
Review

**Review of the book
“Fighting Cybercrime:
International Legal and Institutional Framework
and Bosnia and Herzegovina”
by A. Murtezic, A. Dizdarevich MSc
Sarajevo, 2021**

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Abstract. In 2021, the publishing house Art Rabic and University of Sarajevo’s Faculty of Criminal Justice, Criminology, and Security Studies published *Fighting Cybercrime: The International Legal and Institutional Framework and Bosnia & Herzegovina* by Dr. Arben Murtezić, the Director of the Center for Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina, with the cooperation of Andrea Dizdarević. The book was reviewed by Prof. Dr. Eldan Mujanović and Prof. Dr. Haris Halilović, both from the Faculty of Criminal Justice, Criminology, and Security Studies, University of Sarajevo. The foreword was written by Dr. Paul Norman, the Head of School at the University of Portsmouth’s Institute for Criminal Justice Studies. The fact that the book has been initially written in English makes it easier to use outside the former Yugoslavia.

Keywords: Book Review, Cybercrime, Fighting Cybercrime, Bosnia and Herzegovina

Рецензия

Рецензия на книгу Муртезич А., Диздаревич А. «Борьба с киберпреступностью: международные правовые и институциональные основы и Босния и Герцеговина» Сараево, 2021 г.

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Аннотация. В 2021 году издательство Art Rabic и факультет уголовного правосудия, криминологии и исследований в области безопасности Университета Сараево опубликовали книгу «Борьба с киберпреступностью: Международные правовые и институциональные основы и Босния и Герцеговина» д-ра А. Муртезича, директора Центра образования судей и прокуроров Федерации Боснии и Герцеговины, при сотрудничестве с А. Диздаревич. Рецензентами книги выступили профессор д-р Э. Муянович и профессор д-р Х. Халилович, оба с факультета уголовного правосудия, криминологии и исследований в области безопасности Университета Сараево. Предисловие написал д-р П. Норман, руководитель школы Института исследований уголовного правосудия Портсмутского университета. Тот факт, что книга изначально была написана на английском языке, облегчает ее использование за пределами бывшей Югославии.

Ключевые слова: рецензия на книгу, киберпреступность, борьба с киберпреступностью, Босния и Герцеговина

The book incorporates various scientific and expert perspectives on the phenomenon of computer crime as a social and legal reality that has recently received more and more attention from not only scientists and professionals, but also the general public, because it is an intensifying and dynamic yet incredibly diverse phenomenon and has great geographical distribution, as well as other specific aspects of this criminal law that place new requirements on law enforcement authorities' ability to detect and prove criminal offenses in a timely and efficient manner. The text is substantive and, as such, addresses real and modern challenges in a manner compatible with finding adequate and proportionate solutions of a material and procedural nature. Legislators must review and critically analyze the already-existing legal solutions, considering the possibility of prescribing new incriminations at the state level, and prescribing adequate procedural solutions for the collection of necessary evidence in a way that takes the

protection of human rights and individual freedoms into account. The author observes this transnational phenomenon through the prism of the adequacy of the state response to cybercrime, taking stock of the essential issues that determine the success of the fight against this crime by taking both theoretical dilemmas and practical challenges into account. As already emphasized, the content's methodological conception is compatible with the needs and expectations of all persons from the scientific and practical (professional) worlds, but also all other parties who are interested in this important, interesting, challenging, and current issue — cybercrime. Cybercrime is a global phenomenon that, by its nature, appearance, and other specifics, transcends national borders, making interstate and inter-agency cooperation and the coordination of activities on international level imperative for effectively fighting this crime and achieving the expected criminal justice outcomes. Accordingly, one can take two perspectives towards

the development and use of information and communication technologies, either through the prism of socially-useful purposes and goals or the prism of abuse that aims at faster, simpler, and more efficient implementation of criminal activities. General development in all spheres of human activity, and especially in the segment of information and communication technologies, thus enables the "modernization" of crime. Adequate legal norms and actual monitoring, investigating and evidence collecting that responds to the requirements and challenges that are inherent in cybercrime together make it possible for law enforcement agencies and institutions to adequately (re)act.

In addition to the introduction, the book contains 11 compact sections as follows: Chapter 1. Domestic and international legal responses to cybercrime: focus on the Budapest Cybercrime Convention, Chapter 2. The European Union: criminal justice and cybersecurity legislation, Chapter 3. Cybersecurity Strategies, Chapter 4. Major international institutions and international cooperation, Chapter 5. Applicable Criminal Legislation in Bosnia and Herzegovina: compliance with COE convention, Chapter 6. Legislation in Bosnia and Herzegovina Related to Cybersecurity: Civil and Administrative Aspect, Chapter 7. Cybercrime in Bosnia and Herzegovina: Threats and Challenges, Chapter 8. Prosecutor's Perspective, Chapter 9. Digital Forensic's Perspective, Chapter 10. Conclusion and Future Research, 11. Conclusions and Recommendations: outline for future cybersecurity strategy.

The introduction offers a conceptual definition of cybercrime, its typology, and other specifics of this modern scourge by touching on the legal response (dilemmas and challenges), protection of intellectual property, and the destructive nature of this crime. The complexity of defining this crime is emphasized, with reference to its most important or essential factors that directly determine this phenomenon. Regarding domestic and international legal responses to cybercrime, the introduction stresses the evolution or development of national legislation and the chronology of international efforts to prevent and control cybercrime with a special focus on, and analysis of, the main goals of the Council of Europe Convention on Cybercrime. In

addition, there is a comprehensive overview and analysis of the Additional Protocol and the guidelines regulating important implementational issues.

For Bosnia and Herzegovina, European Union legislation regarding cybersecurity is of great importance, especially in regards to the adjustment and harmonization of criminal legislation with international legal standards. By signing and ratifying international legal documents (convention, contract) the state of Bosnia and Herzegovina has undertaken the obligation to harmonize and adapt its national criminal legislation in order to effectively and vigorously combat crime. The wave of reforms of criminal (substantive and procedural) legislation in Bosnia and Herzegovina as a transitional state over the last two decades has focused on efficiency but also on a completely clear commitment to the protection of human rights and freedoms.

A more adequate and comprehensive understanding of the process of drafting laws, norms and appropriate rules and procedures requires the analysis of certain approaches, policies, and strategies. Accordingly, one of the most important strategies of the United Kingdom, considered to be one of the leaders in this field, was reviewed in light of the fact that it has already issued a second strategy, unlike some European countries that have only issued one strategy. An effective and energetic fight against cybercrime is practically impossible without international institutions taking the leadership role, but also international cooperation, which is imperative. In this sense, the author lists the relevant international institutions with a brief overview of their activities, importance, and jurisdiction. Bosnia and Herzegovina signed the Convention on September 2, 2005, ratified it on May 19, 2006, and it entered into force on September 1, 2006, as such the state of Bosnia and Herzegovina formally undertook to respect and apply the above mentioned Convention. It follows that legal solutions must be compatible with the provisions of the Convention even though there are still shortcomings. Bosnia and Herzegovina's complex constitutional structure determines and conditions the manner of organization and functioning of criminal legislation at all four levels — state level,

entity level (Federation of Bosnia and Herzegovina and Republika Srpska), Brčko District of Bosnia and Herzegovina. Also emphasized was the importance of protecting classified data, given both its general importance and specific importance in the context of protecting human rights and freedoms.

Cybercrime has not bypassed Bosnia and Herzegovina, which faces numerous challenges and threats that, by their nature, require institutional entities to respond with timely and efficient legal action to prevent and detect these crimes as well as undertaking investigations and evidence gathering. It follows that it is necessary to state and consider the actual capacity and possible outcomes of, primarily, the prosecution, but also other law enforcement agencies, in responding to cybercrime adequately and proportionally. With regard to the nature and phenomenological aspects of cybercrime's various forms, the relevance of the role of digital forensic scientist has increased for justified and purposeful reasons. Digital forensics must meet new requirements relating to the adequate collection, storage, identification, analysis, interpretation, and

presentation of digital evidence from digital sources in order to assist in clarifying and resolving criminal matters and rendering correct judicial decisions. In the final analysis, it is crucial to reach appropriate conclusions and recommendations about future research and improvements to the institutional capacity to combat cybercrime in modern conditions.

This monograph made use of domestic and foreign scientific and professional literature (including books, textbooks, monographs, scientific and professional articles, scientific research papers, and various Internet sources). The style of presentation is clear, readable, and easily-understandable, and its content will interest both academic and professional audiences even as it respects the complexity of cybercrime as a transnational phenomenon or reality in society. Therefore, I would recommend this monograph to all those with a scientific or professional interest in cybercrime, since reading and consulting this monograph is of great importance and holds many benefits in terms of acquiring new, and expanding existing, knowledge in this field, but also for critical re-examination and reflection on this phenomenon.

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