CRIMINAL POLICY PROTECTION WITHIN SMART CITIES’ AREAS

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Abstract
The term smart city was first used in the nineties of the 20th century, and then the focus was on the application of innovative technologies, as part of modern infrastructure within cities. Nowadays, a smart city means an instrumented, interconnected and intelligent city. European cities are not sufficiently tolerable, inclusive or productive for the needs of the modern age. Smart cities of the present and future should improve the area of social life, but also the organization of public transport, for example. In addition, the policy of developing smart cities should prevent difficulties, rather than finding ways to solve them. The aging of the European population, the integration of migrants, social exclusion or the unsustainability of the natural environment, as well as unemployment, delinquency and a weak local economy, are seen as pressing difficulties. Human or social ecology describes the relationships between people who share the same habitat or local territory and these relationships are clearly related to the character of the territory itself. It is, in fact, learning about social structure in relation to the local environment. So sociologists, in the later years of the 20th century, included ecology in studies of social development or the evolution of human institutions and widely incorporated that concept from the domain of natural sciences into the domain of social sciences. The development of smart cities, by itself, will not eliminate delinquency. Therefore, it is necessary to consider a special concept of crime prevention, which would primarily refer to the prevention of criminal behavior within the community, within the city.

Keywords: smart city; delinquency; ecological theory; delinquent area; prevention; population.

1. INTRODUCTION

The questions included in the explanations of criminal phenomenology refer, among other things, to the dynamics of criminality, which unites the changes in the extent of criminality, as a mass social phenomenon, in a certain period of time and in a certain space. Empirical research shows that crime and delinquency increase with the process of urbanization.

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In the second decade of the 21st century, in the literature in the field of social and humanistic sciences, as well as technical and technological sciences, it is stated that even twenty years ago, the concept of a smart city found its significant place in discussions in the aforementioned scientific fields, where it was also determined as an international oriented direction of lifestyle change in cities (Albino, Berardi, Dangelico, 2015: 3).

The principles of action and decision-making at the level of urban living require changes, in the global framework. There is a claim that European cities are not sufficiently sustainable, inclusive or productive for the needs of modern people. Financial crises or mistakes in decision-making policy in many areas of life should teach citizens how to design new principles of living.2

In her book *The Death and Life of Great American Cities*, the author Jane Jacobs, one of the most famous philosophers of urban life today, wrote: "Cities have the ability to offer something to everyone, only and only when they are created by everyone" (Eggers, Guszcza, Green, 2017).

On the other hand, recalling retro criminological writings, returns the attention of criminologists to the contemporaneity of classical themes, as well as the observations made from their theoretical and empirical studies, that the history of human civilization, as Morris points out "is largely assessing man's effort to free himself from the constraints imposed by his natural environment; not only can he now practically live and work under all possible climatic conditions, but he can inhabit vast urban agglomerations which, since they cannot support themselves, can survive in terms of ingenious technology and efficient transport" (Morris, 1971: i). However, what has resulted, Morris further argues, is that man has created his own new environment which, in turn, begins to manifest its own limitations in relation to man. A large city or a suburb can set limits on human activity which, although derived from a very different sense, are no less real than those set in the past, in relation to mountains and rivers, deserts and oceans. Acknowledging the existence of diversity between urban and rural lifestyles is an appreciation of the underlying association between behavior patterns and local community characteristics.

There are many definitions of a smart city. Examples of different conceptual approaches lead to the replacement of the word smart with the words intelligent or digital, thus indicating the inconsistency of the name. Originally, in the nineties of the last century, the use of the name smart city implied the incorporation of information technologies into the urban environment. However, this proved to be too narrow a definition. The meaning of the definition of a smart city is in the way the city is managed, with an emphasis on the role of social capital and relationships between people in urban development (Albino, Berardi, Dangelico, 2015: 4).

2. CONTEMPORARY CONTEXT – CRIME PREVENTION IN THE CITY/MODERN CITY

The development of attitudes and understandings about crime prevention, or according to some authors, the preventive mentality, went through many stages, turns and innovations, "which began to outline the terrain, focus and technologies of prevention" (Crawford, 2007: 870).

It is necessary to emphasize that the term "crime prevention" is a widely used concept with rather freely defined meanings that are in use. For some authors, this term refers to the conventional operation of criminal justice. Again, others such as Dijk and Waard argue for a definition that helps to focus on alternative or special crime prevention programs. Therefore, they emphasize that crime prevention is "a set of all personal initiatives and state policies, to a greater extent than the retribution of criminal law, with the aim of reducing the damage caused by actions that the state incriminates as criminal acts" (Dijk, Waard, 1991: 483). This definition also includes programs for reducing the fear of crime, since fear can also be seen as damage caused by crime; then, victim assistance programs, because it can be seen as a form of damage control, as well as preventive police activity, such as ongoing supervision and treatment or training of current/ex-offenders. The investigation and conduct of criminal proceedings against perpetrators, punishment and execution of conventional sentences are excluded from this definition of crime prevention.

Comprehensiveness responds to numerous issues of crime prevention, however, they must also refer to the characteristics of the emergence of human settlements. Those settlements have always strived to ensure the safety, security and well-being of citizens, in terms of design and proximity to the availability of water, food and meeting other vital needs. Safety and security have always been important issues, historically speaking, from early prehistoric times and cave life, all the way to the emergence of medieval and modern cities. However, with the development of new technologies, settlements have become suitable for reflecting new and growing threats aimed at the improvement and well-being of the population's life.

These threats appeared alongside the processes of urbanization and industrialization, as well as through the accelerated unplanned expansion of cities, under the influence of capitalism, which resulted in: overpopulation, pollution, poverty, disease, crime and anomie (Wirth, 1938: 2). Added to this description is the fact that cities have become "containers" of infinite difficulties, on the one hand, as well as places that steal vitality, excitement and enjoyment of life, on the other. Paraphrasing Shakespeare's lines, Calvino writes: "It is the same with cities as with dreams: everything that is imagined can be dreamed, and even the most unexpected dream is a rebus that hides desire, or vice versa, fear." Cities, like dreams, are made of desires and fears, and when the thread of their speech is secret, their rules are absurd, their perspective is fickle, and everything is a cover-up for something else" (Calvino, 1972).

The theory of crime prevention through the appearance of the environment is based on the simple idea that crime originates in part from opportunities found in the physical environment. This leads to the conclusion that it would be possible to change the physical environment so that crime is less likely to occur (Clarke, 1989: 1).

There are three separate approaches or theories that go under the basic name of crime prevention theory through the appearance of the environment. The original variant and the very name of the theory are linked to the criminologist C. Ray Jeffery, who published a book in 1971 in which he criticizes sociologically oriented criminologists because they consider only those factors of a social nature as the causes of crime while ignoring both biological and determinants originating from the environment. Therefore, this criminologist states that prevention should be focused on biological factors (brain damage, for example), on the one hand, and on eliminating opportunities for committing crimes, on the other hand.

Another approach of this theory is the theory of "defended space" and is related to Jane Jacobs, who made serious criticisms of post-war urban planning, emphasizing its destructive component in relation to the natural processes of order within the neighborhood
(Jacobs, 1992). Nevertheless, Newman is considered to be its founder, whose thought developed on the basis of criticism of the views expressed by Jane Jacobs. Newman was able to identify architectural solutions that would discourage crime and strengthen preventive social control. Hence, the theory of defended space is "a model for a residential environment that prevents crime by creating the physical appearance of a social structure that defends itself" (Newman 1972: 3). Newman argued that architectural form can unleash a latent sense of territory and community among residents so that these features become integral parts of what residents appropriate as part of their responsibility for maintaining a safe environment and for the well-being of life within it. Newman identified several components of good environmental design that encourage a network of social control: territoriality, constant surveillance, appearance, and surroundings. Essentially, territoriality requires a physical space that separates areas of control, while constant surveillance requires a form of buildings that allows and facilitates easy observation of territorial areas (Newman 1972: 3).

Post-World War II mass housing projects displaced important processes of social control. In their place, there was a "swelling" of "undefended space", which included: anonymous footpaths, passageways, corridors in which there are stairs from the ground floor to the top floor of the house, elevators, long dark passages, all easily accessible. They thereby created "confusing" areas that belong to no one, that no one takes care of and that no one supervises (Newman 1972: 3). These theses were sharply criticized by criminologists and other sociologically oriented scientists, who accused him of "environmental determinism" and an overly simplistic explanation of human behavior based on territorial behavior in animals (Clarke, 1980: 136).

The third approach to this theoretical determination arose from criminological research on situational prevention, which was carried out for the account and at the request of the British government in the seventies of the 20th century. It would be a general approach to reduce the opportunities for committing any form of crime, which occurs anywhere, such as: airplane hijackings, theft of welfare funds, making harassing phone calls, violence in cafes, domestic violence, as well as in cases of committing any forms of blood and sexual offences, and which were committed by persons who would not ordinarily be said to be delinquent (Clarke, 1980: 137).

The dynamic, based on the risk of offending, is also evident in some prevention programs at the community level. Since a high level of crime often coexists with a high level of victimization, such programs can be "solved" by targeting the most vulnerable social groups, in the sense that crime prevention is focused on "repeat victimization". This may lead to bias, but not necessarily eliminate the stigmatization of potential in such programs. Communities can develop a reputation that is difficult to eliminate, in the extreme, as places that lose their appeal to live in.

Contrary to the assumptions related to a strictly communitarian approach, it is emphasized that "more community" is not equated in any simple way with "less crime". A local community and the normative values shared by its members can be extremely criminogenic. Strong social ties, networks of mutual relationships and mutual trust form the very essence of organized crime, gang culture and hate crimes. On the contrary, the lack of strong social ties and ties in a community does not inevitably lead to non-compliance with behavioral norms. Areas with a low crime rate, in which a high level of civilized behavior is expressed, do not always show the characteristics of the closeness of its inhabitants, connectedness, mutual support.
Assumptions about the nature of the community and the relationship between the community and the perpetrators create dilemmas about the implementation of prevention strategies, on the one hand. But, on the other hand, there is no reason that would justify not applying the previous experiences in the prevention of crime in the cities in the smart city, while devising a way to connect technical achievements and the way of living in a smart city.

Crime prevention within a smart city is necessarily connected to the use of the most modern technical achievements. An example is the developed countries of the world, not only Western Europe and the American continent but also Asia. In the Republic of Korea, the concept of crime prevention in smart cities has taken root in several urban agglomerations. In the city of Namyangju, with a population of about 650,000 inhabitants, the promotion of the smart city project is continuously carried out, starting from 2008 until 2020, primarily in the area of reducing carbon emissions in urban transport, which is used by over 60% of the population. Along with the regulation of traffic, so that optimal intersections in the routes of bus arrivals and departures are monitored via mobile phones, the issue of the safety of senior citizens using public transport also arose. The latest devices of modern technology, for crime prevention, are installed on public transport routes and bus stops, with bells for emergency activation of crime prevention centers. These systems are accompanied by the appropriate way of installing street lighting, as well as traffic signals, in order to use the benefits of the contents that accompany the streets as efficiently as possible (Sang Keon Lee et al., 2016: 1).

CONCLUSION

In the criminological literature, it is noted as paradoxical that the modern focus on communities appeared at a historical moment in which the decline of the relevance of communities as a source of a strong connection between its members is empirically observed. In most of the political rhetoric, aimed at the prevention of crime within the community, there is a frequent expression of 'slippage' between the community, the meaning of which has long been lost, and the community, as the point around which modern democratic institutions are built. The ideals of a community - reciprocity, intimacy and trust - seem to have an inappropriate connotation in today's understandings of individuality, freedom and mobility. Accordingly, community-based initiatives sometimes tend to hold unrealistic expectations of what a community can do to reduce crime. The crime prevention literature even points to the danger of communities becoming a party around which individuals and groups can be mobilized to take greater responsibility for their own well-being and safety. This abdication of responsibility by the state has implications for where the cost of providing security should lie in the same measure as the blame for failure. With the development of the market for security and with increasing funding for additional security patrols in communities, there is concern that some communities will have to do better in how they carry that burden, while others may be criticized for their inability to prevent crime.

Focusing on communities bearing the burden of prevention raises a much more important question: to what extent are complementary aspects of community and society of the same rational range of management or differentiation and potential level of management competence? The justice of one community does not mean social justice. Certain solutions within the community tend to be particular and local, with little regard for the external and wider social environment. Well-defended local communities may have the purpose of
dislocating crime to less well-defended residential areas. Or, as some criminologists claim, "the safety of one community can be at the expense of another." Therefore, it would be desirable that security as a public good is not transformed into a local or exclusive good. Therefore, community security is much less of a misnomer if it offers a space for political and ethical collective security, which together is much more than an individual security initiative.

REFERENCES

5. Smart Cities Citizen Innovation in Smart Cities Baseline Study.