



Freedom, Security and Justice within the European Union

- with special emphasis on criminal justice issues

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MODULE 3

Legal Innovation within AFSJ: Ideas and Solutions

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Reading Lecture 1

Designing EU: Academic Ideas

1. In this lecture you will learn about...

- the role of academic ideas in this development.

Learning time – approximately 0,5 hour



2. Innovation

Read the introductory analysis!



the role of the academic ideas and the criminal law schools in this field is essential

The development introduced and analysed herein (in this course) has an important and significant element: the role of the academic ideas and the criminal law schools in this field is essential. Many ideas¹ that emerged later as legal norms were born in ‘Petri dishes’ of criminal law professors in Paris, London, Rome, Berlin, Luxemburg and Brussels (etc.). The real impact of academic concepts on politics in Europe is most traceable in this domain. **Professors of law have real opportunities to develop new ideas and try justifying new models because European politicians and Eurocrats need as many alternatives as possible for building the future and to be able choose the ‘best’ one after due deliberation. Of course the ‘best’ solution is the one that fits directly into the actual political picture, but if the basic concepts are elaborated by academics, the professional control upon these ideas could be more effective and the legislative will make use of this academic origin and enhance consultation with the ‘parents’ as they try to find a legal form which does not destroy the original idea itself. Even for the MS is it easier to accept a new idea if there is a broad (Europe-wide) consent on the academic level. However, there is another factor which strengthened and continues to strengthen the position of legal academia in this domain.**



The Commission itself subsidises many transnational **academic research projects**² in the field of criminal law and criminal justice, and the calls for



proposal of the Commission lay out the general problems in need of global academic concepts to resolve them. High-level academic work and networking through Europe is induced by grating financing for these projects in the special fields of criminal law and criminal justice; and networking enables professionals to think together in a

¹ CORPUS JURIS introducing provisions for the purpose of the financial interests of the European Union, under the direction of Mireille Delmas-Marty (1997); THE MANIFESTO ON EUROPEAN CRIMINAL POLICY (2009).

² After the Treaty of Amsterdam entered into force the Commission published its first agenda for the development of JHA (Tampere Program, 1999), which was a „high-profile multiyear program offering political direction” (Peers, 274) and which was a legal basis for projects financed by the Commission. The Hague Program (2004-2009), the Stockholm Program (2009-2014) of the Commission serves the same goals and seems to function very effectively.



broader context and on a wide horizon concerning the future of European criminal justice.

In this module, **we review the key concepts** that have emerged in the above way and that have been adopted by the EU political arena and that have now become mandatory legislation or are well under way.

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