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“Some features of the law and order model in Spain”

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Introduction

This research is based on the hypothesis that law and order model is displacing the procedural justice system in Spain. After a thorough review of the international literature, one can observe that the traditional structure of the penal system does not seem to be capable of containing the new forms of crime. The new penal model assumes that public opinion is alarmed and unwilling to understand rational approaches to crime, so it will be likely to accept measures aimed at calming the fear of crime, through extensive control policies and penal tools to manage uncivil behavior.

Objectives and methodology

A measuring instrument has been developed to confirm this hypothesis, consisting of ten features that characterize the law and order model. This instrument has been used to identify examples of its ten features in the rules and practices developed at each phase of the Spanish criminal justice system. The analysis has focused specifically on public discourse about delinquency, criminal policy decisions, legislative processes, police routines, judicial dynamics, and prison system practices.

Main results

The investigation has shown that there are many processes and practices indicating that the law and order model is consolidating itself in the Spanish penal system. Nevertheless this process has a different intensity at each phase, being stronger at the legislative stage and softer in the penitentiary enforcement phase. One of the main conclusions is, therefore, that the designed instrument is ideal for measuring the degree of penetration of the model throughout the system. Some of the most striking results of the research will be presented at the conference.

Finally, proposals arise that could prevent the new model is fully seated in our criminal justice system, finding that the trend toward more severe penalties shown already unsustainable.