAW_ICT_EN.pdf, stranici pristupljeno 25.1.2017.

Mijatović, D. (February 29, 2016) A Threat to Free Speech: the Online Abuse to Feminist Journalist. *Georgetown Journal of International Affairs*. Dostupno na: <https://www.georgetownjournalofinternationalaffairs.org/online-edition/a-threat-to-free-speech-the-online-abuse-of-female-journalists>, stranici pristupljeno 15.6.2017.

The Broadband Commission for Sustainable Development (2017). Dostupno na <https://www.broadbandcommission.org/Pages/default.aspx>, stranici pristupljeno 28.10.2017.

United Nations (2015) *Millenium Development Goals Sustainable Development Goal - 17 Goal to Transform the Our World. Goal 5: Achieve Gender Equality and Empower All Women and Girls.* Dostupno na: <http://www.un.org/sustainabledevelopment/blog/2015/04/on-girls-in-ict-day-un-urges-increased-opportunity-in-information-and-communications-technology/>, stranici pristupljeno 2.11.2017.

US Department of Justice (2017) *2014 Report to Congress Grant Funds Used to Address Stalking.* Washington, DC: U.S. Department of Justice, Office on Violence Against Women. Dostupno na: <https://www.justice.gov/ovw/page/file/932736/download>, stranici pristupljeno 2.7.2018.

Vujnović, A. (2015) Kako informacijsko-komunikacijska tehnologija utječe na ženska prava. *Vox Feminae*, 3-8/11. Dostupno na: <https://www.justice.gov/ovw/page/file/932736/download>, stranici pristupljeno 3.7.2018.

Weiss, R. (2017) *Understanding and Combating Social Isolation in the Digital Age.* Dostupno na: <https://msw.usc.edu/mswusc-blog/understanding-and-combating-social-isolation-in-the-digital-age/>, stranici pristupljeno 4.7.2018.

Women's Aid (2013) *Women's Aid Conference Links Online Abuse to Off-line Violence against Women.* Dostupno na: www.womensaid.org.uk/stalking-link, stranici pristupljeno 22.12.2015.

Women's Aid (2014) *Virtual world, real fear: Women's Aid report into online abuse, harassment and stalking,* Women's Aid Federation of England. Dostupno na: https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/11/Women_s_Aid_Virtual_World_Real_Fear_Feb_2014-3.pdf, stranici pristupljeno 8.1.2015.

Women and the Web: Bridging the Internet gap and Creating New Global Opportunities in Low and Middle-income Countries (2012). Dostupno na: <https://www.intel.com/content/dam/www/public/us/en/documents/pdf/women-and-the-web.pdf>, stranici pristupljeno 15.8.2017.

Žikić, B. (2015) *O online komunikaciji* (intervju sa dr Snježanom Milivojević). Srpski kulturni centar „Danilo Kiš“. Dostupno na: <http://dkis.si/o-online-komunikaciji-intervju-sa-prof-dr-snjezanom-milivojevic/>, stranici pristupljeno 8.11.2015.

NATALIJA ŽUNIĆ*

VIDA VILIĆ

Internet and Female Victimization

The subject of this paper is a gender analysis of female victimization in the cyberspace. Since the Internet appears as a global network, it gives a global dimension to the virtual space, connecting any two points on the planet through a cyberspace. From this dimension, the cyberspace is also perceived as a social space. Namely, the Internet and social networks provide a continuous and unlimited place for users' gathering and contact, indicating that, potentially, each user is a potential victim. When analyzing victimization in the cyberspace it is important to notice that anonymity encourages perpetrators and increases insecurity of the victim. Research findings indicate that sexist and misogynistic attitudes towards women on social networks result in their exclusion, marginalization and/or victimization on the internet. The feminist criticism also points out that not only matters whether something is considered to be legal or illegal behaviour, but that cyber victimization is a continuous manifestation of misogynistic attitudes that are part of the dominant gender and cultural ideologies. The aim of this paper is to present the basic phenomenological and etiological characteristics of gender dimensions of the use/misuse of information technologies and to show that virtual communication, according to its social consequences, is not gender neutral and that cyber violence has its own gender implications. The data indicates that in the digital world, the privacy of women is significantly compromised and associated with new and terrifying forms of on-line violence. Feminist researchers warn that „the Internet is only the culture accelerator, to which we are all accustomed, and its name is the patriarchy.“ From this cognitive perspective, victimization of women on social networks mainly depends on the level of the patriarchal ideology of gender in a society, the influence of the media and the protection of women's rights. Women can experience various forms of violence and privacy violations on the social networks, such as hate speech, spreading lies, stalking, photo montage, creating of false user profiles, the continuation of family violence, threats and blackmail, etc. The main topics discussed in this paper relate to general approach

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to the phenomenon of cyberspace and cyber violence; various types of cyber violence; cultural context and gender dimension of on-line victimization; various forms of cyber violence against women; specific characteristics of female victimization in on-line communication and the perception of preventing female victimization on the Internet, in the context of spreading gender-sensitive social norms and values through legal standardization and socialization of women's rights.

Key words: Internet, on-line (cyber) violence, victimization, gender, women.

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Cyberbullying of Children: Challenges of Victim Support

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Bullying in the form of verbal, physical and social harassment is an integral problem for all societies. With the development of information and communication technology, cyberbullying of children as a new type of bullying increasingly attracts the attention of scholars. Bearing in mind that cyberbullying of children is the subject of this paper, various theoretical approaches, defining this phenomenon, are analyzed. Furthermore, special attention is paid to existing international, European and national legal framework in the context of cyberbullying of children. Finally, starting from the phenomenological forms of cyberbullying of children, the focus is on the challenges of providing victim support. In concluding remarks, it is stated that the lack of a single understanding of cyberbullying of children is a consequence of the absence of a comprehensive legally binding document devoted to this problem. The main goal of the article is to raise awareness about the need to adopt a comprehensive legally binding document devoted to cyberbullying of children in order to protect the rights of victims in cyberspace.

Key words: cyberbullying, victims, support, children, legal framework.

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Introduction

On a seemingly normal Tuesday afternoon, an eighth-grade girl walks out of school and steps into her mother's car, ashen and visibly shaken, saying she received the following cyber-message during class: "I know where you live. You'd better sleep each night with one eye open, on your knees. If you do not, I will be there to be sure you do!". Scenes like this are playing out in schools around the world (Shariff, Hoff, 2007: 76-77).

In today's society, there are several ways or types in which children are victimized by bullying. Some of the traditional face-to-face encounters with bullying usually start in neutral social settings such as playgrounds, classrooms, and schoolyards (Johnson et al., 2016: 2). These types of bullying are physical (e.g. hitting, kicking, and pushing), verbal (e.g. name calling, abusive language), and social (e.g. spreading rumours, social exclusion) (Notar, Padgett, Roden, 2013: 6). On the other side, cyberbullying, while similar in its intent to bullying, is different due to the use of new technologies (Keith, Martin, 2005: 224). Therefore, bullying and cyberbullying can be considered different phenomena given that they belong to environments characterized by a distinct nature online and offline (Savoldi, Ferraz de Abreu, 2016: 2). The phenomenon of cyberbullying has emerged with the development of information and communication technologies that have undeniably affected children's social interactions and behaviour. It has been argued that due to the capacity for anonymity and invisibility that the Internet provides, cyberbullying can be primarily considered as an indirect form of aggression (Antoniadou, Kokkinos, 2015: 185-186). However, two criteria particularly separate cyberbullying from more general aggression. These are the aspects of repetition and power imbalance. An example concerning the aspect of repetition could be a picture that is uploaded onto the Internet and at a later stage distributed by other people, not the initial perpetrator, and thus repeatedly used many times by other cyberbullies. On the other side, the aspect of power imbalance stems from the anonymity of information and communication technologies (Slonje, Smith, Frisén, 2013: 26-27). The relationship is characterized by an imbalance of power between the bully and the child as a victim based on physical size, strength, age, or social status (Brank, Hoetger, Hazen, 2012: 214).

Cyberbullying is a growing problem because increasing number of children are using and have completely embraced online interactivity (Hinduja,

Patchin, 2014: 3; Baltezarević, V., Baltezarević, R., Baltezarević, B., 2016: 374-377). It typically consists of electronic messages that are intimidating or threatening for the child as a victim (Hango, 2016: 1-2). Simply, cyberbullying involves incidents where bullies use technology to harass, threaten, humiliate or otherwise hassle their victims (Hinduja, Patchin, 2017: 52). In that sense, cyberbullying can cause immense distress to young victims, including long-term psychological and mental health damage, and even in some cases suicide (Angus, 2016: 1).

While adults also can be cyberbullied, the focus of this paper is on children as victims. Bearing in mind that cyberbullying of children is the subject of this paper, in the first part it analysis various theoretical approaches concerning definitions of cyberbullying with the aim of proposing the general concept of this phenomenon in order to secure effective recognition of the rights of children including the right to information, participation, protection, reparation and assistance. It is required because currently there is a variety of legal systems and traditions, and millions of children throughout the world suffer harm as a result of the fact that the rights of those children have not been adequately recognized when accessing the justice process. Therefore, special attention is paid to the issue of whether the existing international and national legal framework, in the field of child's victim protection, recognizes cyberbullying of children as a form of digital violence in a unique way, since there is a need to ensure that child victims receive equivalent protection in all countries. Finally, starting from the fact that there are various phenomenological forms of cyberbullying of children, the author deals with the challenges of providing victim support to child victims. Taking into account all abovementioned, the main goal of the article is to raise awareness about the need of adopting a comprehensive legally binding document devoted to cyberbullying of children in order to protect the rights of victims in cyberspace in a unique way.

Definitions of cyberbullying – General remarks

The need for taking into consideration various definitions of cyberbullying stems from the fact that proper recognition of their victims requires the adoption of the unique definition in order to provide them with adequate assistance and support in a timely manner, prevent secondary victimization and provide a basis for recovery after traumatic incidents. In that context, one

of the biggest challenges of victim support represents the fact that cyberbullying has been defined in many different ways (Ey, Taddeo, Spears, 2015: 493). To date, no unanimously accepted definition of cyberbullying has been established (Del Rey, Elipe, Ortega-Ruiz, 2012: 608). Variations across definitions are problematic since the absence of an agreed conceptualization of the cyberbullying involved hinders the development of reliable and valid measures (Corcoran, Guckin, Prentice, 2015: 245). Some critical points are related to the use of global and sometimes unique items to detect the degree of involvement in the role of cyberbullies and cyber victims, to the complexity of the definition which can be understood differently among different population as well as to the complexity and accelerated evolution of new technologies which makes any classification often obsolete (Menesini, Nocentini, 2009: 230-231). Therefore, there is no single definition of cyberbullying agreed upon internationally and at the European level. Attempts to define that phenomena have been made by the United Nation (UN) as well as the European Union (EU) institutions and academia (Dalla Pozza et al., 2016: 21).

The UN Committee on the Rights of the Child, in its General Comment no. 13 defined cyberbullying of children as psychological bullying and hazing by adults or other children, including via information and communication technologies such as mobile phones and the Internet.¹ Moreover, in its 2016 Annual Report, the UN Special Representative of the Secretary-General on Violence against Children described cyberbullying as an aggressive, intentional act carried out by an individual or a group using electronic forms of contact against a victim who cannot easily defend himself or herself. It is typically carried out repeatedly and over time and is often characterized by an imbalance of power.² On the other side as an EU institution, the European Commission defined cyberbullying as the 'repeated verbal or psychological harassment carried out by an individual or group against others'.³ Further-

¹ UN CRC/C/GC/13, General Comment of the Committee on the Rights of the Child No. 13 (2011) 'The Right of the Child to Freedom from all Forms of Violence'. Available at: <http://www.refworld.org/docid/4e6da4922.html>, page accessed 9.6.2018.

² Annual Report of the Special Representative of the Secretary General on Violence against Children, A/HRC/31/20, Office of the UN Special Representative of the Secretary-General on Violence against Children. Available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/31/20, page accessed 9.6.2018.

³ European Commission, 'Safer Internet Day 2009: Commission Starts Campaign against Cyberbullying', press release. Available at: http://europa.eu/rapid/press-release_MEMO-09-58_en.htm, page accessed 9.6.2018.

more, EU Parliament in Motion for Resolution on harmonizing national legislation on cyberbullying defined cyberbullying as continuous and repeated episodes of psychological or physical oppression in the digital world perpetrated by a stronger person against another person who is perceived to be weaker.⁴

Scholars usually define cyberbullying as an extension of real-world bullying (Shariff, Hoff, 2007: 80; McLean, 2013: 1; Notar, Padgett, Roden, 2013: 7). The other part of the scholars defines cyberbullying as an umbrella term that includes hurting someone else using information and communication technologies. In that context, the term cyberbullying is usually connected with constructs such as Internet bullying, online bullying, and information and communication technologies and Internet harassment (Popović-Ćitić, 2009: 44; Nixon, 2014: 144). Hinduja and Patchin define cyberbullying as "willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices" (Hinduja, Patchin, 2014: 2). According to Slonje, Smith and Frisén, "cyberbullying is a systematic abuse of power which occurs through the use of information and communication technologies" (Slonje, Smith, Frisén, 2013: 26). Finally, in an extended sense some scholars define cyberbullying as an aggressive, intentional act committed by a group or individual, using online forms of contact, repeatedly and overtime against a victim who cannot easily defend him or herself (Smith et al., 2008: 376; Zalaquett, Chatters, 2014: 1).

Keeping in view abovementioned definitions of cyberbullying it seems that there are some elements of that definition that are controversial and others that are not. First of all, when it comes to those elements that are not controversial, it is undisputed that cyberbullying represents a form of mental violence, which includes intentional acts of verbal or psychological harassment. Furthermore, it is clear that cyberbullying occurs via information and communication technologies. Finally, the consequence of cyberbullying in the sense of endangering the tranquillity, dignity or mental condition of the victim are not controversial.

On the other side, there are some controversial elements of the definition of cyberbullying. One of those is the element of repetition of acts of verbal or psychological harassment required for constitution of cyberbullying. In this regard, it must be emphasized that, versus almost the generally accepted attitude of scholars, it seems that a single act online is enough to determine the

⁴ Motion for Resolution No. B8-0327/2014 by Hon. Patriciello on Harmonising National Legislation on Cyberbullying. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B8-2014-0327+0+DOC+PDF+V0//EN>, page accessed 9.6.2018.

cyberbullying without the need for repetition over time, since the anonymous nature of electronic or digital means enables cyberbullying content to reach a broad audience. In other words, by sending a single bullying act online, there is already a violation of victim personality and dignity, and that is why the repetition as a constitutive element is not required. The second element refers to the age of the victim. In that context, it must be emphasized that children, i.e. persons under the age of eighteen, are not the only victims of cyberbullying. Moreover, it should be mentioned that cyberbullying occurs among adolescent as well, since the victimization occurs also after the age of majority shall be acquired by reaching 18 years. Although there is not the precise definition of adolescence, it is clear that the notion of adolescent comprises both children and young adults. However, the notion of adolescents in this paper refers to children as victims of cyberbullying. As pointed out by some authors, although available research findings suggest that cyberbullying occurs at all ages, it is more common among adolescents (Nešić, 2016: 413). Therefore, based on abovementioned analysis, for the purpose of this paper cyberbullying of children is defined as a form of mental violence which includes intentional acts of verbal or psychological harassment, without the need for repetition over time, via information and communication technologies by adults or other children, which endangers the tranquillity, dignity or mental condition of a victim.

Phenomenology of cyberbullying of children

Starting from the fact that cyberbullying of children can be manifested in many different forms, what represents a challenge in providing victim support, it is necessary to analyse the phenomenology of this type of crime. Cyberbullying of children takes different forms, some of which are harder to detect or less obviously associated with bullying than others (Childnet International, 2007: 11). Generally speaking, cyberbullying of children may occur on personal websites or it may be transmitted via e-mail, social networking sites, chat rooms, message boards, instant messaging or cell phones often when children are at home, but it can also take place during school (Feinberg, Robey, 2010: 1).

Precisely, forms of cyberbullying of children include the following: sending threats, provocative insults or racial or ethnic slurs, gender-specific slurs or other forms of discrimination; flooding an email inbox with abusive mes-

sages; posting or spreading false information about a person with the aim of harming the person or their reputation; singling someone out and inviting others to attack or make fun of them; pretending to be someone else to make it look like as the other people said things they do not believe, or that are not true about them; sharing images of a person, particularly in an embarrassing situation, without their permission or attempting to infect the victim's computer with a virus (Brooks et al., 2014: 6; Keen, Georgescu, 2016: 193).

Considering mentioned forms of cyberbullying of children, most of them could fall into one or more of the following categories: a) flaming: online fights using electronic messages with angry and vulgar language; b) harassment and stalking: repeatedly sending cruel, vicious, and/or threatening messages; c) denigration: sending or posting gossip or rumours about a person to damage his or her reputation or friendships; d) impersonation: breaking into someone's e-mail account and using it to send vicious or embarrassing material to others; e) outing and trickery: engaging someone in instant messaging, tricking him or her into revealing sensitive information, and forwarding that information to others and f) exclusion: intentionally excluding someone from an online group (Feinberg, Robey, 2010: 1).

Challenges concerning children's victim support and coping responses of victims of cyberbullying

One of the most notable issues that need to be addressed concerning children's victim support is recognition of the problem itself. Many people, whether parents, teachers, or even law enforcement officers, do not know which state laws relate to cyberbullying. Along with recognizing the problem and being able to identify solutions, it is vital that cyberbullying would be addressed in a consistent way. In this context, laws should establish a unique definition of cyberbullying of children and appropriate judicial repercussions (Donegan, 2012: 38-40). Furthermore, the challenge that makes it difficult to prevent cyberbullying of children refers to the fact that even though this problem has been around for well over a decade, some people still do not see the harm associated with it. Parents often say that they do not have the technical skills to keep up with their children's online behaviour and that schools should be covering it in detail during class time and through other

programmes. Educators are often doing their part through policies, curricula, training and assemblies, but sometimes do not know when and how to intervene in online behaviour that occurs away from school but still involve their pupils. Finally, law enforcement is hesitant to get involved unless there is clear evidence of a crime or a significant threat to someone's physical safety. As a result, cyberbullying often continues and escalates, because it is not adequately or appropriately addressed (Hinduja, Patchin, 2014: 4).

Another challenge concerning victim support refers to the fact that further progress on the Internet brought more and more websites and with this came the advent of social media and thus massive online posting of personal information. Online publication of personal information is dangerous because it allows many people to see a side of a person which is more often kept private in a face-to-face interaction. Another aspect of social media that can be misleading and hazardous is the ability to create alias profiles. The ability of children to mask their identities provides them with an opportunity to say anything to another individual without the worry of any repercussions. Anonymous blogging sites are another technological advancement that has fostered cyberbullying activity. These sites include certain topic headings that are simply a person's name under which people could post insulting comments (Donegan, 2012: 35).

The next challenge arising from the previous one refers to the fact that private confidences offered online can suddenly be disseminated to a vast audience of peers for their amusement (Nilan et al., 2015: 2). This challenge stems from the fact that cyberbullying is especially insidious because of its anonymous nature. Moreover, it allows participation by an infinite audience. This anonymous nature of cyberbullying with unknown perpetrators is perhaps the most troubling of all, for it leaves children as the targeted victims wondering which person might be the next victim (Shariff, Hoff, 2007: 77-78). If the content is shared across mobile phones or posted online, it becomes difficult to control who might see it or has copies of it. For example, a humiliating video posted to the web can be copied to many different sites. It is also worth noting that some of those children being bullied may not be aware that they have been or are being cyberbullied. For example, they may not have seen or been aware of the content about them that has been posted online (Childnet International, 2007: 13-14).

Due to the fact that there is potential for wide public access to online content, a single cyberbullying incident could have a serious and lasting

harmful effect on the victimized child. Therefore, redefining the definition and conceptualization of cyber-based bullying could have serious positive implications for protection of children as victims, since no longer would a young person have to endure multiple episodes of victimization before the behaviour could be recognized as cyberbullying. By removing the component of repetition from the conceptualization of cyberbullying, the potential for a single act to cause psychological harm to a targeted child would be recognized (Corcoran, Guckin, Prentice, 2015: 248).

Another challenge is related to the fact that in some cases it is very difficult to detect a child as the victim, since the person being bullied often feels implicated in and responsible for their own victimization and may feel guilty or ashamed. Rude images or conversations can be very embarrassing to young people and their fear that other people, including their family members, might find out, can make them vulnerable to further manipulation (Childnet International, 2007: 13). Finally, in this regard, in some cases, it could be difficult to detect whether a child is being bullied or not, since without taking into account the context of online content, what might intend as a joke, may not be received as such and may be deeply upsetting or offensive to the recipient, indeed. Therefore, a single act can have unintended consequences, e.g. sending a funny (i.e. embarrassing or humiliating) picture of a fellow pupil to someone, could be viewed as a one-off incident, but the nature of the technology means that the senders lose control over the image they have sent. It can be sent on, posted up online and have a wide circulation. For this reason, a one-off action can turn into a repetitive action and has consequences for the child being bullied far beyond (Childnet International, 2007: 15).

When it comes to the coping mechanisms of children as victims of cyberbullying it should be mentioned that there are four main forms: aggressive, passive, active, and seeking support coping mechanisms. One way of coping is aggressive which includes situations when the child victim got angry after being cyberbullied, which means that he/she has the tendency to do the same to the bully. Another way is passive coping that implies doing nothing or ignoring the cyberbullying. On the other hand, there is active coping, which includes situations when the child victim is talking about the event or blocking and deleting websites or social media pages. Finally, there is seeking support coping mechanism, which means that the child victim is looking for

support in general, but also specify the source of support, e.g., parents, teachers, siblings/family, friends (Jacobs et al., 2015: 54; Sticca et al., 2015: 517).

The legal framework relevant for prevention and suppression of cyberbullying of children

In order to identify the ways of dealing with and overcoming challenges of victim support in cases of cyberbullying of children, it is important to analyze the legal framework relevant for prevention and suppression of cyberbullying of children. In that sense, States and relevant stakeholders should develop and implement coordinated responses and strategies to support the child victims of cyberbullying and eliminate cyberbullying practices by sharing national experiences and best practices for preventing and tackling cyberbullying and by adopting or updating legal framework relevant for prevention and suppression of cyberbullying of children. Therefore, in this part of the paper, international and European legally binding documents relevant for prevention and suppression of this phenomenon are analysed. Moreover, international and European non-legally binding documents are also analysed, bearing in mind the fact that they provide guidelines for the improvement of legislation and practice. Finally, the Serbian legal framework relevant for prevention and suppression of cyberbullying of children is considered.

International and European legally binding framework

The *United Nations Convention on the Rights of the Child* (UNCRC), adopted in 1989, does not contain any specific provision on cyberbullying of children as it only emerged with the development of new technologies in the 1980s.⁵ However, the UN Committee on the Rights of the Child responsible for implementation of the UNCRC has emphasized that cyberbullying is a serious violation of children's rights. In that sense, it is undisputed that State parties which ratified the UNCRC are obliged to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of violence, including cyberbullying. Therefore, Article 19 of the UNCRC is rel-

⁵ *The United Nations Convention on the Rights of the Child*. Available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>, page accessed 10.6.2018.

event for suppression of and protection from cyberbullying since it establishes that children have the right to be protected from all forms of violence, physical or mental. In particular, in the General Comment No. 13, the Committee highlighted that psychological bullying by adults or other children via Information Communications Technologies has been classified as a form of mental violence. Another issue to consider regarding cyberbullying is the balance between the child's right to participate in the online environment and the need to protect his/her safety. While all children must enjoy the right to express an opinion, this does not mean that they can violate the rights of others (Dalla Pozza et al., 2016: 37-38).

There is no specific legal instrument targeting cyberbullying of children on the Council of Europe's level. However, the European Convention for the Protection of Human Rights and Fundamental Freedoms from 1950 protects and promotes key fundamental rights which are also applicable to cyberbullying of children.⁶ These include the right to privacy (Article 8), the right to respect private and family life (Article 9), the freedom of expression (Article 10) and the prohibition of discrimination (Article 14). In addition to those instruments, there are other relevant rules potentially applicable to cyberbullying of children worth highlighting: the Convention on Cybercrime and its Additional Protocol dealing with crimes committed via the Internet⁷ and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data protecting individuals against abuses related to the collection and processing of personal data.⁸ Although these Conventions do not mention cyberbullying of children specifically, bullying online may be classified as a cybercrime falling under the Convention on Cybercrime and may give rise to data protection issues which can be addressed by the Convention on the processing of personal data (Dalla Pozza, et al., 2016: 39-40).

Finally, there are no specific legal instruments addressing cyberbullying of children at the European Union level as well. However, the EU has adopted a range of legal acts indirectly applicable to cyberbullying of children such as

⁶ Convention for the Protection of Human Rights and Fundamental Freedoms. Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf, page accessed 10.6.2018.

⁷ Convention on Cybercrime, Treaty No.185. Retrieved from: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185>, page accessed 10.6.2018.

⁸ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Treaty No.108. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/108>, page accessed 10.6.2018.

the EU Directive on minimum standards on the rights, support and protection of victims of crime⁹ (hereinafter referred to as the Victim Directive) and the General Data Protection Regulation¹⁰ (hereinafter referred to as the Regulation). The Victim Directive obliges the Member States to take into account the specific needs of victims, the severity of the harm suffered as a result of a criminal offence, as well as the relationship between victims, offenders, children and their wider social environment in supporting the victim to recover from and overcome potential harm or trauma as a result of a criminal offence. The types of support could include providing shelter and safe accommodation, immediate medical support, short and long-term psychological counselling, trauma care, legal advice, advocacy and specific services for victims. Moreover, in the context of victim support, the Regulation states that children merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. In that sense, the Regulation prescribes that the consent of the holders of parental responsibility over children is required in relation to the collection of child personal data.

International and European non-legally binding framework

At the UN level, The UN General Assembly, concerned about the increase in bullying and cyberbullying in different parts of the world, adopted a Resolution in 2014 on protecting children from bullying.¹¹ The resolution obliges States Parties to take all appropriate measures to prevent and protect children from various forms of bullying. The risks associated with the misuse of

⁹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012L0029>, page accessed 10.6.2018 and https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG, page accessed 10.6.2018.

¹⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG, page accessed 10.6.2018.

¹¹ Resolution Adopted by the General Assembly on 18 December 2014, No. 69/158 Adopted by the General Assembly on the report of the Third Committee, Protecting Children from Bullying. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/158, page accessed 10.6.2018.

new Information and Communication Technologies are acknowledged as well (Dalla Pozza et al., 2016: 38). On the other side, at the Council of Europe level, according to the Strategy on the Rights of the Child for 2016-2021 adopted by the Council of Europe, one of the five priorities for the State Parties refers to the protection of the children's rights in the digital environment.¹² The Strategy acknowledges that the digital environment exposes children to harmful content, privacy/data protection issues and other risks, including an excessive exposure to sexualized images. Cyberbullying is recognized as an issue, in fact, children's own conduct online may harm others and represent a risk to them. The protection from all forms of violence including cyberbullying has been recognized as a prerequisite for children's safe access to the Internet (Dalla Pozza et al., 2016: 40-41). In addition, the Strategy recommends legal reform of victim support framework to achieve a full ban and in attaining higher collective awareness about children's right to equal protection from assault, as well as in promoting non-violent discipline and positive upbringing. Finally, at the EU level, the European Parliament adopted the Resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child which recognized that the Member States should consider steps that must be taken to combat cyberbullying, and called children, teachers, as well as youth and children's organizations to play an active role in raising awareness of this issue. In that context, this Resolution recalls the importance of providing psychological support and assistance for all children who have been exposed to violent events.¹³

As the result of the fact that legal attention regarding cyberbullying has been varied at international as well as European level, national legislatures could not focus on prohibiting cyberbullying without defining what constitutes such behaviour (Brank, Hoetger, Hazen, 2012: 226). Unfortunately, it took a number of high-profile cases, and even several committed suicides, to bring the issue to the attention of many states' courts and legislatures. One such case revolved around an incident in Missouri during 2006. This case, formally known as *United States vs. Lori Drew*, involved Drew and her daughter

¹² Council of Europe Strategy for the Rights of the Child (2016-2021). Available at: <https://rm.coe.int/168066cff8> , page accessed 10.6.2018.

¹³ European Parliament Resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child (2014/2919(RSP)). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2014-0070+0+DOC+PDF+V0//EN> , page accessed 10.6.2018.

creating a false MySpace account under the alias name "Josh." The defendants used the account to become friends with the victim, 13-year-old Megan Meier, whom Drew's daughter attended school with. After becoming friends with Meier, Drew and her daughter started sending hateful comments to her. Meier took these comments to heart and committed suicide. The Missouri district court determined that they could not hold Drew directly accountable for the harassment leading to Meier's death due to extraneous circumstances and lack of legal encompassment. However, due to public outcry, federal prosecutors took charge by applying the Computer Fraud and Abuse Act to the case. This case caused Missouri to modify its state harassment law to encompass acts of cyberbullying like the Lori Drew case (Donegan, 2012: 38).

In the absence of a specific criminal offense for cyberbullying within the national legal framework, it could be addressed as an offense of violence, antidiscrimination offense or computer-related crime. Firstly, cyberbullying may be punished under the legal provision of traditional bullying or may amount to the offense of threat or harassment. Furthermore, cyberbullying may overlap with discrimination when the conduct is motivated by race, national origin, colour, sex, age, disability or religion. Finally, cyberbullying may be punished under the legislative framework for computer-related crimes (e.g. hacking, computer fraud, destruction of computer data, illegal access to data stored on a computer, etc.) (Dalla Pozza, et al., 2016: 60-62).

The national legal framework

Regarding Serbian legislation, the Law On The Basis Of The Education And Education System¹⁴ represents the legal framework in the context of cyberbullying of children since it defines digital violence and abuse. According to article 111 paragraph 10 of this Law, digital violence and abuse is considered as the abuse of information and communication technologies as the result of a violation of another personality and dignity accomplished by sending emails, SMS, MMS through a website, chatting, engaging in forums, social networks and other forms of digital communication. On the other side, the Criminal Code of the Republic of Serbia¹⁵ prescribes only harassment as a criminal offense in arti-

¹⁴ Zakon o osnovama sistema obrazovanja i vaspitanja. Službeni glasnik RS, br. 88/2017, 27/2018.

¹⁵ Krivični zakonik Republike Srbije, Službeni glasnik RS, br. 85/2005, 88/2005 - cor., 107/2005 - cor., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016.

cle 137. Cyberbullying of children is neither prescribed as a standalone criminal offense nor as a serious form of harassment. Bearing in mind that it is a specific type of harassment by using information and communication technology it is necessary to amend the Criminal Code by prescribing cyberbullying as a separate criminal offense (new Article 137a of the Criminal Code) in the chapter fourteen, dedicated to offences against rights and freedoms of human and citizen in order to recognize those children who are victims of this type of crime and to provide them adequate support at the national level.

Conclusion

Although there are numerous definitions of cyberbullying in theory, what is noticeable is that there is no unique and comprehensive definition of cyberbullying of children. It is, therefore, necessary to reach a consensus on the key elements of the definition of cyberbullying of children at the international level in order to provide adequate support for victims. Child victims who receive appropriate and adequate care and support are more likely to cooperate with the criminal justice system in bringing perpetrators of crime to justice. However, inadequacies of the criminal justice systems may mean that child victims are not able to access the services they need and may even be re-victimized or exposed to secondary victimization by the criminal justice system itself.

Starting from the fact that numerous definitions of cyberbullying of children at the international and European level only introduce the confusion what actually constitutes cyberbullying, in the paper, the adoption of the universally accepted definition is advocated, since it is necessary for the effective suppression of this form of crime. In other words, due to the absence of an explicit definition of cyberbullying, most people, while they are online, do not know which exactly behaviour constitutes this criminal offence. The lack of a unique understanding of cyberbullying is a consequence of the absence of a comprehensive international document devoted to this problem. Although cyberbullying has been recognized at the international and European level by adopting non-binding documents, this is not enough for a comprehensive suppression of this phenomenon. Therefore, in this paper, the importance of the adoption of a legally binding document by the UN, the EU or the Council of Europe, dedicated exclusively to cyberbullying of chil-

dren, which would contain substantive and procedural provisions as well as rules on prevention and protection of victims, is suggested. In that sense, it is important to emphasize that the adoption of a legally binding document does not necessarily mean the adoption of a completely new convention, it would be enough to adopt an additional protocol to the existing cyber legal framework. In addition, the Criminal Code of the Republic of Serbia should be amended by prescribing cyberbullying as a separate criminal offense in order to recognize and protect child victims and provide them proper support at the national level as well.

Finally, in the context of child victims support, in order to prevent victimization of children through cyberbullying, it should be underlined that the institutions, services and facilities responsible for the care or protection of children shall ensure proper implementation of existing standards established by adopted binding and non-binding legal framework relevant for the protection of children as victims of cyberbullying. Moreover, parents, members of the extended family or community, legal guardians or other persons legally responsible for the child shall also undertake all appropriate measures for the implementation of the recognized victim's rights. Furthermore, it is important to create and implement preventative measures such as anti-cyberbullying policies, education campaigns and community awareness. Finally, the idea of providing individualised psychological support in the aftermath of cyberbullying events in order to teach child victims how to cope with particular problematic psychological content and how to prevent it should be considered. In the end, it should be mentioned that the adoption of all proposed measures would contribute to reducing the identified challenges in victim support and in protecting child victims of cyberbullying and, thus, to reinforcing their position.

References

- Angus, C. (2016) *Cyberbullying of Children*. New South Wales: New South Wales Parliament.
- Antoniadou, N., Kokkinos, C. (2015) A Review of Research on Cyberbullying in Greece. *International Journal of Adolescence and Youth*, 2, pp. 185-201.
- Baltezarević, V., Baltezarević, R., Baltezarević, B. (2016) Rasprostranjenost viktimizacije i vršenja nasilja na internetu među studentskom populacijom. *Temida*, 3-4, pp. 373-387.

-
- Brank, E. Hoetger, L., Hazen K. (2012) Bullying. *Annual Review of Law and Social Science*, 1, pp. 213-230.
- Brooks, F., Chester, K., Klemara, E., Magnusson, J. (2014) *Cyberbullying: An Analysis of Data from the Health Behaviour in School-aged Children (HBSC) Survey for England*. London: Public Health England.
- Childnet International (2007) *Cyberbullying*. Nottingham: DCSF Publications.
- Corcoran, L., Guckin C., Prentice, G. (2015) Cyberbullying or Cyber Aggression?: A Review of Existing Definitions of Cyber-Based Peer-to-Peer Aggression. *Societies*, 2, pp. 245-255.
- Dalla Pozza, V., Di Pietro, A., Morel, S., Psaila, E. (2016) *Cyberbullying among Young People*. Brussels: Policy Department for Citizen's Rights and Constitutional Affairs.
- Del Rey, R., Elipe, P., Ortega-Ruiz, R. (2012) Bullying and Cyberbullying: Overlapping and Predictive Value of the Co-occurrence. *Psicothema*, 4, pp. 608-613.
- Donegan, R. (2012) Bullying and Cyberbullying: History, Statistics, Law, Prevention and Analysis. *The Elon Journal of Undergraduate Research in Communications*, 1, pp. 33-42.
- Ey, L., Taddeo, C., Spears, B. (2015) Cyberbullying and Primary-School Aged Children: The Psychological Literature and the Challenge for Sociology. *Societies*, 2, pp. 492-514.
- Feinberg, T., Robey, N. (2010) *Cyberbullying: Intervention and Prevention Strategies*. Bethesda: National Association of School Psychologists.
- Hinduja, S., Patchin, J. (2014) *Identification, Prevention and Response*. Orlando: Cyberbullying Research Center.
- Hinduja, S., Patchin, J. (2017) Cultivating Youth Resilience to Prevent Bullying and Cyberbullying Victimization. *Child Abuse & Neglect*, 1, pp. 51-62.
- Jacobs, N., Goossens, L., Dehue, F., Völlink, T., Lechner, L. (2015) Dutch Cyberbullying Victims' Experiences, Perceptions, Attitudes and Motivations Related to (Coping with) Cyberbullying: Focus Group Interviews. *Societas*, 5, pp. 43-64.
- Johnson, L., Haralson, A., Batts, S., Brown, E. Collins, C., Van Buren-Travis, A., Spencer, M. (2016) Cyberbullying on Social Media among College Students. *Vistas online*, 1, pp.1-8.
- Keith, S., Martin, M. (2005) Cyberbullying: Creating a Culture of Respect in a Cyber world. *Reclaiming Children and youth*, 4, pp. 224-228.
- Keen, E., Georgescu, M. (2016) *A Manual for Combating Hate Speech Online through Human Rights Education*. Strasbourg: the Council of Europe.

Krivični zakonik Republike Srbije (Criminal Code of the Republic of Serbia), Službeni glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016.

McLean, S. (2013) *Cyberbullying*. Canberra: Department of Education and Training.

Menesini, E., Nocentini, A. (2009) Cyberbullying Definition and Measurement Some Critical Considerations. *Journal of Psychology*, 4, pp. 230-232.

Nešić, M. (2016) Viktimizacija adolescenata elektronskim bulingom. *Temida*, 3-4, pp. 405-430.

Nilan, P., Burgess, H., Hobbs, M., Threadgold, S., Alexander, W. (2015) Youth, Social Media, and Cyberbullying Among Australian Youth: "Sick Friends". *Social Media + Society*, 1, pp. 1-12.

Nixon, C. (2014) Current Perspectives: The Impact of Cyberbullying on Adolescent Health. *Adolescent Health, Medicine and Therapeutics*, 5, pp. 143-158.

Notar, C. E., Padgett, S., Roden, J. (2013) Cyberbullying: A Review of the Literature. *Universal Journal of Educational Research*, 1, pp. 1-9.

Popović-Ćitić, B. (2009) Vršnjačko nasilje u sajber prostoru. *Temida*, 3, pp. 43-62.

Savoldi, F., Ferraz de Abreu, P. (2016) Bullying, Cyberbullying and Internet Usage among Young People in Post-conflict Belfast. *Cogent Social Sciences*, 2, pp. 1-10.

Shariff, S., Hoff, D. (2007) Cyberbullying: Clarifying Legal Boundaries for School Supervision in Cyberspace. *International Journal of Cyber Criminology*, 1, pp. 76-118.

Slonje, R., Smith, P., Frisén, A. (2013) The Nature of Cyberbullying, and Strategies for Prevention. *Computers in Human Behaviour*, 1, pp. 26-32.

Smith, P., Mahdavi, J., Carvalho, M., Fisher, S., Russell, S., Tippett, N. (2008) Cyberbullying: Its Nature and Impact in Secondary School Pupils. *Journal of Child Psychology and Psychiatry*, 4, pp. 376-385.

Sticca, F., Machmutow, K., Stauber, A., Perren ,S., Palladino, B., Nocentini , A., Menesini, E., Corcoran, L. Guckin, C. (2015) The Coping with Cyberbullying Questionnaire: Development of a New Measure. *Societies*, 2, pp. 516-536.

Zakon o osnovama sistema obrazovanja i vaspitanja (Law On The Basis Of The Education And Education System), Službeni glasnik RS, br. 88/2017, 27/2018 - i dr. zakoni.

Zalaquett, C., Chatters, S. (2014) Cyberbullying in College: Frequency, Characteristics, and Practical Implications, *Sage Open*, 1 pp. 1-8.

Internet sources

Annual Report of the Special Representative of the Secretary General on Violence against Children, A/HRC/31/20, Office of the UN Special Representative of the Secretary-General on Violence against Children. Available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/31/20, page accessed 9.6.2018.

Convention on Cybercrime, Treaty No.185, 23.11.2001. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185>, page accessed 10.6.2018.

Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4.XI.1950. Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf, page accessed 10.6.2018.

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Treaty No.108, 28.1.1981. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/108>, page accessed 10.6.2018.

Convention on the Rights of the Child, Adopted and Opened for Signature, Ratification and Accession by General Assembly Resolution 44/25 of 20 November 1989. Available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>, page accessed 10.6.2018.

Council of Europe Strategy for the Rights of the Child (2016-2021). Available at: <https://rm.coe.int/168066cff8>, page accessed 10.6.2018.

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012L0029>, page accessed 10.6.2018.

European Parliament Resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child (2014/2919(RSP)). Retrieved from: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2014-0070+0+DOC+PDF+V0//EN>, page accessed 10.6.2018.

European Commission, 'Safer Internet Day 2009: Commission Starts Campaign against Cyberbullying', press release. Available at: http://europa.eu/rapid/press-release_MEMO-09-58_en.htm, page accessed 9.6.2018.

Motion for Resolution No. B8-0327/2014 by Hon. Patriciello on Harmonising National Legislation on Cyberbullying. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B8-2014-0327+0+DOC+PDF+V0//EN>, page accessed 9.6.2018.

Regulation EU 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data

and on the Free Movement of Such Data. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG, page accessed 10.6.2018.

Resolution Adopted by the General Assembly on 18 December 2014, No. 69/158
Adopted by the General Assembly on the report of the Third Committee, Protecting
Children from Bullying. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/158, page accessed 10.6.2018.

UN CRC/C/GC/13, General Comment of the Committee on the Rights of the Child No.
13 (2011) 'The Right of the Child to Freedom from all Forms of Violence'. Available at:
<http://www.refworld.org/docid/4e6da4922.html>, page accessed 9.6.2018.

NIKOLA PAUNOVIĆ*

Elektronsko zlostavljanje dece: Izazovi pružanja podrške žrtvama

Vršnjačko nasilje u vidu verbalnog, fizičkog i socijalnog zlostavljanja je sastavni problem svakog društva. Sa razvojem informacionih i komunikacionih tehnologija nastaje i novi vid vršnjačkog nasilja koji sve češće zaokuplja pažnju stručne javnosti – elektronsko zlostavljanje dece koje predstavlja osnovni predmet rada. U radu se najpre kritički analiziraju različiti teorijski pristupi definisanju elektronskog zlostavljanja dece sa ciljem predlaganja opšteg pojma ovog fenomena polazeći od onih elemenata koji nisu sporni. Posebna pažnja se posvećuje pitanju da li postojeći međunarodni i nacionalni pravni okvir u oblasti zaštite dece žrtava od nasilja prepoznaće elektronsko zlostavljanje kao vid digitalnog nasilja. Konačno, polazeći od fenomenoloških oblika elektronskog zlostavljanja dece u radu se razmatraju izazovi pružanja podrške žrtvama. Autor zaključuje da nepostojanje jedinstvenog shvatanja elektronskog zlostavljanja, predstavlja posledicu odsustva sveobuhvatnog pravno obavezujućeg dokumenta posvećenog ovom problemu. Iz svega navedenog proizilazi da je osnovni cilj rada podizanje svesti o potrebi usvajanja sveobuhvatnog pravno obavezujućeg dokumenta posvećenog elektronskom zlostavljanju dece radi zaštite prava žrtava u sajber prostoru.

Ključne reči: elektronsko zlostavljanje, žrtve, podrška, deca, pravni okvir

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JELENA SRNA

LAZAR TENJOVIĆ

Predmet ovog rada je produbljivanje razumevanja pojave telesnog kažnjavanja sopstvene dece predškolskog uzrasta u Srbiji. Cilj istraživanja je ispitivanje uverenja roditelja o telesnom kažnjavanju, zastupljenosti telesne kazne, te u kojoj meri se na osnovu sociodemografskih i individualno psiholoških obeležja roditelja, kao i kvaliteta koroditeljstva, može predvideti primena telesnog kažnjavanja u vaspitanju sopstvene dece predškolskog uzrasta. U istraživanju su učestvovala 293 roditelja oba pola čija su deca pohađala predškolske ustanove. Premda 78% roditelja smatra da telesna kazna nije dobar metod disciplinovanja, ovu kaznu je 59% roditelja ipak ponekad primenilo. Verovatnoća korišćenja telesne kazne veća je kod roditelja sa troje i više dece, onih koji su iskusili telesno kažnjavanje tokom sopstvenog detinjstva, kao i kod onih koji imaju pozitivniji stav prema telesnom kažnjavanju. Izgledi za primenu telesne kazne veći su kod mlađih no kod starijih roditelja, ali samo ukoliko su jednaki po ostalim sociodemografskim karakteristikama.

Ključne reči: stav prema telesnom kažnjavanju, korišćenje telesnog kažnjavanja, prediktori telesnog kažnjavanja, predškolska deca, Srbija.

¹ Rad predstavlja prerađen deo master rada *Prediktori korišćenja fizičkog kažnjavanja u vaspitanju sopstvene dece predškolskog uzrasta*, autorke Maše Marisavljević, odbranjenog 23.2.2017. godine na Filozofskom fakultetu Univerziteta u Beogradu

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Uvod

Telesno kažnjavanje je jedna od mera koju roditelji preuzimaju u disciplinovanju sopstvene dece. Ova mera podrazumeva roditeljske postupke koji se sprovode radi ispravke ili kontrole detetovog ponašanja putem nanošenja bola, ali ne i povređivanja deteta (Straus, Paschall, 2009). Telesno kažnjavanje se od drugih oblika kažnjavanja razlikuje upravo po tome što se odnosi na udaranje detetovog tela, najčešće zadnjice ili obraza (Gershoff, 2002). Kada se pravi distinkcija između telesnog kažnjavanja i zlostavljanja, u obzir se uzimaju pomenuta namera roditelja (da li se telesno kažnjavanje sprovodi radi disciplinovanja deteta ili bez ikakvog razloga) (Coleman, Dodge, Campbell, 2010), intenzitet i učestalost primene telesne kazne (Akmatov, 2011), kao i to da li su se javile povrede usled upotrebe sile, budući da zlostavljanje iza sebe neretko ostavlja fizičke tragove (Sesar, 2009). Međutim, i pored teorijskih smernica, objektivnu granicu između ova dva pojma praktično je veoma teško odrediti.

Roditelji koji primenjuju telesno kažnjavanje ovu metodu vide kao svoje pravo i dobar način disciplinovanja (Karaj, 2009), a često kao argument za primenu izdvajaju njegovu brzu delotvornost (Gershoff, 2002). Telesna kazna često predstavlja i normativ unutar socijalne grupe (Taylor, Hamvas, 2011), o čemu svedoče uverenja da je to način osnaživanja dece, „pripreme za život”, kao i da će na taj način „postati bolji ljudi” (Karaj, 2009), i obrnuto „ko se hvali, taj se kvari” (Srna, Stevanović, 2010). Sa druge strane, većina stučnjaka koja je istraživala ovu temu često upozorava na negativne posledice korišćenja telesne kazne. Nalazi istraživanja konzistentno upućuju na to da telesno kažnjavanje dece vodi kasnijim eksternalizujućim (na primer, agresivnim oblicima ponašanja) (Gómez-Ortiz, Romera, Ortega-Ruiz, 2015) i internalizujućim poremećajima (na primer, osećanjima tuge i straha) (Gershoff i dr., 2010), a takođe može nepovoljno da utiče i na kasnije školsko postignuće, stvaranje partnerskih odnosa i tako dalje (Nuzhat i dr., 2012; McLeod, Ferguson, Horwood, 2014).

Kada treba eksplisitno da govore o ovoj temi, čak 93% roditelja u Srbiji izjavljuje kako smatra da telesno kažnjavanje nije neophodno primenjivati u disciplinovanju dece, dok 43% dece izveštava da je tokom života doživelo bar neki oblik telesnog kažnjavanja (Republički zavod za statistiku, UNICEF, 2014). Sa druge strane, kada su upitani o korišćenju ove metode disciplinovanja, 55% roditelja daje podatak da je nekada primenilo telesnu kaznu (UNICEF, 2010). Stiče se utisak da se eksplisitni stavovi roditelja ne podudaraju sa njihovim

ponašanjem, što predstavlja paradoks koji zбуjuje istraživače, daje kontradiktorne rezultate istraživanja, i svakako zahteva dublju analizu i eksploraciju, kako bismo razjasnili šta doprinosi ovakvom raskoraku.

Kada je reč o činiocima koji utiču na primenu telesnog kažnjavanja, istraživanja u svetu i na našem području ukazuju na to da telesnu kaznu više koriste majke (Sanapo, Nakamura, 2011; Kim i dr., 2014), samohrani roditelji (Mahoney i dr., 2000), mlađi roditelji (Woodward, Fergusson, 2002; Kimura, Yamazaki, 2015), manje obrazovani roditelji (Gracia, Herrero, 2008; Runyan i dr., 2010; UNICEF, 2010), roditelji lošijeg materijalnog statusa (UNICEF, 2010; Taylor, Hamvas, 2011), religiozniji roditelji (Xu, Tung, Dunaway, 2000; Grogan-Kaylor, Otis, 2007; Cox, 2013; Taylor i dr., 2013), roditelji lošijeg mentalnog zdravlja, sa višim nivoima ljutnje i stresa (Ateah, Durrant, 2005; Roetzel, 2008; Davis i dr., 2011; Lee i dr., 2011; Khoury-Kassabri, Attar-Schwartz, Zur, 2014; Kim i dr., 2014; Kimura, Yamazaki, 2015), kao i oni koji imaju veći broj dece (Xu, Tung, Dunaway, 2000). Roditelji koji izražavaju pozitivan stav prema telesnom kažnjavanju (Taylor i dr., 2011; Chavis i dr., 2013; Rajter, 2013; Holden i dr., 2014), kao i oni koji su i sami iskusili primenu ove metode tokom sopstvenog detinjstva (Smoyer-Ažić, Jakovčić, 2006; Roetzel, 2008; Cox, 2013), takođe su skloniji da koriste telesnu kaznu prilikom odgajanja svoje dece.

Kada je reč o deci, pod većim rizikom su dečaci nego devojčice (Lee i dr., 2011; Sanapo, Nakamura, 2011; Khoury-Kassabri, Attar-Schwartz, Zur, 2014), kao i deca uzrasta do šest godina (Straus, Paschall, 2009; Kimura, Yamazaki, 2015), te je od posebne važnosti ispitati primenu telesnog kažnjavanja upravo na ovom uzrastu. Takođe, u šestoj godini deteta porodica se priprema za uvođenje deteta u školski sistem, što iz ugla sistemske porodične terapije predstavlja tranzitornu tačku u životu porodice, odnosno, prelazak porodice iz jedne faze životnog ciklusa u drugu, što može biti indikator povišenog stresa kod svih članova porodice (Milojković, Srna, Mićović, 1997; McGoldrick, Carter, 1999).

Međusobni odnos roditelja je takođe značajan faktor koji može da utiče na porodičnu klimu, a samim tim i na korišćenje telesnog kažnjavanja. Naime, deljena aktivnost i postupci koje dve osobe sprovode u odgajanju deteta predstavljaju ono što se u literaturi naziva koroditeljstvo (Talbot, McHale, prema Burney, 2007), a kada su u partnerskom odnosu prisutni neslaganje i disfunkcionalnost, tada postoji veća mogućnost za primenu telesne kazne (Woodward, Fergusson, 2002; Burney, 2007; Khoury-Kassabri, Attar-Schwartz, Zur, 2014).

Ratifikovanjem Konvencije UN o pravima deteta Srbija je preuzela obavezu da zabrani korišćenje telesne kazne u kućnim uslovima,² što govori u prilog tome da nam slede zakonske i organizacione promene, a problem telesnog kažnjavanja još uvek nije dovoljno ispitan u našoj zemlji. Dosadašnja istraživanja daju kontradiktorne rezultate, a nijedno nije bilo dovoljno obuhvatno da bi omogućilo sagledavanje ovog problema sa više različitih aspekata. Stoga su u ovom radu prikazani rezultati istraživanja sprovedenog radi utvrđivanja zastupljenosti primene telesne kazne i otkrivanja obeležja koja mogu biti relevantna za predviđanje korišćenja telesnog kažnjavanja u vaspitanju sopstvene dece predškolskog uzrasta, i to kroz primenu ekosistemskog pristupa sagledavanju problema, koji pored individualnih podrazumeva i porodične i društvene aspekte (Majkić, 2011). Sagledavanje problema na ovaj način moglo bi da doprinese formirajući celovitije slike o korišćenju telesnog kažnjavanja dece u našoj zemlji, a rezultati ovog istraživanja mogu biti višestrukoznačajni. Sa naučne tačke gledišta, ono može da doprinese boljem razumevanju važnosti pojedinih činilaca od uticaja za primenu telesne kazne. Nadalje, dobijeni rezultati bi koristili stručnjacima, koji bi razvijali odgovarajuće edukativne i preventivne programe, kao i drugim organizacijama koje bi sprovodile različite kampanje, posebno usmerene na najrizičnije kategorije. Kroz delovanje stručnjaka i organizacija, roditelji bi bili informisani, bila bi im podignuta svest o problematici, što bi dalje uticalo na menjanje stavova i ponašanja. Deca bi manje trpela telesno kažnjavanje, a celokupno društvo, kako lokalno, tako i globalno, bi postalo bolje i sigurnije mesto za porodični život i razvoj dece.

Ciljevi istraživanja

Cilj ovog istraživanja bio je da se ispita kakva uverenja imaju roditelji dece predškolskog uzrasta u vezi sa telesnim kažnjavanjem dece, kolika je zastupljenost telesnog kažnjavanja u vaspitanju dece predškolskog uzrasta, kao i u kojoj meri na osnovu sociodemografskih obeležja (pol roditelja, pol deteta, uzrast roditelja, materijalno stanje, nivo obrazovanja, broj dece u domaćin-

² Predlozi za formulaciju zakona izneti su u Nacrtu Građanskog zakonika Republike Srbije, u čl. 2218 Zakona o porodičnim odnosima. Dostupno na: <https://www.mpravde.gov.rs/files/NACRT.pdf>, stranici pristupljeno 10.4.2018.

stvu, stepen religioznosti), individualno psiholoških obeležja (stav prema telesnom kažnjavanju, opšti nivo distresa i iskustva iz detinjstva u telesnom kažnjavanju) i iskustava roditelja u koroditeljstvu (koroditeljska solidarnost, koroditeljska podrška, deljeno koroditeljstvo, podrivanje) mogu da se objasne razlike među roditeljima u pogledu korišćenja telesnog kažnjavanja u vaspitanju dece predškolskog uzrasta.

Metod

Uzorak

Ispitivanje je sprovedeno na uzorku od 293 ispitanika, i to 223 iz Beograda (76%), 29 iz Novog Sada (10%) i 41 sa teritorije opštine Alibunar (14%). Celokupan uzorak je činilo 177 žena (60,4%) i 116 muškaraca (39,6%), uzrasta od 26 do 60 godina ($M=37,91$; $Mdn=38,00$; $SD=5,49$). Uzorak je bio selektivan i prigodan, kako su istraživači imali mogućnost pristupa u devet predškolskih ustanova (šest iz Beograda, jednu iz Novog Sada i dve sa teritorije opštine Alibunar). Takođe, u istraživanju su učestvovali samo roditelji dece predškolskog uzrasta. Prikazani rezultati reflektuju podatke o ponašanju i stavovima 293 roditelja koji su želeli da sarađuju u ovom istraživanju. Muškarci i žene su nezavisno uključivani u uzorak, a ne kao bračni parovi.

Instrumenti

Upitnik korišćen u našem istraživanju sadržao je pitanja u vezi sa socio-demografskim podacima, individualno psihološkim činiocima, pitanje o korišćenju telesnog kažnjavanja u vaspitanju sopstvenog deteta predškolskog uzrasta, kao i tri zasebna upitnika: Upitnik za ispitivanje stava prema telesnom kažnjavanju, Uverenja o telesnom kažnjavanju i Upitnik o koroditeljstvu.

Deo upitnika koji se ticao sociodemografskih podataka (pol, nivo obrazovanja, broj dece, religioznost, bračni status, pol deteta, socioekonomski status) i individualno psiholoških činilaca (opšti nivo distresa i iskustva roditelja u telesnom kažnjavanju tokom sopstvenog detinjstva) bio je sačinjen od strane autora za potrebe ovog istraživanja. Određeni činioci su ispitani subjektivnim procenama ispitanika, koji su zaokruživali jednu od ponuđenih opcija. Tako su

za ispitivanje religioznosti ponuđene kategorije: „religiozna osoba”, „duhovna osoba”, „ateista”; za ispitivanje socioekonomskog statusa ponuđene su kategorije: „bolja situacija nego kod većine drugih porodica”, „ista situacija kao kod većine drugih porodica”, „gora situacija nego kod većine drugih porodica”; za ispitivanje opštег nivoa distresa ponuđene su kategorije: „više briga i problema od drugih ljudi”, „isto briga i problema kao drugi ljudi”, „manje briga i problema od drugih ljudi”. Stepen zastupljenosti telesnog kažnjavanja tokom sopstvenog detinjstva ispitivan je tako što su roditelji izveštavali o tome koliko su oni bili kažnjavani od strane svojih roditelja, kroz odabir jedne od opcija: „nikad”, „nekoliko puta godišnje”, „nekoliko puta mesečno”, „nekoliko puta nedeljno”, „skoro svaki dan”.

Korišćenje telesnog kažnjavanja u vaspitanju sopstvene dece ispitano je pitanjem *Koliko koristite telesno kažnjavanje u vaspitanju svog deteta*, pri čemu je ispitanicima ponuđeno pet odgovora: „ne koristim nikad”, „nekoliko puta godišnje”, „nekoliko puta mesečno”, „nekoliko puta nedeljno”, „skoro svaki dan”. Roditeljima je rečeno da odaberu jedan odgovor koji najbolje opisuje njihovo uobičajeno ponašanje u pogledu telesnog kažnjavanja sopstvenog predškolskog deteta.

Upitnik za ispitivanje stava prema telesnom kažnjavanju je prevedena i prilagođena verzija Holdenovog upitnika *Attitude toward spanking (ATS)* (Holden, 2001), pri čemu je pojam *spanking* zamenjen sintagmom *telesno kažnjavanje*, jer se naše istraživanje odnosilo na generalnu primenu telesne kazne, a ne samo na „pljeskanje” deteta rukom po zadnjici (engl. spanking). Od roditelja je traženo da na petostepenoj skali (od 1 – „uopšte se ne slažem” do 5 – „sasvim se slažem”) odgovore u kojoj meri se slažu sa svakom od deset ponuđenih tvrdnji (primer tvrdnje: *Verujem da roditelj ima pravo da fizički kazni svoje dete kada smatra da je to neophodno*). Neke tvrdnje su formulisane u negativnom obliku, kako bi se obezbedila bolja kontrola odgovaranja na ponuđen skup tvrdnji. Ukupni skor na upitniku može imati opseg od 10 do 50. Viši skorovi upućuju na pozitivniji stav prema telesnom kažnjavanju. Interna konzistentnost ukupnog rezultata na ovom upitniku bila je zadovoljavajuća na našem uzorku (Kronbahova $\alpha=0,89$).

Uverenja roditelja o telesnom kažnjavanju dece (engl. *Parents' beliefs about corporal punishment of children*), predstavlja prevedenu i adaptiranu verziju jednog albanskog upitnika (Karaj, 2009). Upitnik se sastoji od 27 tvrdnji koje se odnose na različita uverenja u vezi sa telesnim kažnjavanjem. Stepen

slaganja sa svakom pojedinačnom tvrdnjom meren je petostepenom skalom Likertovog tipa, tako da 1 označava „uopšte se ne slažem”, dok 5 označava „sasvim se slažem” (primer tvrdnje: *Roditelj ima pravo da udari svoje dete, ali učitelji ne smeju*). Ovaj upitnik je imao za cilj da nam ukaže na određena uverenja koja vladaju među roditeljima, koja su važna za dobijanje celovitije slike o telesnom kažnjavanju, a nisu bila obuhvaćena Upitnikom za ispitivanje stava prema telesnom kažnjavanju.

Upitnik o koroditeljstvu predstavlja prevedenu verziju upitnika *Coparenting Questionnaire* (Burney, 2007). Sastoji se od četiri supskale, konstruisane tako da registruju četiri dimenzije koroditeljstva. Koroditeljska solidarnost je ispitivana sa 15 stavki (primer tvrdnje: *Roditeljstvo je zbljžilo mene i mog partnera*), koroditeljska podrška sa 19 stavki (primer tvrdnje: *Moj partner mi govori da radim dobar posao kao roditelj*), deljeno koroditeljstvo sa 17 stavki (primer tvrdnje: *Moj partner i ja ravnomerno delimo odgovornosti*), a podrivačuće koroditeljstvo sa 17 stavki (primer tvrdnje: *Moj partner govori loše stvari o meni pred našim detetom*). Roditelji su stepen slaganja sa tvrdnjama iskazivali na petostepenoj skali (od 1 – „uopšte se ne slažem“ do 5 – „sasvim se slažem“). Određene tvrdnje su imale negativnu formulaciju, radi obezbeđivanja bolje kontrole davanja odgovora. Na svakoj supskali se zasebno računao ukupni skor, a mogući opseg je iznosio: koroditeljska solidarnost: 15–75; koroditeljska podrška: 19–95; deljeno koroditeljstvo: 17–85; podrivačuće koroditeljstvo: 17–85. Interna konzistentnost ukupnog rezultata za sve supskale na našem uzorku bila je zadovoljavajuća: solidarnost ($\alpha = 0.81$), podrška ($\alpha=0.9$), podrivanje ($\alpha=0.89$) i deljenje ($\alpha=0.84$).

Postupak

Prikupljanje podataka je trajalo od marta do maja 2016. godine. Prvobitno je bilo planirano da se istraživanje sproveđe u okviru šest vrtića na teritoriji grada Beograda, međutim kako odziv nije bio zadovoljavajući, odlučeno je da se u ispitivanje uključe i jedan vrtić iz Novog Sada, kao i dva vrtića sa teritorije opštine Alibunar. Nakon što je od nadležnih službi dobijeno odobrenje za ulazak u predškolske ustanove, sa vaspitačicama je održan sastanak, radi predočavanja cilja istraživanja, davanja instrukcija u vezi sa precedurom deljenja upitnika i informacijama koje treba dati roditeljima. Roditeljima je i u samom upitniku pisanim putem bilo objašnjeno da će rezultati istraživanja biti korišćeni isključivo u istraživačke svrhe, kao i da je njihova anonimnost zagarani-

tovana. Takođe, zamoljeni su da upitnike popunjavaju kod kuće, samostalno, bez konsultacija sa partnerom. Popunjene upitnike su stavljali u kovertu (koja im je bila data zajedno sa upitnicima), zatim bi je zlepili i u tom obliku vraćali vaspitačicama. Vaspitačicama je dato ukupno 940 upitnika (Beograd: 800, Alibunar: 105, Novi Sad: 35), od čega je na kraju procesa prikupljanja podataka 65 upitnika bilo vraćeno kao višak. Odnosno, od 875 upitnika koji su bili podejljeni roditeljima, 67 je vraćeno nepotpuno, a 435 nije bilo vraćeno uopšte. Od prispelih popunjenih 316 upitnika, 23 je izostavljeno iz daljih analiza jer im je nedostajao neki od podataka. Tokom prikupljanja podataka, istraživači su često od vaspitačica dobijali informacije da se roditelji žale na dužinu upitnika i da su slabo motivisani da učestvuju u ispitivanju, o čemu takođe svedoči i visoka stopa odbijanja (57%). Detaljnije razmatranje slabijeg odziva prikazano je u odeljku posvećenom razmatranju dobijenih rezultata.

Obrada podataka

Deskriptivne statističke tehnike su korišćene za analizu i opis uzorka, kao i za prikaz zastupljenosti različitih uverenja o telesnom kažnjavanju. Premda su izvorno prikupljeni podaci o tačnom broju dece, ova varijabla je za statističke analize kategorisana u tri kategorije („jedno dete”, „dvoje dece”, „troje i više dece”) jer je veoma mali broj roditelja (3%) imao više od troje dece. Kako je preko 90% roditelja bilo u braku ili vanbračnoj zajednici, tj. uzorak nije bio ravnomerno raspoređen, odlučeno je da se povezanost bračnog statusa sa primenom telesne kazne ne analizira. Kao što je već pojašnjeno u opisu instrumenata, bilo je planirano da se učestalost korišćenja telesnog kažnjavanja iskaže na petostepenoj skali ordinalnog tipa. Međutim, mali broj roditelja izvestio je o frekventnijoj primeni telesne kazne (12,3% nekoliko puta mesečno, 1,4% nekoliko puta nedeljno, a 0,7% skoro svaki dan), te je za dalje statističke analize odlučeno da se roditelji u pogledu primene telesnog kažnjavanja razvrstaju u dve kategorije („koristi telesno kažnjavanje” i „ne koristi telesno kažnjavanje”). U skladu sa tim, za ispitivanje udela socio-demografskih, individualno-psiholoških faktora i dimenzija koroditeljstva u predviđanju korišćenja telesnog kažnjavanja upotrebljena je binarna logistička regresija. Za ispitivanje povezanosti dimenzija koroditeljstva i korišćenja telesnog kažnjavanja, korišćen je pointbiserialski koeficijent korelacije. Podaci su obrađeni korišćenjem paketa SPSS, verzija 21.

Prikaz rezultata

Karakteristike uzorka

Utvrđeno je da više od polovine (57%) ispitanih roditelja ima dvoje dece, a 52% roditelja smatra sebe religioznom osobom. Većina ispitanih roditelja (56%) je od strane svojih roditelja bila kažnjavana nekoliko puta godišnje. Više od dve trećine roditelja smatra da je materijalno stanje njihovih porodica jednakoj kao i kod većine drugih (72%), kao i da se, po pitanju ličnih briga i problema, ne razlikuju od drugih pojedinaca (69%).

Naš uzorak roditelja predstavlja relativno dobar reprezent cele populacije Srbije kada je u pitanju broj dece u domaćinstvu (uzorak: jedno dete-28%, dvoje dece-57%, troje i više dece-16%; država: jedno dete-32,7%, dvoje dece-50,6%, troje i više dece-16,7%), ali ne i kada je u pitanju stepen obrazovanosti roditelja. Naime, u našem uzorku bilo je 3,7 puta više pojedinaca koji su više, visoko ili postdiplomski obrazovani (uzorak: 59%; država: 16%) i 11,5 puta manje osoba sa navršenom ili nenavršenom osnovnom školom (uzorak: 3%; država: 34,5%). Prilikom popisa stanovništva merena je veroispovest, a u našem istraživanju religioznost, te poređenja po pitanju ovog činioca nisu bila moguća. Treba još napomenuti da je uzorak ispitivan u ovom istraživanju bio ograničenog raspona uzrasta, dok se rezultati za nacionalno reprezentativni uzorak odnose na sve uzraste³.

Deskriptivna statistika u odnosu na korišćene upitnike

Ispitivanjem stava prema telesnom kažnjavanju, stiče se utisak da je stav roditelja prema ovoj metodi disciplinovanja relativno negativan ($Min=10$, $Max=46$, $M=22,31$, $SD=8,61$). Takođe, roditelji izveštavaju o generalno visokim nivoima solidarnosti ($Min=29$, $Max=75$; $M=63,47$, $SD=7,99$), podrške ($Min=36$, $Max=95$, $M=80,2$, $SD=10,19$) i deljenja ($Min=41$, $Max=85$, $M=70,52$, $SD=9,67$) u svojim koroditeljskim iskustvima, kao i o niskim nivoima podrivanja ($Min=17$, $Max=61$, $M=27,15$, $SD=9,22$).

³ Svi podaci u vezi sa populacijom na nivou cele države preuzeti su iz Statističkog godišnjaka Republike Srbije i reprezentuju stanje iz 2011. godine, kad je rađen poslednji popis stanovništva (Republički zavod za statistiku, 2016). Dostupno na: http://webrzs.stat.gov.rs/WebSite/repository/documents/00/02/29/16/CEO_StatistickiGodisnjakRS_2016.pdf, stranici pristupljeno 13.3.2018.

Uverenja roditelja o telesnom kažnjavanju dece

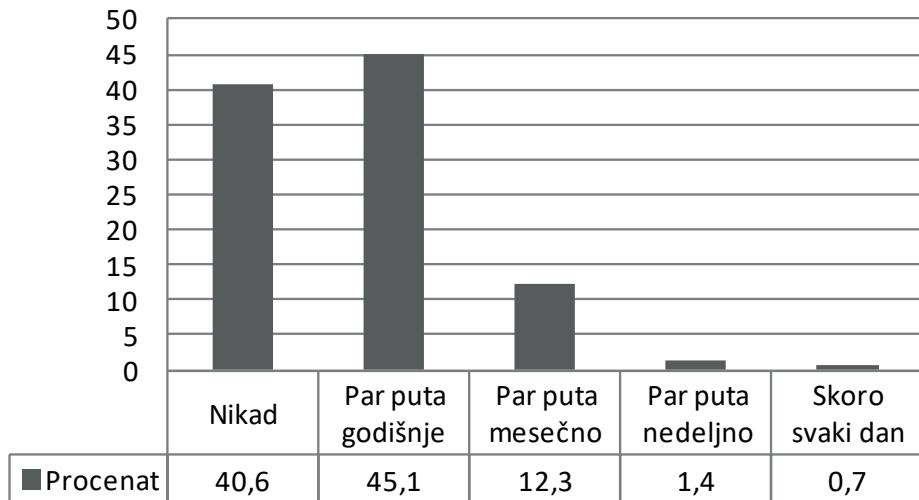
Kada se roditelji eksplicitno pitaju o disciplinarnoj vrednosti telesnog kažnjavanja, 78% roditelja smatra da ono nije adekvatan metod, da je prihvatljivo samo u izuzetnim slučajevima (45%), i to u situacijama kada nijedno drugo vaspitno sredstvo ne deluje (35%). Štetnosti ove metode svesno je 71% roditelja, ali istovremeno 53% roditelja smatra da se detetu ne može naškoditi ako se s vremenom na vreme udari. Nešto više od polovine roditelja (53%) smatra da je prihvatljivo da se dete udari blago. Roditelji su generalno složni oko toga da učitelj ne sme da udari đaka (82%), ali su nesigurni kada je reč o zabrani telesnog kažnjavanja. Naime, 46% roditelja smatra da ovakva zabrana treba da bude doneta, 30% roditelja je protiv, a 25% je neodlučno.

Korišćenje telesnog kažnjavanja

Rezultati pokazuju da je 59% roditelja izvestilo o korišćenju telesne kazne, što čini skoro dve trećine uzorka. Precizniji podaci su prikazani na Grafikonu 1.

Grafikon 1: *Korišćenje telesnog kažnjavanja u vaspitanju sopstvenog deteta*

Korišćenje telesnog kažnjavanja



Uticaj sociodemografskih, individualno psiholoških činilaca i iskustava roditelja u koroditeljstvu na primenu telesnog kažnjavanja

Logistički regresioni model (Tabela 1) se pokazao kao statistički značajan ($\chi^2(17)=117,83$; $p<0,001$, Nagelkerke $R^2=0,447$). Model ispravno klasificuje 79,9% slučajeva (PAC=79,9). Povećanje stepena u kome su roditelji bili kažnjavani tokom sopstvenog detinjstva uvećava šanse da će i oni koristiti telesno kažnjavanje u vaspitanju svoje dece. Roditelji koji imaju troje i više dece imaju 4,85 puta veće šanse da telesno kažnjavaju svoju decu u odnosu na roditelje sa jednim detetom. Povećanje stava prema telesnom kažnjavanju za jednu standardnu devijaciju 3,14 puta povećava šanse da će osoba koristiti telesno kažnjavanje u vaspitanju svoje dece.

Tabela 1: Skup svih prediktora i njihova značajnost u predviđanju korišćenja telesnog kažnjavanja

Prediktor	B	S. E.	Vrednost statistik	df	p	Količnik šansi	95% interval poverenja za količnik šansi	
							DG	GG
Pol roditelja	.23	.35	.45	1	.501	1.26	.64	2.49
Uzrast roditelja	-.06	.03	3.70	1	.054	.94	.88	1.00
Bračno stanje	-.58	.81	.53	1	.468	.56	.12	2.70
Nivo obrazovanja	.34	.26	1.79	1	.181	1.41	.85	2.33
Materijalno stanje	-.39	.39	.97	1	.324	.68	.31	1.47
Religioznost			1.47	2	.479			
Religioznost (religiozna osoba)	-.34	.44	.61	1	.435	.71	.30	1.68
Religioznost (duhovna osoba)	-.55	.45	1.47	1	.225	.58	.24	1.40
Opšti nivo distresa	.48	.35	1.91	1	.167	1.61	.82	3.18
Pol deteta	.23	.30	.58	1	.445	1.26	.69	2.29
Iskustva u telesnom kažnjavanju tokom sopstvenog detinjstva	.72	.19	13.08	1	.000	2.05	1.39	3.02
Broj dece			8.37	2	.015			
Broj dece (dvoje dece)	.26	.35.	.57	1	.451	1.30	.66	2.57
Broj dece (troje i više dece)	1.58	.56	8.06	1	.005	4.85	1.63	14.41
Stav prema telesnom kažnjavanju (Z skor)	1.14	.19	36.33	1	.000	3.14	2.16	4.55
Koroditeljska iskustva-solidarnost (Z skor)	.49	.29	2.80	1	.094	1.64	.92	2.92
Koroditeljska iskustva-podrška (Z skor)	-.31	.29	1.18	1	.277	.73	.42	1.29
Koroditeljska iskustva-podrivanje (Z skor)	-.03	.25	.02	1	.897	.97	.60	1.57
Koroditeljska iskustva-deljenje (Z skor)	-.50	.30	2.87	1	.090	.61	.34	1.08
Konstanta	1.08	1.49	0.53	1	.469	2.95		

Međutim, kako bismo preciznije utvrdili kako se različite varijable ponašaju u modelu, odlučeno je da se podaci još jednom analiziraju kroz tri koraka.⁴ U model predviđanja smo prvo uključili samo sociodemografske činioce, i tada je pokazano da je logistički model statistički značajan ($\chi^2(10)=24,36$; $p<0,01$, Nagelkerke $R^2=0,108$). Model ispravno klasificuje 61,4% slučajeva (PAC=61,4). Kao statistički značajan prediktor izdvaja se uzrast roditelja ($Exp(B)=0,94$, 95% CI[0,89–0,99]). Odnosno, sa povećanjem godina starosti roditelja smanjuju se šanse korišćenja telesnog kažnjavanja u vaspitanju sopstvene dece. Takođe, kao značajan prediktor se izdvaja i broj dece, odnosno, roditelji koji imaju troje i više dece imaju 5,9 puta veće šanse da telesno kažnjavaju svoju decu ($Exp(B)=5,91$, 95% CI[2,32–15,04]).

U drugom koraku smo u model predviđanja sociodemografskim činocima dodali i individualno psihološke činioce. I tada se logistički model pokazao kao značajan ($\chi^2(3)=85,45$; $p<0,001$, Nagelkerke $R^2=0,422$). Model ispravno klasificuje 76,1% slučajeva (PAC=76,1). Roditelji koji imaju troje i više dece imaju 5,55 puta veće šanse da telesno kažnjavaju svoju decu u odnosu na roditelje sa jednim detetom ($Exp(B)=5,55$, 95% CI[1,88–16,40]). Sa povećanjem stepena u kome su roditelji bili telesno kažnjavani tokom sopstvenog detinjstva povećavaju se i šanse korišćenja telesnog kažnjavanja u vaspitanju svoje dece ($Exp(B)=2,02$, 95% CI[1,38–2,93]). Takođe, promena stava prema telesnom kažnjavanju (u smislu povoljnijeg stava) za jednu standardnu devijaciju povećava šanse korišćenja telesnog kažnjavanja u vaspitanju sopstvene dece za 3,26 puta ($Exp(B)=3,26$, 95% CI[2,27–4,67]).

U trećem koraku, u model predviđanja uneti su i činoci koroditeljstva, i tada logistički model više ne biva statistički značajan ($\chi^2(4)=8,1$; $p=0,088$, Nagelkerke $R^2=0,447$). Drugim rečima, činoci koroditeljstva ne dodaju nove informacije koje su korisne u predviđanju koje je već ostvareno prethodnim uvođenjem socio-demografskih i individualno psiholoških obeležja roditelja u model. Model ispravno klasificuje 79,9% slučajeva (PAC=79,9).

Analizom povezanosti dimenzija koroditeljstva sa korišćenjem fizičkog kažnjavanja utvrđeno je da su dimenzije koroditeljstva, i pored toga što u kontekstu socio-demografskih i individualno psiholoških činilaca ne poboljšavaju predviđanje korišćenja telesne kazne, statistički značajno povezane sa primenom telesnog kažnjavanja, i to tri negativno (koroditeljska solidarnost: $r=-.121$; $p=0,039$; koroditeljska podrška: $r=-.169$; $p=0,004$; koroditeljsko

⁴ Tabele sa detaljnim podacima mogu se dobiti od autora na zahtev.

deljenje: $r=-.223$; $p<0,001$) i jedna pozitivno (koroditeljsko podrivanje: $r=.172$; $p=0,003$).

Razmatranje rezultata

Ovim istraživanjem želeli smo da utvrdimo koliko je primena telesnog kažnjavanja dece zastupljena u našoj sredini, kakva uverenja vezana za ovu temu vladaju među roditeljima, kao i da li se, i u kojoj meri, na osnovu sociodemografskih, individualno psiholoških obeležja roditelja, kao i kvaliteta koroditeljstva može predvideti korišćenje telesnog kažnjavanja u vaspitanju sopstvene dece predškolskog uzrasta. Kako su prethodna istraživanja davala kontradiktorne podatke i nisu bila dovoljno obuhvatna, smatramo da rezultati koje smo prikazali u ovom radu mogu doprineti boljem razumevanju ove kompleksne pojave, kao i prepoznavanju činilaca koji doprinose korišćenju telesnog kažnjavanja.

Ispitivanjem uverenja roditelja o ovoj temi dobili smo interesantne rezultate. Naime, roditelji su svesni štetnosti primene telesnog kažnjavanja, ali istovremeno smatraju da se detetu ne može naškoditi ukoliko se, s vremenom na vreme, „udari blago”, kao i da je ovaj metod prihvatljiv u izuzetnim slučajevima, kada ne uspeju druge mere. Složni su oko toga da učitelji nemaju pravo da primenjuju telesnu kaznu u svojoj praksi, ali istovremeno smatraju da je korišćenje telesnog kažnjavanja u kućnim uslovima njihovo pravo koje im ne sme biti oduzeto od strane nadležnih službi (samo 46% roditelja smatra da korišćenje telesnog kažnjavanja treba da bude zabranjeno).

Pored eksplisitno iznetih stavova o štetnosti telesnog kažnjavanja, značajan broj roditelja, tačnije 59%, izjavljuje da koristi ovaj metod disciplinovanja. Iako većina njih (45%) to čini retko, na godišnjem nivou, svakako je važno ne zanemariti onih 14% roditelja koji to čine na mesečnom, nedeljnном ili svakodnevnom nivou, čija deca toliko trpe. Rezultati našeg istraživanja su konzistentni sa rezultatima studije koju je sproveo UNICEF u našoj zemlji, gde je pokazano da 55% roditelja koristi telesnu kaznu (UNICEF, 2010). Sa druge strane, u pomenutom UNICEF-ovom istraživanju roditelji su bili ispitivani o primeni telesne kazne u prethodnih mesec dana, dok je našim ispitanicima bio dat širi vremenski okvir (korisćenje telesnog kažnjavanja od rođenja deteta do trenutka popunjavanja upitnika). Na ovaj način istraživanjem su

obuhvaćeni i roditelji koji primenjuju telesnu kaznu ređe od mesečnog nivoa. Na sličan način je sprovedeno istraživanje u sklopu BECAN studije, gde je dobijeno da su najčešći oblici fizičkog nasilja upravo oni koji se kategorisu kao fizičko kažnjavanje (šamar, udarac po zadnjici i čupanje za kosu).⁵ Međutim, kako je BECAN studija ispitivala decu starijeg uzrasta, rezultati o učestalosti primene nisu u potpunosti uporedivi sa rezultatima našeg ispitivanja.

Našim istraživanjem dobijene su važne informacije koje se tiču predviđanja primene telesnog kažnjavanja. Naime, iako nisu svi prediktori podjednako značajni, pokazano je da se u tom smislu naročito izdvajaju stav prema telesnom kažnjavanju i iskustva roditelja u telesnom kažnjavanju tokom sopstvenog detinjstva, kao i broj dece u porodici. Uzrast roditelja jeste značajan prediktor, ali samo kada se posmatra u kontekstu ostalih sociodemografskih činilaca.

Iako su roditelji eksplisitno saglasni sa uverenjem da telesno kažnjavanje nije neophodno u dečijem vaspitanju, pokazalo se da upotreba objektivnije metode, kao što je skala za procenu stava prema telesnom kažnjavanju jeste dobar prediktor primene telesne kazne, što je u saglasnosti sa prethodnim istraživanjima (Ateah, Durrant, 2005; Taylor i dr., 2011; Chavis i dr., 2013; Holden i dr., 2014). Pojedini autori (Taylor i dr., 2011) smatraju da na stavove roditelja najviše utiču percipirane socijalne norme, odnosno, odobravanje telesne kazne od strane porodice, prijatelja i društva. Ova diskrepancija između eksplisitnih stavova roditelja i njihovog ponašanja je svakako tema za dalja ispitivanja i otkrivanje načina menjanja njihovih postupaka.

Roditelji koji su bili kažnjavani tokom sopstvenog detinjstva imaju veće šanse da i sami koriste ovu metodu, što je u skladu sa prethodnim istraživanjima (Smoyer-Ažić, Jakovčić, 2006; Roetzel, 2008; Cox, 2013). Stoga se stiče utisak da ispitanici iz našeg uzorka ponavljaju interakcije koje su usvojili od sopstvenih roditelja, što se može objasniti principima socijalnog učenja i govor o prisustvu transgeneracijskog prenosa datog obrasca ponašanja. Ako se ovaj trend nastavi, može se pretpostaviti da će današnja deca koja su izložena ovoj metodi disciplinovanja jednog dana koristiti isti model ponašanja sa sopstvenom decom u većoj meri nego deca koja nisu izložena ovom načinu disciplinovanja.

Pokazalo se da roditelji sa troje i više dece imaju veće šanse za kažnjavanje svoje dece, u odnosu na roditelje sa jednim ili dvoje dece, što je u saglasnosti sa prethodnim istraživanjima (Xu, Tung, Dunaway, 2000). Moguće obja-

⁵ BECAN Epidemiološka studija o zlostavljanju i zanemarivanju dece (ZZD) u Republici Srbiji, Dostupno na: <http://becan.eu/node/29#Deliverables>, stranici pristupljeno: 25.6.2018.

šnjenje ovakve pojave dala je Pilar Matud (Pilar Matud, 2004) tvrdeći da su roditelji sa više dece pod većim stresom.

Određeni prediktori se nisu pokazali dovoljno značajnima u našoj studiji, ali ćemo svakako pokušati da rastumačimo okolnosti njihove (ne)značajnosti, kao i doprinos primeni telesne kazne. Naime, iako je u mnogobrojnim istraživanjima pokazano da pol roditelja (na primer, Kim i dr., 2014), i pol deteta (na primer, Khoury-Kassabri, Attar-Schwartz, Zur, 2014) imaju značajnu ulogu u korišćenju telesnog kažnjavanja, to nije potvrđeno u našem istraživanju. Sa druge strane, studija UNICEF-a takođe izdvaja podatak da u Srbiji ne postoje razlike u kažnjavanju devojčica i dečaka (UNICEF, 2010). Nepostojanje razlika između polova u primeni telesnog kažnjavanja bi se moglo tumačiti na dva načina. Prva mogućnost bi bila da kod nas ne postoji diferencijacija muškaraca i žena po rodnim i polnim ulogama, odnosno u tretmanu dece muškog ili ženskog pola. Kako je većina naših ispitanika bila iz urbane sredine, moguće je da zaista ovakav stav i podelu po rodnim ulogama ne dele stanovnici grada. Sa druge strane, postoji i mogućnost da je telesno kažnjavanje duboko utkano u našu kulturu i tradiciju i da je opšteprihvaćeno, te stoga pol nema važnu ulogu u predviđanju primene telesne kazne.

Uzrast roditelja se pokazao značajnim kada su u obzir uzeti samo sociodemografski činioci, te je ovakav rezultat, posmatran na ovaj način, konzistentan sa rezultatima prethodnih studija (Kimura, Yamazaki, 2015; Woodward, Ferguson, 2002), gde je pokazano da mlađi roditelji više kažnjavaju svoju decu. Iako u literaturi nismo našli odgovarajuća objašnjenja za ovu pojavu, možemo prepostaviti da mlađi roditelji imaju manje iskustva sa decom, te im nedostaju druge metode vaspitanja. Takođe, iako nije pokazano da percipirana materijalna sigurnost predviđa korišćenje telesne kazne, objektivni materijalni prihodi su verovatno nešto niži kod mlađih osoba, te kombinacija ova dva faktora možda na neki način doprinosi primeni telesnog kažnjavanja.

Rezultati našeg istraživanja nisu konzistentni sa prethodnim istraživanjima na temu povezanosti telesnog kažnjavanja sa materijalnim stanjem (UNICEF, 2010; Taylor, Hamvas, 2011), religioznošću (Grogan-Kaylor, Otis, 2007; Cox, 2013; Taylor i dr., 2013), niti sa opštim nivoom distresa. Naime, u našem istraživanju, roditelji su subjektivno procenjivali svoj položaj na ponuđenim kategorijama datih faktora, dok su prethodna istraživanja uglavnom imala objektivne mere, odnosno skale za procenu pomenutih činilaca. Na primer, na višestepenim skalama, roditelji su se izjašnjavali o slaganju sa određenim reli-

gijskim tvrdnjama (Xu, Tung, Dunaway, 2000), drugi istraživači su uzimali kao ispitanike osobe sa objektivnim pokazateljima narušenog mentalnog zdravља (na primer, psihijatrijska dokumentacija) (Kimura, Yamazaki, 2015) i realnim mesečnim/godišnjim prihodima porodice (UNICEF, 2010). Takođe, u drugim studijama, roditelji su samostalno izjavljivali da više koriste telesnu kaznu kada su pod uticajem stresa (Ateah, Durrant, 2005), a kako su naši roditelji popunjivali upitnike van stresnih okolnosti, moguće je da su se njihove subjektivne procene opštег nivoa distresa odnosile na aktuelni momenat, a ne na trenutak kada kažnjavaju dete, te rezultati nisu uporedivi. Takođe, u slučajevima materijalnog stanja i opštег nivoa distresa, većina ispitanika je birala opciju „jednako kao i kod drugih ljudi/porodica”, što je činilo raspodelu neravnomernom, te i same rezultate manje validnim.

Rezultati našeg istraživanja nisu u saglasnosti sa prethodnim kada je reč o povezanosti nivoa obrazovanja sa korišćenjem telesne kazne (Gracia, Herrero, 2008; Runyan i dr., 2010; UNICEF, 2010). Naši ispitanici su bili generalno visoko obrazovani, što je uzorak činilo manje reprezentativnim, te je moguće da se dobijeni rezultati odnose upravo na obrazovanje osobe. Sa druge strane, moguće je i da je telesno kažnjavanje generalno visoko prihvaćeno u našoj zemlji, te ne zavisi od nivoa obrazovanja osobe.

Koroditeljska iskustva jesu povezana sa primenom telesne kazne, ali u kontekstu ostalih prediktora ne daju statistički značajan specifični doprinos predviđanju korišćenja telesnog kažnjavanja, te ovaj podatak ne potvrđuje rezultate prethodnih studija (Woodward, Fergusson, 2002; Burney, 2007; Kim i dr., 2014). Međutim, kako su prethodna istraživanja uglavnom ispitivala konflikte u bračnim odnosima ili stepen slaganja roditeljskih parova, a ne sve četiri dimenzije koroditeljstva, rezultati nisu u potpunosti uporedivi.

Kako je naše istraživanje ograničeno brojem roditelja koji su uzeli učešće u ispitivanju, kao i uzrastom dece, svaka generalizacija bi bila neopravdana, a veći, probabilistički i, otuda, reprezentativniji uzorak svakako bi dao kompletniju i širu sliku o telesnom kažnjavanju dece u našoj zemlji. Ograničenje u pogledu uzorka imalo je kao nepovoljnu posledicu i to da su roditelji obuhvaćeni našim istraživanjem iz urbanih sredina, kao i da njihova deca pohađaju predškolske ustanove, te je uzorak ostao uskraćen za stavove i ponašanja osoba koje dolaze iz ruralnih sredina, odnosno, onih čija deca nisu uključena u vrtić. Određeni činioci, poput korišćenja telesne kazne, materijalne situacije, religioznosti i prisustva stresa ispitivani su sa po jednim pitanjem i putem samoiskaza

roditelja, te bi u narednim istraživanjima trebalo primeniti skale veće osetljivosti i sadržajne valjanosti (na primer, set pitanja u vezi sa primenom telesnog kažnjavanja poput Rajter, 2013 ili Nikolaidis i dr., 2018), kako bi dobijeni rezultati davali što precizniju i objektivniju sliku primene telesne kazne.

Određeni broj roditelja je odbio učešće u istraživanju usled dužine samog upitnika, dok neki roditelji nisu bili voljni da govore o svojim stavovima i ponašanjima, te se stiče utisak da je tema primene telesne kazne donekle provokativna i da određeni deo roditelja upliv stručnjaka doživljava kao zadiranje u porodičnu intimu i vaspitanje. Sa druge strane, postavlja se pitanje da li je sam metod zadanja upitnika uticao na odziv roditelja, te bi iz pomenutih razloga, naredna istraživanja trebalo da razmotre drugačije načine prikupljanja podataka, kao i da daju priliku roditeljima da razgovaraju sa ispitivačima i razreše eventualne dileme koje imaju u vezi sa istraživanjem. Takođe, buduća istraživanja bi trebalo da uzmu u obzir i roditelje dece mlađeg ili starijeg uzrasta, da istraže korišćenje drugih metoda vaspitanja, kao i da primene kvalitativni pristup ispitivanju ove teme, što bi dodatno upotpunilo sliku o telesnom kažnjavanju.

Zaključak

Mali broj roditelja koji je voljan da govori o temi telesnog kažnjavanja, stavovi koji su u suprotnosti sa ponašanjima i podatak da skoro dve trećine roditelja koristi telesno kažnjavanje ukazuju na značajan problem u našem društву koji vapi za delovanjem stručnjaka. Kako se pokazalo da su pod posebnim rizikom mlađi roditelji, oni sa pozitivnijim stavom prema korišćenju ove metode, oni koji su i sami iskusili telesno kažnjavanje tokom sopstvenog detinjstva, porodice sa troje i više dece, kao i da mišljenja o neophodnosti zabrane značajno variraju, neophodno je delovati na više nivoa – kako na individualnom, tako i na porodičnom, ali i društvenom nivou. Neophodno je prevenirati dalje širenje primene ove metode, kroz dugotrajne kampanje i edukativne programe, informisati roditelje o ponašanjima očekivanim za mlađi uzrast, promovisati alternativne metode kažnjavanja, govoriti o dalekosežnim štetnim posledicama, putem javnih istupa stručnjaka i nadležnih službi uz ohrabrvanje roditelja da traže savete. Ukoliko se ovoj problematici ne pristupi dovoljno ozbiljno, trend primene telesne kazne imaće tendenciju da se dalje nastavi, a naša deca će još dugo trpeti neprijatnosti.

Literatura

- Akmatov, M. K. (2011) Child Abuse in 28 Developing and Transitional Countries – Results from the Multiple Indicators Cluster Surveys. *International Journal of Epidemiology*, 1, str. 219–227. DOI: 10.1093/ije/dyq168.
- Ateah, C., Durrant, J. (2005) Maternal Use of Physical Punishment in Response to Child Misbehavior: Implications for Child Abuse Prevention. *Child Abuse and Neglect*, 2, str. 169–185. DOI: 10.1016/j.chabu.2004.10.010.
- Burney, R. V. (2007) *Predictors of Coparenting Quality Among First Time Parents During Toddlerhood*. Greensboro: The University of North Carolina.
- Chavis, A., Hudnut-Beumler, J., Webb, M., Neely, J., Bickman, L., Dietrich, M., Scholer, S. (2013) A Brief Intervention Affects Parents' Attitudes Toward Using Less Physical Punishment. *Child Abuse & Neglect*, 12, str. 1192–1201. DOI: 10.1097/FCH.0b013e3181d592ef.
- Coleman, D., Dodge, K., Keeton Campbell, S. (2010) Where and How to Draw the Line Between Reasonable Corporal Punishment and Abuse. *Law and Contemporary Problems*, 2, str. 107–166.
- Cox, S. G. (2013) *Investigating Denial of the Harmful Effects of Corporal Punishment in a Religious Context*. Carbondale: Southern Illinois University.
- Davis, N., Davis, M., Freed, G., Clark, S. (2011) Fathers' Depression Related to Positive and Negative Parenting Behaviors with 1-year-old Children. *Pediatrics*, 4, str. 612–618. DOI: 10.1542/peds.2010-1779.
- Gershoff, E. T. (2002) Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-analytic and Theoretical Review. *Psychological Bulletin*, 4, 539–579. DOI: 10.1037//0033-2909.128.4.539.
- Gershoff, E. T., Grogan-Kaylor, A., Lansford, J., Chang, L., Zelli, A., Deater-Deckard, K., Dodge, K. (2010) Parent Discipline Practices in an International Aample: Associations with Child Behaviors and Moderation by Perceived Normativeness. *Child Development*, 2, str. 487–502.
- Gómez-Ortiz, O., Romera, E. M., Ortega-Ruiz, R. (2015) Parenting Styles and Bullying. The Mediating Role of Parental Psychological Aggression and Physical Punishment. *Child Abuse & Neglect*. DOI: 10.1016/j.chabu.2015.10.025.
- Gracia, E., Herrero, J. (2008) Is it Considered Violence? The Acceptability of Physical Punishment of Children in Europe. *Journal of Marriage and Family*, 1, str. 210–217. DOI: 10.1111/j.1741-3737.2007.00472.x

-
- Grogan-Kaylor, A., Otis, M. (2007) The Predictors of Parental Use of Corporal Punishment. *Family Relations*, 1, str. 80–91. DOI: 10.1111/j.1741-3729.2007.00441.x.
- Holden, G. W. (2001) Attitude Toward Spanking (ATS). U: J. Touliatos, B. R. Perlmutter, G. W. Holden (ur.) *Handbook of Family Measurement Techniques*. Thousand Oaks: Sage Publications, str. 209.
- Holden, G. W., Brown, A. S., Baldwin, A. S., Croft Caderao, K. (2014) Research Findings Can Change Attitudes about Corporal Punishment. *Child Abuse & Neglect*, 5, str. 902–908. DOI: 10.1016/j.chabu.2013.10.013.
- Karaj, T. (2009) *Parents' Beliefs about Corporal Punishment of Children*. Tirana: Save the Children in Albania.
- Khoury-Kassabri, M., Attar-Schwartz, S., Zur, H. (2014) Understanding the Mediating Role of Corporal Punishment in the Association between Maternal Stress, Efficacy, Co-parenting and Children's Adjustment Difficulties among Arab Mothers. *Child Abuse & Neglect*, 6, str. 1073–1082. DOI: 10.1016/j.chabu.2014.04.009.
- Kim, J., Lee, S., Taylor, C., Guterman, N. (2014) Dyadic Profiles of Parental Disciplinary Behavior and Links with Parenting Context. *Child Maltreatment*, 2, str. 1-13. DOI: 10.1177/1077559514532009.
- Kimura, M., Yamazaki, Y. (2015) Physical Punishment, Mental Health and Sense of Coherence among Parents of Children with Intellectual Disability in Japan. *Journal of Applied Research in Intellectual Disabilities*, 5, str. 455-467. DOI: 10.1111/jar.12198.
- Lee, S., Perron, B., Taylor, C., Guterman, N. (2011) Paternal Psychosocial Characteristics and Corporal Punishment of Their 3-year-old Children. *Journal of Interpersonal Violence*, 1, str. 71-87. DOI: 10.1177/0886260510362888.
- Mahoney, A., Donnelly, W., Lewis, T., Maynard, C. (2000) Mother and Father Self-reports of Corporal Punishment and Severe Physical Aggression toward Clinic-referred Youth. *Journal of Clinical Child Psychology*, 2, str. 266–281. DOI: 10.1037//0893-3200.17.1.3.
- Majkić, V. (2011) Multi/ekosistemski pristup u terapiji i rezilijentnost-prikaz slučaja. *Medical Data Review*, 1, str. 93-100.
- McGoldrick, M., Carter, B. (1999) *The Expanded Family Life Cycle*. Boston: Pearson Education Company.
- McLeod, G., Fergusson, D., Horwood, L. (2014) Childhood Physical Punishment or Maltreatment and Partnership Outcomes at Age 30. *American Journal of Orthopsychiatry*, 3, str. 307–315. DOI: 10.1037/h0099807.
- Milojković, M., Srna, J., Mićović, R. (1997) *Porodična terapija*. Beograd. Centar za brak i porodicu.

Maša Marisavljević, Jelena Srna, Lazar Tenjović *Prediktori korišćenja telesnog kažnjavanja u vaspitanju sopstvene dece predškolskog uzrasta*

Nikolaidis, G., Petroulaki, K., Zarokosta, F., Tsirigoti, A., Hazizaj, A., Cenko, A., Brkic-Smigoc, J., Vajzovic, E., Stancheva, V., Chincheva, S., Ajdukovic, M., Rajter, M., Raleva, M., Trpcevska, Lj., Roth, M., Antal, I., Ispanovic, V., Hanak, N., Olmezoglu-Sofuoglu, Z., Umit-Bal, I., Bianchi, D., Meinck, F., Browne, K. (2018) Lifetime and Past-year Prevalence of Children's Exposure to Violence in 9 Balkan Countries: The BECAN Study. *Child and Adolescent Mental Health*, 1, str. 1-15. DOI: 10.1186/s13034-017-0208-x.

Nuzhat, F., Ali Janjua, S. Nafees, M., Masood, K. (2012) Attitudes and Opinions of Teachers towards Corporal Punishment. *International Journal of Learning & Development*, 5, str. 155-162. DOI: 10.5296/ijld.v2i5.2395.

Pilar Matud, M. (2004) Gender Differences in Stress and Coping Styles. *Personality and Individual Differences*, 7, str. 1401–1415. DOI: 10.1016/j.paid.2004.01.010.

Rajter, M. (2013) *Obiteljski stresori i obilježja obitelji kao prediktori roditeljskog nasilja nad djecom*. Doktorska disertacija. Zagreb: Sveučilište u Zagrebu.

Republički zavod za statistiku, UNICEF (2014) *Istraživanje višestrukih pokazatelja položaja žena i dece u Srbiji 2014* i *Istraživanje višestrukih pokazatelja položaja žena i dece u romskim naseljima u Srbiji*, 2014, Glavni nalazi. Beograd: Republički zavod za statistiku, UNICEF.

Roetzel, A. C. (2008) *Physical Punishment across Generations: Factors Associated with Continuity and Change in Subsequent Generations*. Austin: The University of Texas.

Runyan, D., Shankar, V., Hassan, F., Hunter, W., Jain, D., Paula, C., Bangdiwala, S., Ramiro, L., Muñoz, S., Vizcarra, B., Bordin, I. (2010) International Variations in Harsh Child Discipline. *Pediatrics*, 3, str. e701-e711. DOI: 10.1542/peds.2008-2374.

Sanapo, M., Nakamura, Y. (2011) Gender and Physical Punishment: The Filipino Children's Experience. *Child Abuse Review*, 1, str. 39–56. DOI: 10.1002/car.1148.

Sesar, K. (2009) Fizičko zlostavljanje djece: faktori rizika, posljedice, tretman i mogućnosti prevencije. *Pedijatrija danas*, 1, str. 78-87.

Smojver-Ažić, S., Jakovčić, I. (2006) Percepcija prošlih odnosa i privrženost adolescenata i njihovih majki. *Psihologische teme*, 1, str. 59-80.

Srna, J., Stevanović, J. (2010) Problem telesnog kažnjavanja dece i uloga stručnjaka njegovom rešavanju. *Temida*, 4, str. 5-16. DOI: 10.2298/TEM1004005S.

Straus, M. A., Paschall, M. J. (2009) Corporal Punishment by Mothers and Development of Children's Cognitive Ability: A Longitudinal Study of Two Nationally Representative Age Cohorts. *Journal of Aggression, Maltreatment & Trauma*, 5, str. 459-483. DOI: 10.1080/10926770903035168.

Taylor, C., Hamvas, L. (2011) Perceived Instrumentality and Normativeness of Corporal Punishment use among Black Mothers. *Family Relations*, 1, str. 60-72. DOI:10.1111/j.1741-3729.2010.00633.x.

Taylor, C., Hamvas, L., Rice, J., Newman, D., DeJong, W. (2011) Perceived Social Norms, Expectations, and Attitudes toward Corporal Punishment among an Urban Community Sample of Parents. *Journal of Urban Health: Bulletin of the New York Academy of Medicine*, 2, str. 254-269. DOI:10.1007/s11524-011-9548-7.

Taylor, C., Moeller, W., Hamvas, L., Rice, J. (2013) Parents' Professional Sources of Advice Regarding Child Discipline and their Use of Corporal Punishment. *Clinical Pediatrics*, 2, str. 147-155. DOI: 10.1177/0009922812465944.

UNICEF. (2010) *Child Disciplinary Practices at Home: Evidence from a Range of Low-and Middle-Income Countries*, New York: UNICEF.

Woodward, L. J., Fergusson, D. M. (2002) Parent, Child, and Contextual Predictors of Childhood Physical Punishment. *Infant and Child Development*, 3, 213–235. DOI: 10.1002/icd.252.

Xu, X., Tung, Y-Y., Dunaway, R. (2000) Cultural, Human, and Social Capital as Determinants of Corporal Punishment: Toward an Integrated Theoretical Model. *Journal of Interpersonal Violence*, 6, str. 603-630.

Internet izvori:

BECAN Epidemiološka studija o zlostavljanju i zanemarivanju dece (ZZD) u Republici Srbiji, dostupno na: <http://becan.eu/node/29#Deliverables>, stranici pristupljeno: 25.6.2018.

Nacrt Građanskog zakonika Republike Srbije, u čl. 2218. Dostupno na: <https://www.mpravde.gov.rs/files/NACRT.pdf>, stranici pristupljeno 10.4.2018.

Republički zavod za statistiku, dostupno na http://webrzs.stat.gov.rs/WebSite/repository/documents/00/02/29/16/CEO_StatistickiGodisnjakRS_2016.pdf, stranici pristupljeno 13.3.2018.

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JELENA SRNA

LAZAR TENJOVIĆ

The Predictors of Parental Use of Corporal Punishment in the Upbringing of Children of Preschool Age

Although Serbia has ratified the United Nations Convention on the Rights of the Child and thus committed itself to a complete ban on the corporal punishment in all settings, including home, very little is known about what kind of parents punish their children, how frequently and what their attitudes on this topic are. The objectives of the study presented in this article were: to determine what beliefs prevail among parents of preschool children in terms of corporal punishment of children, what is the incidence of corporal punishment in the upbringing of children of preschool age, and whether differences between parents regarding the use of corporal punishment in the upbringing of children of preschool age could be explained by the socio-demographic, individually psychological factors and experiences of parents in coparenting. The study included 293 parents of both genders, whose children attended preschools in Belgrade, Novi Sad and municipality of Alibunar. The respondents filled out a questionnaire that included various issues related to socio-demographic and individually psychological factors, a questionnaire on *Attitude towards corporal punishment*, a questionnaire on *Beliefs about corporal punishment*, as well as the questionnaire on *Experiences in coparenting*. The results have shown that parents believe that physical punishment harms a child (71%), that the child can be punished sometimes, or in exceptional cases but only slightly (about 50%). When it comes to the prohibition of corporal punishment, 46% of parents believe that it should be introduced. On the issue of the incidence of corporal punishment, 41% of parents have never applied corporal punishment, while 59% of them have applied corporal punishment: 45% of them on an annual, 12% on a monthly, 1% on a weekly, and 1% on an everyday basis. Parents with three or more children, who have experi-

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enced corporal punishment during their own childhood and those who have a more positive attitude towards corporal punishment are more likely to apply corporal punishment in the upbringing of their children. Younger parents are also more likely to punish children, however when we take into account the socio-demographic factors only. Experiences in coparenting are correlated with, but in the context of other predictors do not provide unique contribution to the predicton of the use of corporal punishment. Further research are needed in order to obtain more precise and broader picture about this subject.

Key words: corporal punishment, beliefs about corporal punishment, attitude towards corporal punishment, the use of corporal punishment, coparenting, predictors of corporal punishment, preschool children, Serbia.

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Javni tužilac kao organ zaštite žrtava nasilja u porodici u pravu Srbije¹

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EMIR ĆOROVIĆ

*U*radu se razmatra uloga koju javni tužilac ima u pravnom sistemu Republike Srbije u vezi sa zaštitom žrtava nasilja u porodici. Pre analize relevantnih odredaba domaćeg prava koje se odnose na ovlašćenja i mogućnosti javnog tužioca u vezi sa datom problematikom, određen je pojam žrtve u pravu Srbije, jer je reč o pojmu koji se koristi u zakonskim tekstovima, ali čija sadržina nije bliže određena. Prilikom analize zakonskih odredaba akcenat je stavljen na, po autorima, najznačajnije institute krivičnog, prekršajnog i porodičnog prava, kao i na odredbe Zakona o sprečavanju nasilja u porodici, koje mogu biti od uticaja na ulogu javnog tužioca u zaštiti žrtava nasilja u porodici. Na kraju, nakon sublimiranja zapažanja u vezi sa tematikom koja je predmet ovog rada, dati su predlozi koji bi trebalo da pospeše primenu postojećih mehanizama koji stoje na raspolažanju javnom tužiocu prilikom pružanja zaštite žrtvama nasilja u porodici.

Ključne reči: žrtva, nasilje u porodici, javni tužilac, pravna zaštita, Srbija.

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Uvod

Nasilje u porodici predstavlja ozbiljan socijalni problem. Država nastoji da različitim merama, kako preventivnim tako i represivnim, spreči, odnosno suzbije ovaj društveno negativni fenomen. Preduslov za ostvarivanje tog zadatka je postojanje odgovarajućeg pravnog okvira, kao i postojanje odgovarajućih državnih organa i ustanova koji primenjuju zakone radi delotvorne zaštite žrtava nasilja u porodici.

Posebnu ulogu u tom procesu ima javni tužilac,² jer se radi o državnom organu koji je jedino ovlašćen da pokrene i aktivno učestvuje u svim postupcima u kojima se mogu izdejstvovati pojedini oblici zaštite žrtava nasilja u porodici. U tom smislu može se reći da javni tužilac predstavlja veoma važan stub zaštite žrtava pomenutog oblika kriminaliteta.

U radu se analiziraju rešenja iz pozitivnog zakonodavstva Republike Srbije značajna da se shvati uloga javnog tužioca u vezi sa zaštitom od nasilja u porodici. U tom smislu ovaj rad predstavlja svojevrsnu sintezu zakonskih rešenja i mogućnosti koje stoje na raspolaganju javnom tužiocu radi zaštite žrtava nasilja u porodici. Pre razmatranja relevantnih zakonskih tekstova, potrebno je definisati pojam žrtve nasilja u porodici koji se spominje u domaćoj pozitivnopravnoj regulativi, ali se njegova sadržina bliže ne određuje.

Definisanje pojma žrtva nasilja u porodici

Domaći zakonski tekstovi koji su relevantni za temu ovog rada ne daju definiciju žrtve. Čak ni Zakon o sprečavanju nasilja u porodici (ZSNP),³ u kojem se koristi pojam žrtva,⁴ ne određuje njegovo značenje. Pojam žrtve se koristi i

² U tekstu se koristi samo termin javni tužilac da bi se izbeglo preopterećivanje teksta. Sve što je rečeno za javnog tužioca odnosi se i na zamenike javnog tužioca, kao nosioce javnotužilačke funkcije.

³ Službeni glasnik RS, br. 94/ 2016.

⁴ U brojnim članovima ZSNP koristi se pojam žrtva. Kao primer navodimo član 1 u kojem stoji: „Ovim zakonom uređuje se sprečavanje nasilja u porodici i postupanje državnih organa i ustanova u sprečavanju nasilja u porodici i pružanju zaštite i podrške žrtvama nasilja u porodici“. Takođe videti i druge odredbe ZSNP (čl. 2, čl. 4 st. 2, čl. 31).

na odgovarajućim mestima u Krivičnom zakoniku (KZ),⁵ kako u opštem delu (čl. 54, st. 1; čl. 72, st. 1; čl. 73, st. 1, tač. 10 i čl. 77, st. 4), tako i u posebnom delu (čl. 388, st. 8), ali njegovo značenje nije određeno u interpretativnim odredbama krivičnog kodeksa (čl. 112 KZ).

Imajući u vidu da je donošenje ZSNP motivisano ratifikovanjem Konvencije Saveta Evrope o sprečavanju i borbi protiv nasilja nad ženama i nasilja u porodici (u nastavku: Istanbulska konvencija),⁶ te da su u njemu implementirane brojne odredbe predmetne Konvencije, potrebno je ukazati na odredbu člana 3 tačka e) kojom je određen pojam žrtve. Podsećamo da se ratifikacija (potvrđivanje) međunarodnih ugovora vrši u formi zakona, kao i da je članom 16 Ustava Srbije⁷ propisano da su potvrđeni međunarodni ugovori sastavni deo našeg pravnog poretka koji se neposredno primenjuju. Otuda i odredba člana 3 tačka e) predstavlja normu koja je važeća u domaćem pravnom poretku. Ipak, bilo bi korisno da je i ZSNP izričito odredio pojam žrtve, tim pre što su brojne odredbe Istanbulske konvencije preuzete u sam tekst ovog Zakona.

U članu 3 Istanbulske konvencije određeni su: u tački a) pojam nasilja nad ženama; u tački b) pojam nasilja u porodici; u tački c) pojam roda; u tački d) pojam rodno zasnovanog nasilja; u tački e) pojam žrtve, i u tački f) pojam žene. U pitanju su tzv. interpretativne odredbe, što jasno proizilazi iz početne formulacije člana 3 Istanbulske konvencije („U svrhu ove konvencije...“). Prema tački e) „žrtva označava svako fizičko lice koje je izloženo ponašanju opisanom pod tač. a) i b)“. Kratko rečeno, žrtvom se u smislu Istanbulske konvencije smatra svako fizičko lice koje je izloženo ponašanjima koja se po samoj Konvenciji smatraju nasiljem nad ženama i nasiljem u porodici. Ako se uzme u obzir sadržina ovih pojmoveva može se reći da pojam žrtve prema Istanbulskoj konvenciji obuhvata: 1) svako fizičko lice koje je izloženo svim delima rodno zasnovanog nasilja koja dovode ili mogu da dovedu do fizičke, seksualne, psihičke, odnosno, finansijske povrede ili patnje, obuhvatajući i pretnje takvim delima, pri-nudu ili proizvoljno lišavanje slobode, bilo u javnosti bilo u privatnom životu (žrtva nasilja nad ženama prema tački a) navedenog člana); 2) kao i svako delo fizičkog, seksualnog, psihičkog, odnosno ekonomskog nasilja do kojeg

⁵ Službeni glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016.

⁶ Council of Europe Convention on preventing and combating violence against women and domestic violence. Council of Europe Treaty Series no. 210. Adopted 11.5.2011., Istanbul. Dostupno na: <https://rm.coe.int/168008482e>, stranici pristupljeno 24.4.2018.

⁷ Službeni glasnik RS, br. 98/2006.

dolazi u okviru porodice ili domaćinstva, odnosno između bivših ili sadašnjih supružnika ili partnera, nezavisno od toga da li počinilac deli ili je delio isto boravište sa žrtvom (žrtva nasilja u porodici prema tački b) navedenog člana). Imajući u vidu da se u ovom radu bavimo problematikom žrtava nasilja u porodici, od značaja je upravo ovaj drugi deo navedene definicije.

Logičnim se može postaviti pitanje odnosa pojma žrtve sa pojmom oštećenog. U krivičnoprocesnoj literaturi se ističe da je pojam žrtve krivičnog dela uži od pojma oštećenog, jer se prvonavedeni izraz odnosi samo na pasivnog subjekta krivičnog dela (Škulić, 2016: 41-42), tj. lice u odnosu na koje se preduzima radnja izvršenja krivičnog dela, dok je pojam oštećenog određen zakonom, o čemu će biti reči. Međutim, ističe se i da pojam oštećenog iz našeg prava suštinski odgovara pojmu žrtve kako je on definisan u Direktivi Parlementa Evropske unije i Saveta Evrope 2012/29 od 25.10.2012. godine o uspostavljanju minimalnih standarda o pravima, podršci i zaštiti žrtava kriminalista (Škulić, 2016: 70). Iz ovoga se može zaključiti da se pojmovi „oštećeni” i „žrtva krivičnog dela” mogu tretirati kao sinonimi. Ipak, treba spomenuti da se viktimalogija kao naučna disciplina deli na tzv. opštu viktimalogiju, koja izučava sve vrste žrtava, i specijalnu ili kriminalnu viktimalogiju, koja izučava samo žrtve krivičnih dela (Ramljak, Simović, 2011: 4). Ovakav naučni pristup dopušta da pojam žrtve ima i šire značenje od pojma oštećenog, jer se veže i za one oblike ponašanja koja se ne mogu kvalifikovati kao odgovarajuće kažnjivo ponašanje. Za potrebe ovog rada nećemo se baviti opštim pojmom žrtve, već samo pojmom žrtve nasilja u porodici.

Pojam oštećenog je dat za potrebe Zakonika o krivičnom postupku (ZKP)⁸ i Zakona o prekršajima (ZP).⁹ Prema članu 2, stav 1, tačka 11 ZKP-a „Oštećeni je lice čije je lično ili imovinsko pravo krivičnim delom povređeno ili ugroženo”. Gotovo istovetnu definiciju nalazimo i u članu 126, stav 1 ZP koji glasi: „Oštećeni, u smislu ovog zakona, je lice čije je kakvo lično ili imovinsko pravo povređeno ili ugroženo prekršajem”. Prema tome, pojam oštećenog u pomenutim granama kaznenog prava je uslovлен vrstom kažnjivog dela (krivičnog dela ili prekršaja) kojom je izloženo određeno lice.

S obzirom na to da ZSNP ne određuje pojam žrtve nasilja u porodici, njegov pojam bi se mogao „izvući” iz odredbe člana 3, stav 2 i stav 3 ovog Zakona. U pomenutim odredbama su određeni pojmovi *neposredne opasnosti*

⁸ Službeni glasnik RS, br. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014.

⁹ Službeni glasnik RS, br. 65/2013, 13/2016 i 98/2016 - odluka Ustavnog suda.

od nasilja u porodici i nasilja u porodici, kao ponašanja na koja se ZSNP odnosi, tj. koja bi trebalo da spreči. Kako je pojam oštećenog uslovljen vrstom kažnjivog dela kao tipom društveno negativnog ponašanja, koristeći se tom logikom, pokušaćemo da pojам žrtve nasilja u porodici formulишemo pomoću onih ponašanja koja bi ZSNP trebalo da spreči: „Neposredna opasnost od nasilja u porodici postoji kada iz ponašanja mogućeg učinioca i drugih okolnosti proizlazi da je on spreman da u vremenu koje neposredno predstoji po prvi put učini ili ponovi nasilje u porodici (st. 2). Nasilje u porodici, u smislu ovog zakona, jeste akt fizičkog, seksualnog, psihičkog ili ekonomskog nasilja učinioca prema licu sa kojim se učinilac nalazi u sadašnjem ili ranijem bračnom ili vanbračnom ili partnerskom odnosu ili prema licu sa kojim je krvni srodnik u prvoj liniji, a u pobočnoj liniji do drugog stepena ili sa kojim je srodnik po tazbini do drugog stepena ili kome je usvojitelj, usvojenik, hranjenik ili hranitelj ili prema drugom licu sa kojim živi ili je živeo u zajedničkom domaćinstvu“ (st. 3).

Pojam nasilja u porodici određen je i Porodičnim zakonom (PZ),¹⁰ tako da bi se i lice prema kome se preduzimaju radnje nasilja određene tim zakonom, moglo smatrati žrtvom. Ovaj aspekt je takođe bitan s obzirom na to da se ZSNP u članu 5 poziva na primenu ne samo kaznenih propisa, već i na odredbe PZ.

Uzimajući u obzir pomenute odredbe nekaznenih propisa može se zaključiti da *pojam žrtve nasilja u porodici obuhvata lica kojima preti neposredna opasnost od nasilja u porodici, kao i lica koja su već izložena radnjama koje su u ZSNP i PZ određene kao radnje nasilja u porodici*. Tome bi trebalo dodati i lica koja su oštećena krivičnim delima koja su navedena u članu 4, stav 1 ZSNP,¹¹ ali i lica koja su oštećena prekršajima kojima se pruža zaštita od nasilja u porodici (prekršaji protiv javnog reda i mira). Iz navedenog se može zaključiti da je pojam žrtve širi

¹⁰ Službeni glasnik RS, br. 18/2005, 72/2011 - dr. zakon i 6/2015.

¹¹ U pitanju su sledeća krivična dela: 1) proganjanje (čl. 138a KZ); 2) silovanje (čl. 178 KZ); 3) obljuba nad nemoćnim licem (čl. 179 KZ); 4) obljuba nad detetom (čl. 180 KZ); 5) obljuba zlostuprebojom položaja (čl. 181 KZ); 6) nedozvoljene polne radnje (čl. 182 KZ); 7) polno uz nemiravvanje (čl. 182a KZ); 8) podvođenje i omogućavanje vršenja polnog odnosa (čl. 183 KZ); 9) posredovanje u vršenju prostitucije (čl. 184 KZ); 10) prikazivanje, pribavljanje i posedovanje pornografskog materijala i iskorišćavanje maloletnih lica za pornografiju (čl. 185 KZ); 11) navođenje deteta na prisustovanje polnim radnjama (čl. 185a KZ); 12) zapuštanje i zlostavljanje maloletnog lica (čl. 193 KZ); 13) nasilje u porodici (čl. 194 KZ); 14) nedavanje izdržavanja (čl. 195 KZ); 15) kršenje porodičnih obaveza (čl. 196 KZ); 16) rodoskvruće (čl. 197 KZ); 17) trgovina ljudima (čl. 388 KZ) i 18) druga krivična dela, ako je krivično delo posledica nasilja u porodici.

od pojma oštećenog u krivičnopravnom i prekršajnopravnom smislu reči, jer se odnosi i na lica u odnosu na koja nisu ostvarena obeležja ovih kažnjivih dela.

Osvrt na relevantne zakonske odredbe i ulogu javnog tužioca u vezi sa zaštitom žrtava nasilja u porodici

Zakon o javnom tužilaštvu

Ustav Republike Srbije u članu 156, stav 1 i 2 propisuje da javno tužilaštvu predstavlja samostalan državni organ koji goni učinioce krivičnih i drugih kažnjivih dela i preduzima mere za zaštitu ustavnosti i zakonitosti, te da svoju funkciju vrši na osnovu Ustava, zakona, potvrđenog međunarodnog ugovora i propisa donetog na osnovu zakona. Identična odredba je sadržana u članu 2 Zakona o javnom tužilaštvu (ZJT).¹²

Međutim, iz ovih odredaba ne bi trebalo izvesti zaključak da je javno tužilaštvu samo organ kaznenog gonjenja i organ koji se stara, tj. preduzima mere u cilju zaštite ustavnosti i zakonitosti. Naime, u članu 10a ZJT je propisano da su javni tužilac i zamenik javnog tužioca „dužni da stručno, savesno, nepri-strasno, pravično i bez nepotrebnog odlaganja vrše svoju funkciju posebno vodeći računa o zaštiti oštećenih i sprečavanju diskriminacije po bilo kom osnovu“. Prema tome, reč je i o organu koji se stara o zaštiti oštećenih (bilo krivičnim delom, bilo prekršajem) i sprečavanju svih oblika diskriminacije.

Dovodeći u vezu navedenu odredbu ZJT sa prethodno razmotrenim pojmom žrtve, može se zaključiti da je javni tužilac posebno dužan da vodi računa o zaštiti lica koja su oštećena nekim krivičnim delom na koja se odnosi ZSNP. Imajući u vidu da je pojma žrtve nasilja u porodici u našem pravu (iako nedefinisani) širi od pojma oštećenog, a vodeći računa o dužnosti javnog tužioca da spreči diskriminaciju po bilo kom osnovu, onda se može zaključiti da prema odredbi člana 10a ZJT postoji obaveza javnog tužioca da posebno vodi računa i o onim žrtvama nasilja u porodici u odnosu na koje nije ostvareno obeležje bića nekog krivičnog dela ili prekršaja. U tom smislu, a u vezi sa žrtvama nasilja u porodici, javni tužilac je dužan da posebno vodi računa kako o onim žrtvama

¹² Službeni glasnik RS, br. 116/2008, 104/2009, 101/2010, 78/2011 - drugi zakon, 101/2011, 38/2012 - odluka Ustavnog suda, 121/2012, 101/2013, 111/2014 - odluka Ustavnog suda, 117/2014, 106/2015, 63/2016 - odluka Ustavnog suda.

koja se mogu smatrati oštećenim licima u smislu ZKP-a ili ZP, tako i o onim žrtvama koje nemaju svojstvo oštećenog. Dakle, pored obaveze da goni učinioce kaznenih dela, javni tužilac ima i obavezu da pruži zaštitu žrtvama.

Zakonik o krivičnom postupku

Imajući u vidu osnovnu ulogu javnog tužilaštva kao organa gonjenja kaznenih, pre svega krivičnih dela, odredbe ZKP su od velikog značaja u ostvarivanju zaštite lica koja su oštećena krivičnim delima, uključujući i krivična dela na koja se odnosi ZSNP. Podsetimo da je javni tužilac organ postupka (čl. 2, st. 1, tač. 15 ZKP), koji rukovodi predistražnim postupkom (čl. 285, st. 1 ZKP) i koji sprovodi istragu (čl. 296, st. 1 ZKP), ali i stranka u sudskom delu postupka (čl. 2, st. 1, tač. 9 ZKP). Brojne odredbe ZKP mogu biti zanimljive sa stanovišta predmeta ovog rada.

Prema odredbi člana 283, stav 1 ZKP javni tužilac može *odložiti krivično gonjenje* za krivična dela za koja je predviđena novčana kazna ili kazna zatvora do pet godina, ako osumnjičeni prihvati, između ostalog, jednu ili više od sledećih obaveza (izdvajamo): da se podvrgne psihosocijalnom tretmanu radi otklanjanja uzroka nasilničkog ponašanja (tač. 6); da izvrši obavezu ustavljenu pravnosnažnom odlukom suda, odnosno poštuje ograničenje utvrđeno pravnosnažnom sudskom odlukom (tač. 7). Teorijski gledano, prva od navedenih obaveza bi se, na primer, mogla primeniti i kod osnovnog i težeg oblika krivičnog dela nasilja u porodici iz člana 194, stav 1 i 2 KZ, dok bi treća mogla naći primenu kod posebnog oblika krivičnog dela nasilja u porodici iz člana 194, stav 5 KZ. Ovde su samo kao primer navedena krivična dela na koja se može primeniti tzv. uslovni oportunitet, imajući u vidu propisanu kaznu. Naravno, uzimajući u obzir okolnosti svakog konkretnog slučaja, javni tužilac će proceniti da li bi trebalo primeniti ovu mogućnost, ili će, pak, krenuti u krivični postupak. Trebalo bi imati u vidu da odluka javnog tužioca da odloži krivično gonjenje nije uslovljena pristankom oštećenog, odnosno njegova odluka za primenu ovog instituta je apsolutna (Ilić, Nenadić, 2016: 65). U literaturi postoje određeni predlozi da se odredba člana 283 ZKP-a izmeni, tako što bi se za primenu uslovnog odlaganja krivičnog gonjenja zahtevala saglasnost oštećenog (Ćorović, Šemović, Turanjanin, 2017: 204). Što se tiče primene navedenih obaveza u praksi, sprovedena istraživanja pokazuju da se, ukupno gledano, iste veoma retko primenjuju. Jedno takvo istraživanje je obuhva-

tilo period od 2011. do 2014. godine i područja apelacionih javnih tužilaštva u Beogradu, Kragujevcu, Novom Sadu i Nišu. Nalazi su pokazali da je tek u 2014. godini zabeleženo izricanje obaveze podvrgavanja psihosocijalnom tretmanu radi otklanjanja uzroka nasilničkog ponašanja, i to: 7 slučajeva na području Apelacionog javnog tužilaštva u Beogradu, 3 slučaja na području Apelacionog javnog tužilaštva u Kragujevcu, 23 slučaja na području Apelacionog javnog tužilaštva u Novom Sadu i 9 slučajeva na području Apelacionog javnog tužilaštva u Nišu (Kiurski, 2015: 354-376).

S obzirom da javni tužilac sprovodi istragu u kojoj ima ovlašćenja i da ispituje svedoke, od posebnog značaja su *pravila o ispitivanju posebno osetljivog svedoka*. Ovaj status u istrazi određuje javni tužilac. U sudskoj fazi krivičnog postupka on može predložiti суду da se nekom svedoku dodeli ovaj status (čl. 103, st. 1 i 2 ZKP). Da li je svedok posebno osetljiv ceni se, prema slovu ZKP, na osnovu uzrasta, životnog iskustva, načina života, pola, zdravstvenog stanja, prirode, načina ili posledica izvršenog krivičnog dela, ali i drugih okolnosti. U praksi svojstvo posebno osetljivog svedoka najčešće će imati oštećeni. Cilj ovih odredaba je sprečavanje tzv. sekundarne viktimizacije oštećenih (Ilić i dr., 2013: 311). Posebno osetljivom svedoku se može (što znači da je reč o fakultativnoj mogućnosti) postaviti punomoćnik ako je to potrebno radi zaštite interesa ovog svedoka, a postavlja ga, u zavisnosti od faze postupka, javni tužilac ili sud, po redosledu sa spiska advokata koji sudu dostavlja nadležna advokatska komora za određivanje branilaca po službenoj dužnosti (čl. 103, st. 3 ZKP). Za ispitivanje posebno osetljivog svedoka važe posebna pravila (čl. 104 ZKP). Tako, posebno osetljivom svedoku pitanja se mogu postavljati samo preko organa postupka (u istrazi to znači preko javnog tužioca), koji će se prema njemu odnositi sa posebnom pažnjom, nastojeći da se izbegnu moguće štetne posledice krivičnog postupka po ličnost, telesno i duševno stanje svedok. Postoji mogućnost da se posebno osetljivi svedok ispita i upotrebor tehničkih sredstava za prenos slike i zvuka (tzv. video link). U tom slučaju, ispitivanje se sprovodi bez prisustva stranaka i drugih učesnika u postupku u prostoriji u kojoj se svedok nalazi. U literaturi se ukazuje na prednosti koje može imati ispitivanje putem video linka, te se preporučuje njegova upotreba u krivičnom postupku gde tehnički uslovi to dozvoljavaju, ali se i ukazuje na određene tehničke probleme (kvalitet opreme, rukovanje opremom, obezbeđivanje kredibiliteta svedoka koji se ovako ispituje u smislu da neko treće lice ne

„suflira“ prilikom davanja iskaza, jer se svedok ne nalazi na mestu ispitivanja), koji se u vezi sa istim mogu javiti (Ćorović, Šemović, 2016: 362-363, 367-368).

Od značaja za temu rada mogu biti i određene mere obezbeđenja prisustva okrivljenog i nesmetanog vođenja krivičnog postupka. Tako, javni tužilac može predložiti sudu (sudiji za prethodni postupak, predsedniku veća ili veću) da se prema okrivljenom odredi mera zabrane prilaženja, sastajanja ili komuniciranja sa određenim licem i posećivanja određenih mesta iz člana 197 ZKP. Ova mera se može odrediti ako postoje okolnosti koje ukazuju da bi okrivljeni mogao ometati postupak uticanjem, između ostalog, na oštećenog, kao i ukoliko bi okrivljeni mogao dovršiti pokušano krivično delo ili učiniti krivično delo kojim preti. U pitanju je mera koja predstavlja supstitut za pritvor, ali logično, samo pod uslovom da žrtva i učinilac ne žive u istom domaćinstvu.

Ukoliko se već spominje pritvor, koji predstavlja najtežu meru procesno-pravne prinude prema licima, a u vezi sa zaštitom oštećenih krivičnim delom nasilje u porodici, od posebnog su značaja sledeći pritvorski osnovi: a) postojanje okolnosti koje ukazuju da će okrivljeni uništiti, sakriti, izmeniti ili falsifikovati dokaze ili tragove krivičnog dela ili ako postoje osobite okolnosti koje ukazuju da će ometati postupak uticanjem na svedoke, saučesnike ili prikrijavače – u pitanju su tzv. koluzioni razlozi, a u vezi sa temom rada je od značaja to što oštećeni može imati svojstvo svedoka; b) postojanje osobitih okolnosti koje ukazuju da će okrivljeni u kratkom vremenskom periodu ponoviti krivično delo ili dovršiti pokušano krivično delo ili učiniti krivično delo kojim preti – u pitanju su tzv. preventivni razlozi za pritvor, kojima se ukazuje na opasnost ponovnog kriminalnog ponašanja, i c) ako je za krivično delo koje se stavlja na teret okrivljenom propisana kazna zatvora preko pet godina za krivično delo sa elementima nasilja ili mu je presudom prvostepenog suda izrečena kazna zatvora od pet godina ili teža kazna, a način izvršenja ili težina posledice krivičnog dela su doveli do uz nemirenja javnosti koje može ugroziti nesmetano i pravično vođenje krivičnog postupka. Javni tužilac je ovlašćen da tokom postupka sudu predlaže određivanje pritvora, a navedeni pritvorski osnovi su od posebnog značaja u preveniraju krivičnih dela nasilja u porodici i drugih dela koja su navedena u članu 4, stav 1 ZSNP.

Krivični zakonik

Na ovom mestu ne analiziraju se bića krivičnih dela, već se ukazuje na neke mogućnosti koje stoje na raspolanjanju javnom tužiocu u vezi sa krivičnim sankcionisanjem. Naravno, krivične sankcije izriče sud, s tim da je javni tužilac dužan da u svojoj završnoj reči predloži vrstu i meru krivične sankcije (čl. 413, st. 1 ZKP), što je, takođe, obavezan da učini i u optužnom predlogu kao vrsti optužbe koja se podnosi u skraćenom krivičnom postupku (čl. 500, st. 1, tač. 6 ZKP). Ovom prilikom osvrnućemo se na dve krivične sankcije: 1) uslovnu osudu i 2) meru bezbednosti zabrane približavanja i komunikacije sa oštećenim.

Uslovna osuda ima dve svoje varijante, tzv. „običnu“ uslovnu osudu i uslovnu osudu sa zaštitnim nadzorom. Kod „obične“ uslovne osude okrivljeni se upozorava da mu uslovna osuda može biti opozvana ukoliko u periodu određenom kao vreme proveravanja izvrši novo krivično delo. U slučaju uslovne osude sa zaštitnim nadzorom, koja na žalost nije u dovoljnoj meri zastupljena u praksi, postoji mogućnost da se učiniocu nametne, između ostalih, i neka od zakonom predviđenih obaveza (čl. 73 KZ). Na ovom mestu izdvajamo obavezu posećivanje određenih profesionalnih i drugih savetovališta ili ustanova i postupanje po njihovim uputstvima (tač. 9). S obzirom na navedeno, javni tužilac može predložiti da sud, ako nađe da ima mesta primeni uslovne osude, izrekne ovu sankciju uz odgovarajuće obaveze koje se nameću učiniocu. Neispunjerenje ovih obaveza povlači za sobom opoziv uslovne osude. Postupak opozivanja uslovne osude u ovim slučajevima je regulisan ZKP (čl. 454-551), a pokreće se na zahtev ovlašćenog tužioca.

Javni tužilac bi, isto tako, mogao predlagati суду izricanje mere bezbednosti zabrane približavanja i komunikacije sa oštećenim iz člana 89a KZ. Ipak, s obzirom da se ova mera bezbednosti ne može izreći uz kaznu zatvora, jedan ovakav predlog bi imalo smisla uputiti суду samo ukoliko bi javni tužilac predlagao izricanje neke druge kazne. Predmetna mera bezbednosti ima dopunski karakter, što znači da se nikad ne izriče samostalno, već uz navedene krivične sankcije i mere. Ukoliko bi осуђени prekršio izrečenu mero bezbednosti zabrane približavanja i komunikacije sa oštećenim, javnom tužiocu bi jedino stajalo na raspolanjanju da pokrene krivični postupak za krivično delo kršenje zabrane utvrđene merom bezbednosti iz člana 340a KZ. Ovo krivično delo je uvedeno Zakonom o izmenama i dopunama KZ iz 2016. godi-

ne,¹³ koje su stupile na snagu 1. juna 2017. godine. Trebalo bi ukazati i da naši krivično izvršni propisi ne sadrže odredbe o izvršenju mere bezbednosti zabrane približavanja i komunikacije sa oštećenim, tako da je njena učinkovitost upitna (Ćorović, 2015: 227). Istraživanja pokazuju da se u sudskej praksi sve ređe izriče ova mere. Tokom 2011. godine ova mera bezbednosti je na području cele Srbije izrečena u 1402 slučaja, a 2014. godine u svega 52 slučaju (Ćorović, Šemović, 2017: 7). Razlog za ovaj problem trebalo bi tražiti u nepoštovanju izvršnopravne regulative. Vreme će pokazati da li je uvođenje pomenute inkriminacije kršenja zabrane utvrđene merom bezbednosti pospešilo efikasnost ove krivične sankcije.

Zakon o prekršajima

Javni tužilac, prema prethodno navedenim odredbama Ustava Srbije i ZJT, ali i prema članu 127 ZP, predstavlja organ nadležan da podnese zahtev za pokretanje prekršajnog postupka. Sa stanovišta predmeta ovog rada, relevantni su prekršaji koji su propisani Zakonom o javnom redu i miru (ZJRM)¹⁴, ali i prekršaj propisan članom 36 ZSNP. Na ovom mestu osvrnućemo se na određena pitanja prekršajnog sankcionisanja, kao i na neka pitanja procesnog prava.

Važećim ZJRM bitno je ograničena mogućnost procesuiranja okrivljenih za nasilje u porodici kroz prekršajni postupak. Naime, izmenom pojma javnog mesta koji je definisan u članu 3, stav 1, tačka 2 ovog zakona, a koje je određeno kao „...prostor dostupan neodređenom broju lica čiji identitet nije unapred određen, pod istim uslovima ili bez posebnih uslova”, nasilje u porodici koje se najčešće događa u stanu ili kući ne može se smatrati narušavanjem javnog reda i mira, a time ni procesuirati kao prekršaj. Međutim, u ovom postupku bi se i dalje moglo postupati u slučajevima u kojima se nasilje u porodici dogodilo na nekom javnom mestu (u dvorištu, na ulici, u parku) koje je dostupno vidljivosti i čujnosti neodređenog broja lica ili čak i u stanu ukoliko je nasilje prijavljeno od strane nekog trećeg lica (komšije, prolaznika). U takvim situacijama, kada se prijavljena radnja kvalifikuje kao prekršaj protiv javnog reda i mira, javni tužilac, sam ili preko policijskih službenika, podnosi zahtev za pokretanje prekršajnog postupka.

¹³ Službeni glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016.

¹⁴ Službeni glasnik RS, br. 6/2016, 24/2018.

U ovom delu važno je ukazati da, iako bi teorijski jedan događaj nasilja koji se dogodio na javnom mestu mogao biti kvalifikovan kao prekršaj, ne bi trebalo izgubiti iz vida da je nasilje u porodici kompleksna pojava, zbog čega je nužno uvek posmatrati širu sliku i prijavljeni događaj ceniti u sklopu i eventualno drugih događaja koji su se odigrali u bližem ili daljem periodu u toj porodici, bilo u stanu, bilo van njega, te prikupiti i druga obaveštenja od centra za socijalni rad, iz evidencija policije i tužilaštva, razmotriti intenzitet preduzete radnje, stav i ponašanje žrtve i tek tada proceniti rizik i utvrditi da li je reč o izolovanom događaju, kada bi se moglo raditi i o prekršaju ili je navedena radnja samo jedna u nizu radnji, kada bi se moglo raditi i o krivičnom delu. Dakle, vrlo je važno da javni tužioc, prilikom konsultacija,¹⁵ od policijskih službenika traže sve ove podatke kako bi pravilno kvalifikovali radnju koju je preuzeo učinilac, bilo kao prekršaj, bilo kao krivično delo, u cilju izbegavanja kršenja principa *ne bis in idem*, ali i u cilju adekvatne zaštite žrtve.

U cilju zaštite žrtve u ovom postupku javni tužilac, kao podnositelj zahteva za pokretanje prekršajnog postupka, bi, uz ispunjenost zakonskih uslova, trebalo da u zahtevu predloži i izricanje zaštitne mere *zabrana pristupa oštećenom, objektima ili mestu izvršenja prekršaja* koja je regulisana u članu 61 ZP, ili, ako on nije podnositelj, bar da pouči žrtvu - oštećenog da tokom ispitivanja usmeno zahteva njeno izricanje, jer ovu zaštitnu meru sud ne može izreći *ex officio*, već samo na pisani predlog podnosioca ili usmeni zahtev oštećenog. Ova mera je po svojoj sadržini bliska meri bezbednosti zabrane približavanja i komunikacije sa oštećenim iz člana 89a KZ (Vuković, 2015: 73), s tim da je ista nešto šire postavljena, što proizilazi i iz njenog naziva (Milić, 2014: 34-35).

Zanimljivo je ukazati i na mogućnost da prekršajni sud u toku prekršajnog postupka može odrediti procesnu meru zabrane pristupa oštećenom, objektima ili mestu izvršenja prekršaja iz člana 126, stav 3, tačka 4 ZP. Reč je o prekršajnopravnom pandanu pomenute mere iz člana 197 ZKP. Međutim, javni tužilac, kao ni drugi ovlašćeni podnositelj zahteva za pokretanje prekršajnog postupka, ne može predložiti суду njeno izricanje, niti je sud ovlašćen da istu meru odredi po službenoj dužnosti. Navedena procesna mera je postavljena kao pravo oštećenog, tako da je jedino oštećeni ovlašćen da zahteva njeno određivanja. Ukoliko bi se, u konkretnom postupku, javni tužilac poja-

¹⁵ Nakon procene rizika po Zakonu o sprečavanju nasilja u porodici, kada je procenio srednji ili visok rizik, nadležni policijski službenik je dužan da se konsultuje sa javnim tužiocem kako bi se isti izjasnio da li navedena radnja predstavlja kazneno delo i koje.

vio kao podnositac zahteva za pokretanje prekršajnog postupka bilo bi korisno da oštećenog pouči o ovom pravu, tako da bi indirektno mogao uticati na njeno određivanje.

Porodični zakon

Porodični zakon propisuje poseban parnični postupak u sporu za zaštitu od nasilja u porodici (čl. 286-289). U pitanju je jedan od posebnih parničnih postupaka iz oblasti porodičnih odnosa (čl. 201-208), koji se u mnogo čemu razlikuje od klasičnog parničnog postupka koji je regulisan Zakonom o parničnom postupku¹⁶ (Ćorović, Milić, 2016: 430). Na ovom mestu izložiće se samo određene procesne odredbe PZ koje se odnose na položaj javnog tužioca u ovoj vrsti porodičnih sporova.

Javni tužilac se, po slovu zakona, može javiti u svojstvu aktivno legitimisane stranke, tj. tužioca u ovoj specifičnoj parnici (čl. 284 PZ). Međutim, verovatno zbog toga što po prirodi stvari javnim tužiocima nije svojstveno postupanje u parničnim stvarima, retko su se u praksi koristili ovim mogućnostima. Istraživanja od pre par godina govore da je svega 1% ovih sporova pokrenuto od strane javnih tužilaca (Ignjatović, Pavlović Babić, Lukić, 2015: 48). U poslednjih godinu dana situacija se popravlja, jer je prema podacima Ministarstva pravde Republike Srbije, u periodu od 1.6.2017. do 31.5.2018. godine podneta 251 tužba od strane javnih tužilaca.¹⁷ Važno je naglasiti i da porodičnopravna zaštita od nasilja u porodici može biti određena u još dve vrste porodičnih sporova, a u kojima se javni tužilac, takođe, može javiti u svojstvu ovlašćenog tužioca (čl. 273, st. 3 PZ). U pitanju su spor za zaštitu prava deteta (čl. 263, st. 1 PZ) i spor za lišenje roditeljskog prava (čl. 264, st. 2 PZ). Tužbom u sporu za zaštitu od nasilja u porodici javni tužilac bi mogao tražiti (čl. 284, st. 2 PZ) određivanje mere za zaštitu od nasilja u porodici ili za produženje ove mere koja je prethodno izrečena.

Kao i u ostalim porodičnim sporovima, tako i u ovom postupku važi istražno načelo (čl. 205 PZ), odnosno propisano je odstupanje od načela dispozi-

¹⁶ Službeni glasnik RS, br. 72/2011, 49/2013 - odluka Ustavnog suda, 74/2013 - odluka Ustavnog suda, 55/2014.

¹⁷ Podaci dostupni koautorki rada koja je upućena u Ministarstvo pravde, koje ministarstvo pruža tehničku i stručnu pomoć Savetu Vlade za suzbijanje nasilja u porodici, formiranom po članu 35 Zakona o sprečavanju nasilja u porodici, koji prati primenu ovog zakona, a u kome je koautorka ovog rada imenovana za sekretarku.

cije (čl. 287 PZ). Ovo odstupanje se dvostruko manifestuje: a) sud nije vezan granicama tužbenog zahteva za zaštitu od nasilja u porodici, i b) sud može odrediti i meru zaštite od nasilja u porodici koja nije tražena ako oceni da se takvom merom najbolje postiže zaštita (Jakšić, 2007: 629). Ovako ustrojen parnični postupak u dobroj meri olakšava položaj ovlašćenog tužioca u istom, što bi bio još jedan razlog više da se koristi i ovaj oblik zaštite od nasilja u porodici.

Zakon o sprečavanju nasilja u porodici

Ingerencije javnog tužioca prema ZSNP, imajući u vidu temu rada, mogu se podeliti u tri grupe. Jedne su vezane za njegovo učešće u konkretnom postupku vezanom za sprečavanje nasilja u porodici i predlaganje produženja izrečenih hitnih mera ustanovljenih ZSNP, druge su vezane za saradnju u sprečavanju nasilja u porodici, a treće u davanju obaveštenja žrtvama, a svaka od njih uslovljena je adekvatnom procenom rizika.

Javni tužilac nije ovlašćen za izricanje hitnih mera predviđenih ZSNP. To je u nadležnosti policije (čl. 17 ZSNP). Zakon propisuje da svako, odnosno državne ustanove i organi, mora policiji ili javnom tužiocu, bez odlaganja, da prijavi nasilje u porodici i svako saznanje o nasilju u porodici ili neposrednu opasnost od njega. Javni tužilac kome je prijavljeno nasilje ili neposredna opasnost od njega, dužan je da prijavu odmah prosledi policijskim službenicima, da bi oni o tome obavestili nadležnog policijskog službenika (čl. 13, st. 5 ZSNP). Nadležni policijski službenik je dužan da izvrši procenu rizika od nasilja u porodici. S tim u vezi, predviđena je njegova dužnost da osnovnom javnom tužiocu nadležnom prema prebivalištu/boravištu žrtve dostavi sva dostupna obaveštenja o nasilju u porodici ili neposrednoj opasnosti od njega i procenu rizika. Ukoliko nakon procene rizika nadležni policijski službenik naređenjem izrekne hitnu meru, istu će takođe dostaviti javnom tužiocu (čl. 16, st. 3 i 4 i čl. 17, st. 6 ZSNP).

Posle prijema obaveštenja, procene rizika i naređenja, osnovni javni tužilac proučava obaveštenja i vrednuje procenu rizika nadležnog policijskog službenika. Ukoliko nakon vrednovanja procene rizika javni tužilac ustanovi neposrednu opasnost od nasilja u porodici, dužan je da sudu podnese predlog da se hitna mera produži. Rok za podnošenje ovog predloga je 24 časa od časa uručenja naređenja licu kome je izrečena hitna mera. Uz predlog za produženje hitne mere javni tužilac dostavlja sudu i procenu rizika nadležnog

policajskog službenika, svoje vrednovanje njegove procene rizika i druga obaveštenja koja ukazuju na neposrednu opasnost od nasilja u porodici (čl. 18 ZSNP). Iz iznetog se može zaključiti da je javni tužilac jedini ovlašćen da zahteva produženje hitne mere. Vršeći ovo svoje ovlašćenje, javni tužilac vrši i nadzor nad radom policajskog službenika koji je izrekao hitnu meru, s obzirom da je *condicio sine qua non* za produženje hitne mere predviđeno postojanje vrednovanja procene rizika koje sačinjava sam javni tužilac. Na odluku suda o produženju hitne mere javni tužilac ima prava žalbe u roku od tri dana od dana prijema rešenja (čl. 20, st. 1 ZSNP).

Kada je reč o nadležnosti javnog tužilaštva i saradnji u sprečavanju nasilja u porodici trebalo bi ukazati na dve stvari. Prvo, u svakom osnovnom i višem javnom tužilaštvu se imenuju lica za vezu. Njih imenuje javni tužilac iz reda zamenika javnog tužioca koji su završili specijalizovanu obuku. Lica određena za vezu iz javnog tužilaštva i drugih organa svakodnevno razmenjuju obaveštenja i podatke bitne za sprečavanje nasilja u porodici, otkrivanje, gonjenje i suđenje za krivična dela određena ZSNP, za pružanje zaštite i podrške žrtvama nasilja u porodici i žrtvama krivičnih dela određenih ovim zakonom (čl. 24 ZSNP). Nema podataka da li su ova lica određena. Drugo, ovlašćenja javnog tužioca u vezi sa saradnjom u oblasti sprečavanja nasilja u porodici naročito su izražena u radu Grupe za koordinaciju i saradnju, jer on predsedava navedenom grupom. Ova grupa, pored tužioca ima još dva stalna člana, radnika centra za socijalni rad i nadležnog policajskog službenika. Grupa ima nadležnost da razmatra svaki slučaj nasilja u porodici koji nije okončan pravnosnažnom sudskom odlukom u građanskom ili krivičnom postupku i slučajeve kada treba da se pruži zaštita i podrška žrtvama nasilja u porodici i žrtvama krivičnih dela iz člana 4, stav 1 ZSNP. U nadležnosti Grupe je i da izrađuje individualni plan zaštite i podrške žrtvi, kao i da nadležnom javnom tužilaštvu predlaže mere za okončanje sudskih postupaka (čl. 24 i 25 ZSNP). Individualni plan zaštite i podrške žrtvi izrađuje Grupa u svim slučajevima kada je procenom rizika ustavljena neposredna opasnost od nasilja u porodici (čl. 31, st. 1 ZSNP).

Važnu ulogu u prevenciji nasilja, kao i u samoj zaštiti žrtava, svakako, predstavlja i dužnost javnog tužioca da obaveštava žrtve. Javni tužilac dužan je da već u prvom kontaktu sa žrtvom nasilja u porodici ili žrtvom krivičnog dela iz člana 4, stav 1 ZSNP pruži žrtvi potpuna obaveštenja o organima, pravnim licima i udruženjima koji joj pružaju zaštitu i podršku, i to na način i na jeziku koji žrtva razume. Dužnost obaveštavanja žrtve trebalo bi tumačiti

u skladu sa članom 56 Istanbulske konvencije, jer što više informacija žrtva dobije blagovremeno, praktično joj se pruža mogućnost da se bolje samozaštititi i bolje reaguje u slučaju opasnosti.

Može se zaključiti da na osnovu svih ovih ovlašćenja i mogućnosti iz ZSNP javni tužilac, s jedne strane, reaguje preventivno i pruža zaštitu žrtvi nasilja, a sa druge strane, uporedo prikuplja obaveštenja na osnovu kojih može odlučiti da li će iz ovog postupka krenuti u krivično ili prekršajno gonjenje i/ili u parnični postupak podnošenjem tužbe, ili će, pak, „zastati na hitnim merama”, ukoliko smatra da je time pružena adekvatna i delotvorna zaštita žrtve nasilja u porodici, za šta je od presudnog značaja adekvatna procena rizika u svakom konkretnom slučaju. Pored navedenog, od procene rizika zavisi i koje mere će biti unete u individualni plan zaštite i podrške, kao i koje informacije i savete će javni tužilac dati žrtvi nasilja u porodici.

Zaključak

Iz prethodnog izlaganja jasno proizilazi da javni tužilac ima velika ovlašćenja u vezi sa zaštitom od nasilja u porodici. Nažalost, neka od tih ovlašćenja se ne koriste u dovoljnoj meri. Trebalo bi, pre svega, pospešiti učešće javnih tužilaca u porodičnim sporovima za zaštitu od nasilja u porodici, kako je to učinjeno u prethodnih godinu dana. Uloga javnog tužioca je proaktivna i podrazumeva njegovo aktivno učešće u dokaznom postupku radi postizanja što brže i delotvornije građanskopravne zaštite, što je i jedan od ciljeva PZ.

Kao organ kaznenog gonjenja javni tužilac bi posebno trebalo da obratiti pažnju na to koji bi slučajevi trebalo da budu predmet krivičnog, a koji prekršajnog gonjenja. U konsultacijama s policijom, tužilac ne bi trebalo da, bez adekvatne procene rizika, daje nalog da se pokreće prekršajni postupak, a da prethodno nije utvrdio da li se u radnjama prijavljenog eventualno ostvaruju i obeležja krivičnog dela, o čemu je već bilo reči. Iako javni tužioci „ne idu često“ u pokretanje prekršajnih postupaka, već ih delegiraju na policiju, u ovim slučajevima bi, smatramo, to trebalo biti pravilo. U najmanju ruku, neophodna je koordinacija sa organima prekršajnog gonjenja, da ne bi došlo do pokretanja dva kaznena postupka zbog istog događaja, jer bi u nekim slučajevima prekršajni postupak mogao sprečiti vođenje krivičnog postupka (*ne bis in idem*). Na ovaj način izbeglo bi se „seciranje“ kompleksnih slučajeva izdvaja-

njem pojedinačnih događaja i njihovim procesuiranjem kroz prekršajni postupak, jer se time gubi i mogućnost adekvatne zaštite žrtava nasilja u porodici.

Kada je reč o krivičnom delu nasilje u porodici, a javni tužilac oceni da bi imalo mesta odložiti gonjenje, trebalo bi nalagati obavezu podvrgavanja psihosocijalnom tretmanu radi otklanjanja uzroka nasilničkog ponašanja. Uputovanje na psihosocijalni tretman bi uvek trebalo da bude praćeno i radom sa žrtvom na njenom osnaživanju. Naravno, za to su potrebni i odgovarajući uslovi, koji za sada postoje samo u nekim sredinama. Iz izvršenja, odnosno neizvršenja jedne takve obaveze mogla bi se utvrditi oportunost (svrshishodnost) krivičnog progona.

Čini se da bi u krivičnim postupcima, kako u istrazi, tako i na glavnom pretresu, više trebalo primenjivati pravila o posebno osetljivom svedoku. U tom kontekstu trebalo bi poraditi na tome da se tužilaštva opreme odgovarajućom opremom – video linkovima, što bi svakako doprinelo implementiranju ovih pravila. Međutim, za realizaciju ovakvog vida ispitivanja potrebni su odgovarajući materijalni uslovi, na kojima će se raditi u narednom periodu od strane nadležnih.¹⁸ Takođe, bar do usvajanja Zakona o besplatnoj pravnoj pomoći, trebalo bi koristiti mogućnost postavljanja punomoćnika posebno osetljivim svedocima (čl. 103 ZKP).

Važi opšte stručno mišljenje da se pritvor u praksi veoma često određuje, zato bi, u slučajevima gde ova mera obezbeđenja prisustva okrivljenog nije nužna, trebalo predlagati meru iz člana 197 ZKP, koja se takođe nedovoljno koristi u praksi.

S obzirom na to da domaći sudovi u najvećem broju slučajeva izriču uslovne osude, javni tužilac bi trebalo da, kada oceni da se i njome može ostvariti svrha krivičnih sankcija, predloži i zaštitni nadzor, što zahteva i kasnije praćenje ponašanja osuđenika. O izvršenju zaštitnog nadzora stara se Poverenička služba Uprave za izvršenje krivičnih sankcija, dok je javni tužilac ovlašćen da zahteva opozivanje uslovne osude ako se ne ostvaruju obaveze određene zaštitnim nadzorom. Na ovaj način se obezbeđuje da javni tužilac ima uvid u kontinuitet ponašanja određenog osuđenika.

Ovlašćenja koja ima Grupa za koordinaciju i saradnju kojom predsedava javni tužilac čine ga bazičnim organom u sprečavanju nasilja u porodici.

¹⁸ Ministarstvo pravde planira izradu Nacrta zakona kojim će se urediti oblast kojom se tretira sekundarna viktimizacija, koja svakako uključuje i ispitivanje posebno osetljivih svedoka.

Prilikom postupanja povodom produženja hitnih mera javni tužilac mora na valjan način vrednovati policijsku procenu rizika. To se ne sme svesti na puko formalno postupanje. Ove „evaluacije“ ne teba da budu jednolične, u smislu da bude zadovoljena forma. Procena rizika jeste „instrument“ koji uvedi ZSNP, ali to nije instrument samo ovog zakona. Dobro izvršena procena rizika je jedina ispravna smernica za javnog tužioca, koji će, u zavisnosti od stepena rizika, odlučiti o svom postupanju i predložiti adekvatnu meru kojom će se delovati na učinioца, ali i zaštititi žrtva nasilja u porodici.

Nije manje značajna uloga javnog tužioca i kada daje odgovarajuća obaveštenja žrtvama. Nekada ih može podučiti konkretnim pravima. Na primer, ako se vodi prekršajni postupak trebalo bi poučiti oštećenog da samo on može tražiti procesnu meru zabrane pristupa oštećenom, objektima ili mestu izvršenja prekršaja, kako je to prethodno objašnjeno.

Nažalost, neka rešenja iz pozitivnog prava nisu pravno zadovoljavajuća. To nije predmet ovog rada, mada smo na neka ukazali (na primer, nepostojanje regulative za izvršenje mere bezbednosti iz člana 89a KZ). Takva rešenja sputavaju rad svih pravosudnih i policijskih organa i slabe postavljeni koncept zaštite od nasilja u porodici. Prema tome, u ovoj oblasti trebalo bi raditi i na poboljšanju regulative koja bi trebalo da obezbedi nesmetan rad javnom tužiocu i drugim organima u prevenciji i suzbijanju nasilja u porodici.

Literatura

- Ćorović, E. (2015) *Sistem krivičnih sankcija Republike Srbije*. Niš-Novi Pazar: Sven.
- Ćorović, E., Milić, I. (2016) Zaštita od nasilja u porodici u zakonodavstvu Republike Srbije sa posebnim osvrtom na krivičnopravnu legislativu. U: S. Bejatović, P. Dunjić (ur.) *Krivičnopravni instrumenti suprotstavljanja terorizmu i drugim krivičnim djelima nasilničko karaktera*. Teslić: Ministarstvo pravde Republike Srpske, Srpsko udruženje za krivičnopravnu teoriju i praksu i Internacionalna asocijacija kriminalista, str. 419-451.
- Ćorović, E., Šemović, A. (2016) Upotreba video-linka u krivičnom postupku. U: S. Bejatović (ur.) *Suđenje u razumnom roku i drugi krivičnopravni instrumenti adekvatnosti državne reakcije na kriminalitet*. Beograd: Srpsko udruženje za krivičnopravnu teoriju i praksu – Intermex, str. 355-368.
- Ćorović, E., Šemović, A. (2017) Critical Review of the Security Measure of Restraint to Approach and Communicate with the Injured Party under article 89a of the Serbian Criminal Code. *Facta Universitatis – Series: Law and Politics*, 1, str. 1-11.

- Ćorović, E., Šemović, A., Turanjanin, V. (2017) Delo malog značaja i načelo oportuniteta krivičnog gonjenja (norma i praksa). U: S. Bejatović (ur.) *Reformski procesi i poglavje 23 (godinu dana posle) – krivičnopravni aspekti*. Beograd: Srpsko udruženje za krivičnopravnu teoriju i praksu – Intermex, str. 191-206.
- Ignjatović, T. Pavlović Babić, D., Lukić, M. (2015) *Delotvornost sistemskih mehanizama za sprečavanje nasilja prema ženama i nasilja u porodici*. Beograd: Autonomni ženski centar.
- Ilić, G., Majić, M., Beljanski, S., Trešnjev, A. (2013) *Komentar Zakonika o krivičnom postupku*. Beograd: Službeni glasnik.
- Ilić, G., Nenadić, S. (2016) Položaj žrtve u krivičnom postupku za krivično delo nasilja u porodici. U: S. Josimović, G. Ilić, S. Nenadić, M. Škulić (ur.) *Postupanje u slučajevima nasilja u porodici i poboljšanje položaja žrtve u krivičnom postupku – iskustva iz prakse*. Beograd: USAID – Udruženje javnih tužilaca i zamenika javnih tužilaca Republike Srbije, str. 58-78.
- Jakšić, A. (2007) *Građansko procesno pravo*. Beograd: Pravni fakultet Univerziteta u Beogradu.
- Kiurski, J. (2015) *Oportunitet krivičnog gonjenja*. Doktorska disertacija. Beograd: Pravni fakultet Univerziteta u Beogradu.
- Krivični zakonik, Službeni glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016.
- Milić, I. (2014) O nekim problemima kod izricanja i izvršenja mere zabrane pristupa, odnosno prilaženja oštećenom, objektima ili mestu izvršenja prekršaja, u Zakonu o prekršajima Republike Srbije. *Pravna misao*, 11-12, str. 31-44.
- Porodični zakon, Službeni glasnik RS, br. 18/2005, 72/2011 - dr. zakon i 6/2015.
- Ramljak, A., Simović, M. (2011) *Viktimalogija*. Bihać: Pravni fakultet Univerziteta u Bihaću.
- Škulić, M. (2016) Položaj žrtve krivičnog dela/oštećenog u krivičnopravnom sistemu Srbije uopšte i u odnosu na Direktivu EU 2012-29. U: Đ. Ignjatović (ur.) *Kaznena reakcija u Srbiji – VI deo*. Beograd: Pravni fakultet Univerziteta u Beogradu, str. 40-80.
- Ustav Republike Srbije, Službeni glasnik RS, br. 98/2006.
- Vuković, I. (2015) *Prekršajno pravo*. Beograd: Pravni fakultet univerziteta u Beogradu.
- Zakon o izmenama i dopunama Krivičnog zakonika Republike Srbije, Službeni glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016.
- Zakon o javnom redu i miru, Službeni glasnik RS, br. 6/2016, 24/2018.

Gorjana Mirčić Čaluković, Emir Ćorović *Javni tužilac kao organ zaštite žrtava nasilja u porodici u pravu Srbije*

Zakon o javnom tužilaštvu, Službeni glasnik RS, br. 116/2008, 104/2009, 101/2010, 78/2011 - drugi zakon, 101/2011, 38/2012 - odluka Ustavnog suda, 121/2012, 101/2013, 111/2014 - odluka Ustavnog suda, 117/2014, 106/2015, 63/2016 - odluka Ustavnog suda.

Zakon o parničnom postupku, Službeni glasnik RS, br. 72/2011, 49/2013 - odluka Ustavnog suda, 74/2013 - odluka Ustavnog suda, 55/2014

Zakon o prekršajima, Službeni glasnik RS, br. 65/2013, 13/2016 i 98/2016 - odluka Ustavnog suda.

Zakon o sprečavanju nasilja u porodici, Službeni glasnik RS, br. 94/ 2016.

Zakonik o krivičnom postupku, Službeni glasnik RS, br. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014.

Internet izvori

Council of Europe Convention on preventing and combating violence against women and domestic violence. Council of Europe Treaty Series no. 210. Adopted 11.5.2011., Istanbul. Dostupno na: <https://rm.coe.int/168008482e>, stranici pristupljeno 24.4.2018.

GORJANA MIRČIĆ ČALUKOVIĆ*

EMIR ĆOROVIĆ

Public Prosecutor as the Agency of Protection of Domestic Violence Victims in the Legal System of Serbia

This paper examines the role of a public prosecutor in the protection of domestic violence victims in the legal system of the Republic of Serbia. Prior to the analysis of relevant provisions of the laws referring to the authority and competences of the public prosecutor in relation to the protection of domestic violence victims, the term 'victim' in the legal system of Serbia is defined. The term 'victim' is commonly used in the legal texts, but it is not defined; thus, it is necessary to specify certain aspects of this term. In the analysis of certain legal provisions, the focus is on some of the most significant criminal, misdemeanor and family law institutes, as well as on the provisions of the Law on the Prevention of Domestic Violence, which could affect the role of the public prosecutor in prevention of domestic violence and protection of its victims. In the final part the authors propose certain solutions which should enhance implementation of existing mechanisms available to the public prosecutor in practice, which could contribute to better protection of domestic violence victims.

Key words: victim, domestic violence, public prosecutor, legal protection, Serbia.

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ROSS COOMBER, KAREN McELRATH, FIONA MEASHAM & KARENZA MOORE

Key Concepts in Drugs and Society

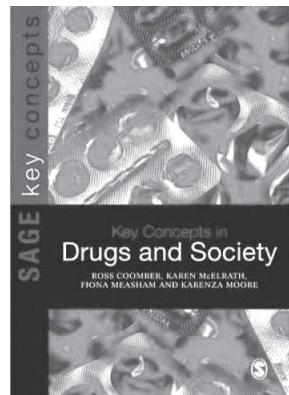
(Ključni koncepti o drogama i društvu)

SAGE, London, 2013, str. 197

Knjiga *Key concepts in drugs and society* (Ključni koncepti o drogama i društvu) autora Ross Coomber, Karen McElrath, Fiona Measham i Karen Moore, bavi se kompleksnošću veze između korišćenja droga i društvene reakcije, pri čemu razmatra tu vezu bez potrebe da ponudi svoj konačni odgovor ili preporuči predlog politika. Knjiga se bavi problemima koji su globalni i razmatra diskutabilna pitanja korišćenja i zloupotrebe psihoaktivnih supstanci (PAS), međukulturalnih i tradicionalnih modela korišćenja droga i mogućnosti legalizacije određenih vrsta droga. Baveći se ovim temama autori razmatraju primenjivost teorije stepenika (*gateway theory*) i koncepta „moralne panike“. Autori ukazuju na različita teorijska i praktična iskustva, pružajući sveobuhvatan i interdisciplinarni uvod, koji otvara široko polje za razumevanje problematike koju obrađuju, a koje izlazi izvan kulturnih mitova i prepostavki.

Knjiga se sastoji od 41 teme ili poglavlja sadržanih u tri glavna dela. Većina poglavlja se završava rezimeom, što je korisno ako se ima u vidu neizbežnost preklapanja između prikazanih tema.

U prvom delu knjige, koji nosi naziv *Vrste droga i načini upotrebe*, autori u okviru različitih poglavlja daju osnovne informacije o različitim vrstama droga i izlistavaju najvažnija pitanja koja se odnose na njihovu upotrebu. Na početku



daju različite definicije droga, objašnjenja šta su to psihoaktivne supstance i govore o drogama koje se koriste u medicinske svrhe. Zatim se bave istorijom i prevalencom korišćenja droga u svetu. U okviru celog jednog poglavlja autori odgovaraju na pitanje „Zašto ljudi koriste drogu?”, i odgovor na ovo pitanje razmatraju iz biološke, psihološke i perspektive uticaja socijalne okoline. U nastavku se bave alkoholizmom i narkomanijom kao bolestima zavisnosti, pritom prikazujući teorijsko-medicinska objašnjena bolesti zavisnosti.

Naredno poglavlje posvećeno je pitanju legalnih droga (alkohol i cigarete). Autori ukazuju na prevalencu njihovog korišćenja, politiku prevencije i zaštite koju sprovode države (na globalnom i lokalnom nivou), kao i na reklamiranje ovih proizvoda i značaj tih reklama za raspostranjenost upotrebe ove vrste droga.

U nekoliko narednih poglavlja autori se bave definisanjem i podelom droga na „lake” i „teške”, te daju opis najčešćih droga koje se koriste – kanabis, marihuana, „skank”, kokain, krek, heroin, ekstazi, ketamini, amfetamini, LSD, halucinoogene pečurke, GHB, sredstva za smirenje (*tranquillisers*), anabolički steroidi.

Na kraju prvog dela knjige, autori razmatraju šta se u savremenom dobu smatra pod upotrebom droga u „rekreativne svrhe” i kakva je situacija u Evropi, Americi i Australiji po tom pitanju. Razmatraju i upotrebu droga na zabavama i u noćnim klubovima od strane mlađih i bave se razlikama u korišćenju droga između muškog i ženskog pola. Autori analiziraju povezanost migracija, pripadnosti određenim socijalnim klasama i marginalnim grupama i korišćenja droga.

Drugi deo knjige, koji nosi naziv *Uticaji droga*, započinje poglavlјem u kome se razmatra farmakološki značaj droga i granica između farmakologije, medicine i društva. Potom se u narednim poglavlјima ovog dela razmatra korišćenje marijuane u medicinske svrhe, značaj kanabisa i marijuane u savremenom duštvu, i prikazuje se istorijat korišćenja marijuane u medicinske svrhe u Americi i Kanadi od 1970-tih godina pa sve do danas. Na ovo se nadovezuje i tema o korišćenje marijuane i kanabisa u lečenju obolelih od HIV-a i karcinoma. Autori podsećaju da se i heroin (diamorfin) koristi u nekim zemljama u medicinske svrhe. Jedan od zaključaka ovog dela je da, iako može da pomogne u ublažavanju simptoma i bolova, ne može se dati jednoznačni odgovor, jer je debata o korišćenju marijuane u medicinske svrhe veoma politizovana. Potom se autori bave i zloupotrebom prepisanih lekova kao globalnim problemom, opisujući na koji način lekovi dospevaju na crno tržište i kako se zloupotrebljavaju recepti prepisani od strane lekara.

U okviru celog jednog poglavlja autori prikazuju teoriju stepenika prema kojoj korišćenje lako dostupnih legalnih droga (nikotin, alkohol, kofein) ili ilegalnih droga („lake“ droge), čija upotreba nije dovoljno suzbijana (marihuana, lepak, halucinogene pečurke), vode do upotrebe „težih“ droga. Autori iznose rezultate istraživanja koja potvrđuju ovu teoriju, ali isto tako upućuju i niz kritika na račun ove teorije, potkrepljujući svoje stanoviše podacima drugih istraživanja u kojima je utvrđeno da većina korisnika „lakih“ droga nije probala „teže“ droge. U vezi sa tim autori navode da se moraju uzeti u obzir i drugi faktori koji utiču na konzumiranje „težih“ droga, kao što su ličnost, porodica, uticaj vršnjaka i socijalni i ekonomski faktori.

U jednom od centralnih poglavlja ovog dela autori se bave nasiljem koje je povezano sa uzimanjem droga, kao i povezanošću između korišćenja droga i kriminaliteta, kao i posledicama korišćenja droga na psihofizičko zdravlje pojedinca. Poslednje poglavlje drugog dela ove knjige posvećeno je vezi između korišćenja droga i prenosivih bolesti, posebno AIDS-a.

Treći deo knjige nosi naziv *Borba protiv droge, tretman i percepcija problema korišćenja droga* i sadrži teme koje se odnose na lečenje, oporavak i pristupe u lečenju osoba obolelih od bolesti zavisnosti. Adekvatni tretmani mogu da pomognu osobama koje su koristile drogu, ali je potrebno sproviditi kontinuirana istraživanja o efikasnosti različitih tretmana koji se koriste u lečenju. Autori se u okviru jednog poglavlja u ovom delu knjige bave i pristupom koji se naziva umanjenje povrede (*Harm Reduction*), a koji predstavlja pokret zasnovan na uverenju i poštovanju prava ljudi koji koriste drogu i uključuje set praktičnih strategija i ideja usmerenih na smanjivanje negativnih posledica vezanih za korišćenje droge.

Autori u poglavlju koje se bavi prevencijom prikazuju pristupe primarne, sekundarne i tercijarne prevencije, koji nisu međusobno isključivi. Primarna prevencija se odnosi na obeshrabrvanje, posebno mladim ljudi, da počnu da koriste droge, kroz razne kampanje koje se sprovode da bi se kod njih podigla svest o štetnosti korišćenja droga i veoma teškim posledicama koje one ostavljaju. Sekundarna prevencija se odnosi na podršku osobama koje koriste droge da prestanu ili smanje uzimanje droga, kao i da vode računa o svom zdravlju i imaju svest o tome kako korišćenje droga utiče na njih. Tercijarna prevencija se odnosi na tretmane koji bi vodili ka lečenju osoba obolelih od bolesti zavisnosti i saniranju posledica dugogodišnjeg korišćenja „teških“ droga.

Jedno od najzanimljivijih poglavlja u trećem delu knjige bavi se aktualnim problemom korišćenja droga i nedozvoljenih supstanci od strane profesionalnih sportista, o rizicima na zdravlje i o merama usmerenim ka kontroli i sprečavanju korišćenja takvih supstanci u sportu.

Još nekoliko važnih tema se obrađuje u ovom delu knjige poput dilera droge, tržišta i „puteva“ droge, kao i koncept moralne panika u vezi sa drogom, a koji se odnosi na širenje mišljenja da korišćenje droga poprima sve veće razmere i narušava dobrobit društva, sa ciljem ujedinjenja društva oko rata protiv droga.

Autori u knjizi ukazuju i na važnost testiranja dece u školama u cilju borbe protiv korišćenja droge, i u vezi sa tim razmatraju dobre i loše strane takvog pristupa u prevenciji u Americi i drugim zemljama sveta. Na kraju poslednjeg dela, kroz razmatranje važnosti specijalizovanih sudova za procese protiv trgovaca drogom, autori postavljaju važna pitanja koja se odnose na odgovor i zalaganje društva da se ova problematika sagleda iz različitih perspektiva, preispita važeća legislativa i mogućnost legalizacije određenih vrsta droga.

Ova knjiga je sjajan resurs koji odražava ogromnu stručnost autora. Preporučio bih ovu knjigu studentima, istraživačima, praktičarima i svima koji žele kritičku, ali sveobuhvatnu pokrivenost ključnih pitanja i trendova koji se tiču droge i društva – na lokalnom i globalnom nivou, nekada i sada.

BEJAN Šaćiri

Poziv na saradnju i pretplatu

Časopis *TEMIDA* je naučni časopis o viktimizaciji, ljudskim pravima i rodu. Časopis objavljuje naučne i stručne radove i prikaze domaćih i stranih autora i autorki koji za svoj predmet imaju problem žrtava kriminaliteta, rata, kršenja ljudskih prava i drugih oblika stradanja (sa posebnim naglaskom na probleme žena, dece, manjinskih grupa, osoba sa invaliditetom i drugih kategorija koje su posebno izložene viktimizaciji), strah od kriminaliteta, kršenje ljudskih prava u zatvoru i u krivičnom postupku, prevenciju viktimizacije i slično. Posebna pažnja posvećuje se svim oblicima rodno zasnovanog nasilja, kao i drugim aspektima ostvarivanja rodne ravnopravnosti. Svaki broj je tematski koncipiran, ali se objavljaju i tekstovi van određenih tema.

Teme za 2018. godinu su: Broj 3: **Stare osobe kao žrtve kriminaliteta** (rok za predaju radova je 10. septembar 2018. godine). Članci van ovih tema mogu biti predati Redakciji bez obzira na navedene rokove.

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