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Statement by the Institute of Criminology at the Faculty of Law on the Proposal for “Šutar Law”

At the Institute of Criminology at the Faculty of Law, we express our sincere condolences to the family of the victim following the tragic event in Novo Mesto. At the same time, we acknowledge that the security situation in southeastern Slovenia has become untenable. We view this primarily as a consequence of the long-term neglect of the needs and social situation of the Roma minority, many of whom continue to live in inhumane conditions, at least in areas where children lack access to drinking water, sewage systems, electricity, or heating.

Individuals who engage in delinquent behaviour often come from families and communities marked by severe health and social problems, including illiteracy, unemployment, addiction, and violence. We therefore emphasise that the welfare state has failed both the Roma community and the safety of the broader population of Slovenia by not adequately addressing these conditions. The welfare state's purpose is not only to provide financial support to those in need, but rather to ensure that all citizens are actively included in social life, particularly through access to education, employment, and community participation.

Because of this failure, both members of the Roma minority and other residents who perceive coexistence with this minority as a threat to their safety now find themselves in a difficult position. Everyone, therefore, rightly expects and demands change. Government action is clearly necessary. The state faces the difficult task of ensuring public safety while restoring trust in legal and social institutions. However, even though the public demands a swift response, measures must be well-considered and directed at the root causes of the situation, as only such an approach can achieve lasting results. Our critique of the proposed measures aims to contribute constructively to this reflection.

We are following the government's announced measures under the so-called Šutar Law with deep concern, as in our professional assessment, they represent a serious departure from the fundamental principles of a legal and social state, placing disproportionate emphasis on punitive and coercive instruments. What we see, at least for now, is a lack of genuine social integration policy and an attempt to compensate for this absence through the expansion of the punitive state. Criminal law measures and social policies must be designed to complement one another, based on a comprehensive assessment of the situation, rather than as a populist response to an isolated event. If the welfare state has failed, it cannot be replaced solely by punitive measures.

According to available information, the proposed changes include the expansion of police powers, additional possibilities for entering private premises without a court order, and conducting raids and recordings in areas defined by the government as “security risks.” Such measures move toward greater state control over citizens while reducing judicial oversight, which is one of the key safeguards against abuse of power. It is important to note that the existing Criminal Procedure Act (ZKP) and the Police Tasks and Powers Act (ZNPPol)



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already allow for entry and search of private homes without a court order in clearly defined and urgent circumstances (for example, when someone calls for help, when it is necessary to arrest an offender caught in the act, or to protect life and property). The scope of these provisions has already been shown to be sufficiently restrictive.

We therefore stress that measures undermining legal certainty and expanding state surveillance will ultimately affect all citizens. Such solutions may create a short-term illusion of greater safety, but in the long run they erode freedom, privacy, and trust in institutions designed to protect fundamental rights and risk further marginalising already vulnerable groups and communities. It is well known that “bayonets can achieve a lot in the short term, but you cannot sit on them for long.”

Experience from other countries that have adopted similarly repressive measures under comparable circumstances clearly shows that, over time, such approaches do not increase security. Instead, they heighten the general sense of insecurity and deepen distrust in public institutions.

Proposals to amend the Criminal Code (KZ-1) by abolishing prosecution based on individual criminal offenses are also ill-conceived, as they would further burden already overstretched prosecutors and courts, without improving the effectiveness of the justice system.

We also find the proposed restrictions on social benefits and legal aid harmful. Withdrawing social assistance from individuals labelled as “repeat offenders” does not address the underlying causes of crime or social exclusion, which is precisely where attention should be focused. The government should instead strengthen investment in social infrastructure: improving living conditions, education, and employment opportunities, and supporting community programs that can help reduce crime and violence over time. It is also deeply problematic to restrict social benefits for families where a minor becomes pregnant, without offering appropriate alternative support, as this can only deepen their social distress. Pushing teenage parents into greater poverty will lead to more, not less, crime.

We reiterate that in a democratic and lawful state, all measures restricting human rights and freedoms must be proportionate, legally sound, and subject to broad public debate, not adopted under political pressure or as a quick fix for the failures of the welfare state, which we risk replacing with a harsh punitive regime.

We therefore call on the government to remain firmly committed to the principles of the rule of law, human rights, and legality; to separate policy-making from individual criminal proceedings that determine personal responsibility; and to take measures that address the root causes of criminal behaviour.

In a society that seeks to remain both safe and just, true security cannot be achieved through excessive restrictions on rights, but through trust: trust in the law, in institutions, and in the people who uphold them, and through a strong welfare state that ensures every person in



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Slovenia can live with dignity.

The collective if the Institute of Criminology,

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(translated from the Slovenian original)