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REPORT FROM THE PUBLIC DEBATES ON THE DRAFT AMENDMENT TO THE CRIMINAL CODE (BRATISLAVA, 30 MARCH 2023) / Lukáš Turay, Stanislav Mihálik

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On March 30, 2023, Public Debates on the draft amendment to the Criminal Code were held in the premises of the Comenius University Bratislava, Faculty of Law, which was organised by the Ministry of Justice of the Slovak Republic in cooperation with the Comenius University Bratislava, Faculty of Law.

The basic purpose of the event, which took place with the participation of representatives of the Ministry of Justice of the Slovak Republic, was to present the draft amendment to the Criminal Code to a wide professional public.

The welcome of the participants was ensured by Assoc. Prof. JUDr. Eduard Burda, PhD., dean of the Comenius University Bratislava, Faculty of Law, who in his introductory speech pointed out the importance of the legislative works in question, especially in terms of cooperation both in application practice and academia. He subsequently delivered the speech to JUDr. Viliam Karas, PhD., Minister of Justice of the Slovak Republic, who followed up on the words of Assoc. Prof. Burda and emphasised the importance of involving such a wide range of experts from various areas of law. He added that after taking up the post of Minister of Justice of the Slovak Republic, he perceived the completion of work on the judicial map as a basic task, but over time, the importance of amendments to the Criminal Code and the Criminal Procedure became apparent. He particularly pointed out the importance of the scientific work of academics in the field of criminal law, which was an indispensable starting point for the creation, modification and subsequent finalisation of the legislative text. He also expressed his positive attitude to the fact that the academic sphere did not shy away from its responsibilities in the given area. In conclusion, Dr. Karas stated that he does not see criminal rates as a key component of the amendment to the Criminal Code, but a change in the state's approach to the implementation of its criminal policy, to the victim, to the task of how the state wants to use its resources to exercise state power in the given area.

Prof. JUDr. Jozef Čentéš, PhD., head of the Department of Criminal Law, Criminology and Criminalistics of the Comenius University Bratislava, Faculty of Law, continued this part with his contribution and he initially pointed out the importance of such a coordinated approach to the creation of amendments to the Criminal Code, especially when considering the number of amendments to the Criminal Code during its effective period (since 2006). He also pointed to the fact that the proposed amendment to the Criminal Code cannot be seen only as a means of changing criminal rates, but primarily as an approach to a different system of criminal justice. Assoc. Prof. JUDr. Ondrej Laciak, PhD., lawyer, vice-chairman of the Slovak Bar Association and associate professor at the Department of Criminal Law, Criminology and Criminalistics of the Comenius University Bratislava, Faculty of Law and JUDr. František Mozner, chairman of the Criminal Law College of the Supreme Court of the Slovak Republic, they also spoke in the following discussion.

Peter Sepeši, State Secretary of the Ministry of Justice of the Slovak Republic, who through a presentation on the topic "Preparation of the amendment to the Criminal Code" presented the legislative process itself (through the preparatory phase to the finalisation of the legislative text). His words were followed up by PhDr. Vladimír Cehlar, PhD., Director of the Section of Restorative Justice and Probation, who, for example, described the research carried out in the field of training opportunities for judges and prosecutors in the field of restorative justice, as well as the national project focused on restorative justice (Building and strengthening alternative resolution of court disputes through mediation). In the next part, JUDr. Daniel Petričko, judge of the District Court in Michalovce, spoke with the topic "Tailored sanctions". He stated that within the framework of working groups on the preparation of the amendment to the Criminal Code, he focused on the interest of the victim, or on tailor-made sanctions, pointing to the expansion of options (and combinations) in relation to the imposition of alternative punishments. The conclusion of the first part was devoted to the discussion in connection with the questions that were raised in relation to the debaters from the plenary.

In the second part of the event, prof. JUDr. Jozef Čentéš, PhD., JUDr. Dominik Pindes (Office of the State Secretary), col. Mgr. Michal Sediak (authorised General Director of the Prison and Judicial Guard Corps) and Ľubomír Daňko (Director of the

National Criminal Agency of the Presidium of the Police Force Bratislava) took part. In their speeches, they addressed selected partial issues arising from the proposed amendment to the Criminal Code. The conclusion of this part was connected with a rather rich discussion.

Within this part of the debates, a new institute called short-term prison sentence was presented. The purpose of a short-term prison sentence is to use the personal experience of the offender to warn him to avoid illegal behaviour in the future or to cooperate consistently in the execution of alternative punishments and imposed measures or restrictions. It will be a special category of convicts with minimal restrictions on movement and control of their activities, as well as interference with their rights. The change of the institute of effective remorse and the issue of alcohol behind the wheel were also presented.

At the end, there was also the possibility of an open discussion, in which lawyers, judges and prosecutors participated. The mentioned event also attracted the attention of students.

Public debates on the draft amendment to the Criminal Code presented a major amendment to the Criminal Code, which in many ways can be compared to recodifications. Authors who directly participated in this amendment spoke at the mentioned conference. The public debate was also broadcast online, via social networks.

