



Research Article

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The Importance of Theory and Scientific Theories for the Scientific Study of Genocide in the Context of the Contribution to the Development of the Science of Genocide

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Abstract

The research problem is the importance of scientific theory and theories in the scientific study of genocide. The main objective and purpose of the work are to enable, through an appropriate, correct, and scientifically verified methodological approach, the acquisition of real scientific knowledge about the study of a very complex social phenomenon - genocide - and the contribution of scientific theory to this research, builds a separate scientific discipline - the science of genocide. The main results of the work are prerequisites for successful genocide research and the formation of a special science that would deal with this problem, it is necessary to develop theory and scientific theory as a basis for the development of genocide science because the underdevelopment of theoretical assumptions reflects the development of methodological empirical research and the limited use of research procedures, methods, and techniques. If the theoretical basis of empirical research is weaker, then the source of research knowledge is limited. This suggests that there is a direct causal relationship with the research results obtained, which calls into question their value and validity. The research conducted in this thesis has the characteristics of scientific theoretical research, which is necessarily qualitative in nature. As it is theoretical research of a qualitative nature, the qualitative method of document content analysis is mainly applied as one of the methods of data collection. In addition to this method, all the basic analytical-synthetic methods will be used as individual methods and in certain combinations, correlations, and relationships as necessary, as well as the hypothetico-deductive, axiomatic and comparative methods of the group of general scientific methods. The study will add to and complete the body of scientific information on genocide research.

Keywords: genocide, theory, scientific theory, research, scientific research, the science of genocide

1. Introduction

Genocide is a complex social phenomenon with specific phases of the commission of crimes that are systematically planned and manifest in the brutality and dehumanization of groups whose protection is guaranteed by international law. While there are many examples in the history of human civilization of the deliberate destruction of entire settlements (cities, villages, etc.) and the expulsion and murder of their inhabitants, genocide has only been codified in law in recent history, after the Second World War. Although it is a relatively recent legal institution, the concept of genocide and its commission has often been the subject of theoretical and legal discussions with different views on the nature of the crime, which has led to many problems and different approaches to its scientific and theoretical definition. Knowledge of the crime of genocide is very important in all areas of human thought, and it is particularly important from the point of view of criminal law, as it is the most serious crime regulated by international law and some national laws.

The specificity and peculiarity of research on genocide as a highly negative social phenomenon are conditioned by the complete knowledge of the theoretical and methodological background, the characteristics of the research object, the language used by the scientific community, the personnel trained in research, the research resources, the general attitude towards research, etc. The type of research carried out must be sufficiently reliable and valid and made available to the public through various reports, publications, and presentations of the results of scientific research in order to verify the overall research work.

The main purpose of this knowledge is the welfare of society as a whole, because science and scientific knowledge, together with professional (methodological) knowledge, constitute the indestructible fabric of the research process, which is a unity in both theory and practice. However, the research process must be based first and foremost on science, because science must have no limits in the cognitive sense of the word and, as such, it represents the creativity of development and not a system of outdated dogmas. The only thing that sets limits to science and its research is the current state of development of human knowledge; it is therefore our constant task to develop and add new scientific knowledge.

Because of the seriousness of the crime and the need for continuous research in order to prevent it, it is necessary, according to modern scientific opinion, to develop a special science - the science of genocide, which deals with the crime of genocide.

2. Literature Review

In his book "Terminological Dictionary of Victimology", author Maloku (2019) explains the concept of genocide, ideological genocide, retributive genocide (retaliatory genocide), utilitarian genocide (profitable genocide), and institutional genocide to the readers particularly well. The crime of genocide is the planned, systematic, and organized destruction of national, religious, ethnic, or racial groups (Jasarević and Maloku, 2021:206). The Court of Bosnia and Herzegovina issues practical guidelines for the application of the norms of substantive criminal law in Bosnia and Herzegovina in relation to the offense of genocide, crimes against humanity, war crimes, and violations of the laws and customs of war. (Jasarević and Maloku, 2021:39)

Theory, and especially scientific theory, is a deeply intelligent and scientific question. Dragomir Drašković points this out in his work *Fundamentals of the Methodology of the Study of Security Phenomena* (1982): Research. This theoretical knowledge is methodological. He continues, "Methodology is not a system of knowledge about reality, but a set of actions and procedures that start from existing knowledge about a phenomenon or a part of reality and establish certain methodological principles and criteria for the development of knowledge with a view to considering new relationships between phenomena or some facts and factors."

Theory as a term has numerous meanings, such as "logical generalization of experience, practice; general experience, pure knowledge, science in general, a system of guiding ideas in a field,

area, branch of science and systematic presentation of these ideas, mental presentation, scientific interpretation of the laws of nature and society, basic scientific concepts of a discipline", while scientific theory is a hypothesis that is temporarily accepted as confirmed (i.e. proved) and that can be advocated (i.e. defended). (Zelenika, 2000: 129)

The link between theory and research is best expressed in the statement of the eminent scientist Radomir Lukić, who says that theoretical knowledge "precedes scientific research" (Drašćević, 1982: 25), and research is often said to be "research devoted to research." (Mužić, 1977: 116).

From the point of view of research and scientific knowledge about the crime of genocide, it is necessary to know all its dimensions, as it is a crime that has long-term consequences. One of the consequences is the psychosocial dimension of genocide, both for the victims and the perpetrators. Ismet Dizdarević, in his work Unforgettable Gap of Genocide (2003: 63) states that "the sources of the genocidal motivation of the little people" are "deeply rooted obedience traits". They were willing to obey any order because obedience was valued as a moral personality trait, a cherished character trait. Disobedience, on the other hand, is equated with undesirable and harmful behavior in society's preferred value system ... "The same author further states that the social psychological perception of social processes and the behavior of the main actors of these processes are not only overtly observable behind the manifest." (Dizdarević, 2003: 62).

Similarly, the dehumanization of protected groups is one of the fundamental goals of genocide. For these reasons, Norman Cigar says: "Negative categorization can have devastating effects by dehumanizing the target group. This contributes to the easier acceptance of their killing as members of an impersonal group of undesirables" (Alibašić, 2007: 201 - 202). All this points to the need for genocide to be investigated professionally and scientifically in a comprehensive manner.

The purpose of (scientific) research and knowledge about the crime of genocide is thus to fully investigate it as a phenomenon, with the aim of preventing it. One should always keep in mind what Rasim Muratović says in his work The Holocaust against the Jews and the Genocide against the Bosniaks (2007: 17): "Both the Holocaust against the Jews and the genocide against the Bosniaks happened because they could happen anyway ... It need not be repeated in the same form against the same groups and by the same perpetrators, but it can occur if the conditions for genocide prevention are not created."

3. Methodology

The purpose of (scientific) research and knowledge about the crime of genocide is therefore to study it comprehensively as a phenomenon, with the aim of preventing it. One should always keep in mind what Rasim Muratović says in his work The Holocaust against the Jews and the Genocide against the Bosniaks (2007: 17), where he says: "Both the Holocaust against the Jews and the genocide against the Bosniaks happened because it could happen anyway ... It does not have to be repeated in the same form against the same groups and by the same perpetrators, but it can occur if the conditions for genocide prevention are not created."

The research in this paper has the characteristics of scientific theoretical research, which is necessarily qualitative in nature. In this research, we draw on basic theoretical and methodological knowledge, standards, norms, and principles of social science methodology, but also on the expertise of basic social science disciplines, necessarily respecting the axiom of the postulated character contained and expressed in the relationship, subjectivity, and interdependence of subjects and research methods. The qualitative scientific-theoretical research conducted, using appropriate scientific research methods, provided adequate, valid, and reliable data showing the causality of theory, scientific theory, and scientific research on genocide.

This approach attempted to demonstrate scientific theoretical and methodological procedures, the application of which ensured the generation of scientifically relevant data on theory and scientific theory, which are extremely important for the scientific study of genocide, with the sole aim of contributing to the development of genocide as a distinct and independent science.

In this paper, using the comparative, theoretical, and meta-analytical methods, the views are presented (Maloku, 2020:170). Since this is theoretical research of qualitative nature, the qualitative method of document content analysis, which is one of the methods of data collection, is primarily used. In addition to this method, all basic analytical-synthetic methods are used individually and in certain combinations, necessary correlations and relationships, as well as hypothetical-deductive, axiomatic, and comparative methods from the group of general scientific methods.

Sources of research data in this work are theoretical sources: scientific literature dealing with the study of theory and scientific theory, as well as methodology as a science, but also sources and documents that serve as a basis for scientific research on genocide as a form of crimes against humanity and international law.

The main aim and purpose of the work are to get to know the immensity of this problem (Maloku, 2015:29), through an appropriate, correct, and scientifically verified methodological approach to enable the acquisition of genuine scientific knowledge about the study of a very complex social phenomenon - genocide - and the contribution of scientific theory to this research. leads its own scientific discipline - the science of genocide.

This work contributes to the existing scientific literature (Maloku et al, 2021:52), particularly in the fields of security, criminology, and victimology. It adds to and completes the body of scientific information (Maloku et al, 2022:172) on the acquisition of genuine scientific knowledge in the study of a very complex social phenomenon - genocide.

4. Results and Discussion

4.1 Genocide as a form of crime against humanity and international law

The history of genocide goes back to the oldest days of human civilization. As a crime, genocide originated much earlier than the first legal acts defining genocide as an international crime. This is confirmed by numerous historical sources and the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which recognizes in its preamble that genocide has existed in all historical periods and has caused great losses to humanity. It is evident that academia and certain scientific disciplines, particularly international criminal law, criminology, security science, victimology, and other sciences, have not adequately tracked the origin and evolution of genocide and all its attendant phenomena on which this crime has an etiological impact. It is very difficult to explain and find a valid justification for the discrepancy between the reality of genocide and its codification, i.e., its definition within the criminal law norm.

4.1.1 The notion of genocide

The term "genocide" comes from two words: Greek: *genos* - genus, race, tribe and the Latin word: *occidere* - to kill, destroy. From this, it can be concluded that genocide means the complete or partial killing and destruction of certain groups because of their national, ethnic, racial, or religious affiliation.

The term "genocide" was first used by Rafael Lemkin in his book *The Rule of the Axis Powers in Occupied Europe* and was cited as a motive for the term by numerous crimes committed by Nazi Germany during World War II. Lemkin describes the measures planned by the Nazis to exterminate certain peoples, especially the Jews and Poles, and their religious, national, and ethnic components. He understands genocide as the destruction of a group's livelihood through the use and combination of various methods aimed at the persecution and destruction of a particular group. In its realization, there is a synthesis of old methods of destruction, reflected in barbarism and the most heinous crimes, whose main aim was physical destruction, and newer methods that sought to destroy a group or people primarily culturally.

From the perspective of the commission of a crime, we can say that genocide as an international

crime is determined by three elements: a) objective element (*actus reus*), b) subjective element (*mens rea*), and c) object of the act - victim belonging to a protected national, ethnic, racial or religious group (Jovašević, 2010: 257). The act can only be committed by someone acting with direct intent, i.e., there must be a special genocidal intent (*dolus specialis*). It should be noted that this is the most serious crime, usually committed in an organized manner and on the orders of superiors, and usually preceded by numerous acts of preparation and planning.

Today, the definition from the Convention on the Prevention and Punishment of the Crime of Genocide prevails in the scientific and professional literature. Genocide is a crime against humanity and international law and is committed by anyone who, with the intent to destroy in whole or in part a national, ethnic, racial, or religious group, commits or orders the killing of a member of the group, inflicts serious bodily or mental harm on the members of a group, creates living conditions that could lead to their total or partial extermination, takes measures to prevent births within the group and forcibly relocates children from one group to another.

4.1.2 Convention on the Prevention and Punishment of the Crime of Genocide

Officially, the term genocide was first mentioned in the indictment of the Committee of Chief Prosecutors during the Nuremberg Trials after the Second World War. However, due to the absence of the term "genocide" in the Statute of the International Military Tribunal, the judgment of the International Military Tribunal at Nuremberg on 1 October 1946 did not use the term genocide as a separate crime, although it accepted the factual description of the crime. The judgment, however, marked a turning point in the legal definition of genocide, as it attracted the attention of criminal law scholars and criminological experts.

This judgment established the principles of international criminal law, which were confirmed by Resolution 96 (I) of 11 December 1946, adopted at the fifty-fifth plenary session of the United Nations General Assembly (hereinafter: UNGA). This resolution reaffirmed the principles of international law as follows: 1. reaffirmation of the principles of international law recognized in the Statute of the Nuremberg Tribunal; 2. formulation of the principles recognized in the Statute of the Nuremberg Tribunal and the judgment of that Tribunal; 3. the crime of genocide; 4. draft Genocide Convention; 5. treason and punishment of war criminals and traitors (Balić, 2001: 96-99).

According to Bernard Bruneteau (Alibašić, 2007), with this resolution, the UN General Assembly individualized the crime of genocide, defining it as "denial of the right to life to human groups", whether those racial, religious, political, and other groups were annihilated, or in part "and as such is subject to the law anywhere in the world". With the resolution, the UN General Assembly obliged the UN Economic and Social Council to take the necessary measures to draft a convention on the crime of genocide to be submitted to the regular session of the UN General Assembly, which was done (Balić, 2001: 98).

Consequently, the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter: the Genocide Convention) makes genocide a crime in its own right. The Genocide Convention was adopted by the UN General Assembly on 9 December 1948 by Resolution No. 260 (III) A and entered into force on 12 January 1951. The Convention declares genocide to be an international crime.

The acts to commit genocide are listed in Article II of the Genocide Convention, which states that genocide is any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, namely:

- a) the murder of a member of the group;
- b) the causing of serious bodily or mental harm to members of the group;
- c) the deliberate imposition of such living conditions on the members of a group with a view to their total or partial physical destruction;
- d) the imposition of measures to prevent births within a group;
- e) the forcible transfer of children from one group to another.

The Genocide Convention represents a major step forward in the punishment of perpetrators, as the commission of the crime of genocide has serious consequences for certain populations and threatens their survival. It is a "crime of crime". However, many authors believe that it should not be limited to these four protected groups, but could be extended to any "stable and durable group", as stated by the ICTR Trial Chamber in the Acaese case (Cassese, 2005: 116).

4.1.3 Diversity of theoretical definitions of genocide

The legal (conventional) definition of genocide does not include everything that could be understood as genocide in the social sciences. This leads us to the realization that certain acts, although containing all the elements of mass murder, are not classified as genocide. Such a stance is largely at odds with the views of various scholars and experts and contradicts the views of the members of the group who were subjected to the crime because genocide is not only the physical destruction of a national, religious, ethnic, or racial group but various acts aimed at obstructing the lives of protected groups and destroying their living conditions.

For these reasons, the 1948 conventional definition of genocide has been the subject of much criticism. According to Bruneteau, one of the most radical critiques of this definition was made by Leo Cooper in his books *Genocide* (1981) and *Genocide Prevention* (1985). Cooper points out that genocide against racial, ethnic or religious groups is always committed after a conflict and for ideological and political reasons. Therefore, genocide experts must first address the motivation of the perpetrator, regardless of whether it is an internal genocide (of indigenous peoples or hostage groups) or a genocide committed in the context of an international conflict (Alibašić, 2007: 18-20). Regarding motivation, Edina Bećirević (2009: 267) states:

"Nationalist ideology acts as a motivator for the social crisis and encourages the elaboration of a plan for genocide. State power is taken over by radical politicians. The polarization of the population under the conditions of social crisis enables the dehumanization of the national group that is the victim in the genocidal plan."

Cooper divides genocide into three types depending on the motives of the perpetrator (Bećirević, 2009: 43): a) genocide to settle religious, racial or ethnic differences; b) genocide with the intention of terrorizing a people conquered by colonial power and c) genocide to strengthen or fulfill a political ideology. According to Cooper, genocide is a mass crime committed with the intent of the perpetrator against the collective, and the definition of genocide as set out in the Genocide Convention remains in force for functional reasons.

Criticism of the Genocide Convention also comes from Samantha Power, who joins American critics who point out that the Genocide Convention provides that a state can be held responsible for genocide if it kills five people because of their ethnicity, religion, race, or religion. can be held responsible for genocide if it kills 100,000 people because of their political affiliation. The exclusion of political groups from the Genocide Convention made it difficult to prove in the late 1970s that the Khmer Rouge in Cambodia had committed genocide when they tried to wipe out an entire group of alleged 'political enemies' (Power, 2013: 69). Contemporary opinions of world-renowned experts are also along the lines that rape can be considered a crime of genocide, and in this sense, it is said:

"We had to try to better understand the links between sexual violence and the wider context in order to prove that sexual violence is a war crime. We had to try to better understand why sexual violence is a war crime, a crime against humanity or genocide, and how we can link sexual violence to high-ranking officials." (Brammertz & Jarvis, 2017: 408).

Manfred Nowak, professor of law and director of the Boltzmann Institute for Human Rights in Vienna, was a judge of the Human Rights Chamber in Bosnia and Herzegovina from 1994 to 1997 and a United Nations expert on missing persons in the former Yugoslavia, also writes in his text: Women

as Victims of "Ethnic Cleansing" in Bosnia and Herzegovina, notes: namely, Nowak refers to UN General Assembly Resolution 47/121 of December 1992, which states that the heinous policy of "ethnic cleansing" is nothing more than a euphemism for genocide. "A type of genocide". This was later confirmed by the International Criminal Tribunal for the former Yugoslavia and other institutions (Proceedings of the International Conference held in Sarajevo on March 10 and 11, 1999, Title: "Violations of the Human Rights of Women in Bosnia and Herzegovina during the 92-95 War", pp. 67-72). As author Ton Zwaan points out:

"Genocide is a crime distinct from all crimes against humanity and involves the intent to exterminate a particular group, in whole or in part, and is, therefore, the most serious and serious crime against humanity. The specificity of genocide does not derive from the scale of the killing or the cruelty and malice that characterize the perpetrators, but from the intention to exterminate a particular group of people." (Muratović, 2007: 34).

In view of the above, we can say that a comparative approach to the study of genocide in the field we are interested in means trying to give a certain context to this phenomenon that happened in different places and at different times or that is independent of each other. This means highlighting the similarities and differences between all these events and treating them all with equal attention, regardless of where they took place. It should be borne in mind that the intention to destroy is a common feature of all genocidal acts, even if each genocide is different and exists in itself.

4.2 Theory and scientific theory as the basis of the science of genocide

Today, certain questions are rightly raised concerning science, theory, scientific theory, and other theoretical questions concerning the field of scientific study and research of genocide. Indeed, every science has its theory. The theory of science implies a body of knowledge that a science or scientific discipline possesses. Within a theory, there may be several scientific laws, attitudes, principles, postulates, and axioms that do not need to be proved and constitute the very core of the theory, but scientific laws are the most important factor of the theory.

The theory is a creation of opinions and reasoning that has been tested by the practice of people, many times and in different places, and from this point of view, it is a general guide to practice.

"From the point of view of science, it is important to distinguish between theories in the pre-scientific period and in the period of the emergence of science, between non-scientific and scientific theories ..." Theory is a human-social creation. It is an immaterial, primarily intelligent creation whose object is the past, the present, and the future. On this basis it can be said that "theory is a social phenomenon, and as a social phenomenon it must manifest itself, must have its composition, and must be influential and susceptible to influence ... It is perceived as an expressed idea: verbally, through actions and certain behaviors. ... " (Termiz, 2013: 21-22).

Miroslav Vujević (2006) points out that in the social sciences we distinguish between two types of theories. They are empirical theories that speak of society as it is. It must be true, and it is true if the opinion is in dialectical unity with the experience of the reality that is being thought about. The second is a normative theory that speaks of society as it should be and that should be true. It is true if its content is based on the real needs and desires of the people to whom it refers.

4.2.1 Theory of science in general

The word theory comes from the Greek: theory, which means: to think, to consider, etc. As part of every science, the theory is the basic concept of scientific knowledge and the ultimate goal of knowledge. The theory is not a material creation; it arises as a product of thought and reflection and

at the same time contains generality as its essential dimension. The theory is a product of the practice of social research and also serves as a guide for the practical implementation of this practice. It is not the opposite of practice but is connected to it and uses the practice as its source. "Theory should draw its sources from practice by using reason and intellect, that is, it is a creation of the human mind, but it should also be verifiable. Every theory begins with certain insights derived from experience, which in turn require answers to certain questions, and therefore theory necessarily has two dimensions: the diagnostic and the prognostic." (Gabela, 2018 : 145).

Every theory has its historical path of emergence, rise, stagnation, decline, and termination, which may be longer or shorter. The ending of a theory may also vary: It can be refuted or discarded, it can be transformed into another theory, etc.

"It has a theoretical approach, that is, a paradigmatic basis". The theory is thus a very immaterial product of human thought, and there are two important criteria for distinguishing it: a) the subject matter of the theory and b) the level of the theory. It should be borne in mind that "not every theory is a scientific theory." (Termiz, 2016: 12-18).

Theories are valid only under certain circumstances and apply only to certain facts. This is because there is no absolute truth or absolute theory. This is especially true for theories that explain social facts.

"A theory is a higher law that explains some permanent, necessary, and important connections between phenomena and processes." (Vujević, 2006: 26-39).

American authors Jack D. Fitzgerald and Fox M. Steven (2001) state that a theory can be defined as a set of two or more related assertions about a particular phenomenon that can be empirically tested (an assertion about alleged facts or relationships between facts). Theory serves as a symbolic guide for observing, interpreting, and explaining phenomena in the empirical world. Theories can vary in scope, degree of integration, and extent of empirical testing.

4.2.2 Scientific theory is an essential part of every science

Scientific theory differs from theory in general "by the specificity of the object of thought within the science or scientific discipline, by its composition - structure, procedure, and systematics". A scientific theory is a very complex work of thought created by abstraction, which has the following characteristics: objectivity, logic, meaningfulness, definiteness, systematics, coherence, clarity, verifiability, development, scientific and social functionality, and truth content. It is classified according to the following criteria: a) subject matter, b) origin (provenance), c) scope, d) degree of rigor and verifiability of theories, etc. A scientific theory is formed through systematic, logical, and meaningful reasoning and the application of scientific procedures (Termiz, 2009).

For a theory to have the quality of a scientific theory, it must meet certain necessary conditions, such as being able to be fully tested, i.e., verified, so that the theory can possibly be revised. Then it must not be generalized and limited to certain concrete, scientifically explained realities, i.e. combine hypothetical constructs with empirical variables. A scientific theory must not contain different assertions, i.e., it must be consistent and follow the logical harmonization of certain concepts, and there must be no certain contradictions in its views. Similarly, the theory must be consistent with other theories and generally accepted scientific knowledge, unless the aim is to revise the existing theoretical view of the problem.

It can be concluded that an important part of science is a scientific theory that aims to express different views on the subject matter and method of science, which points to the complexity of scientific theories, and the more science we have, the more scientific theories there are.

4.2.3 Theory of the science of genocide

The development of science takes place through the successful solution of scientific questions and problems that are studied and researched within that science, i.e., certain scientific disciplines. It is always a complex problem in the field of science or a scientific discipline that has not yet been solved or not completely solved and for which an adequate scientific answer has not yet been found. Such a path and approach are crucial for the development of any science or scientific discipline and for the acquisition of genuine scientific knowledge and understanding of the subject matter of a particular science. However, recognizing and grasping scientific problems is not easy, for it is necessary to make a precise distinction between genuine scientific (theoretical and empirical) problems and those problems that only appear to be. A clear distinction must also be made between problems whose solution requires serious scientific commitment and those that have no particular value or weight. It is through the solution of scientific problems that we arrive at new knowledge that goes hand in hand with the development of a particular science.

"In each of the existing sciences and scientific disciplines, there are several theories about the subject of that science. They are usually presented in textbooks by different authors, the conception of which is that the textbooks provide a historical overview of theory and practice on a particular topic, while critically reviewing several theories in order to confirm a particular theory or create a new one." (Gabela, 2018: 151).

Indeed, in order to prove the truth of the theory, it is necessary to use arguments that give them the property of important basic factors of the theory. In defining theories, the arguments and conclusions and their validity are constantly tested. In this way, social laws are constituted that define the regularities in society that lead us to correct attitudes, judgments, and conclusions and help to establish a theoretical paradigm, and the paradigm is used to understand the theory, its perception, and interpretation, and thus its development.

In the course of the development of science," it is necessary to develop a concrete theory from the theory in general in order to obtain specific theoretical frameworks for individual research that explore an integrated theoretical approach to the whole object of research." (Gabela, 2018 : 148). In doing so, each element of concrete research of a social reality should be considered with other elements of this reality as well as social wholes in general, so that all interrelations and regularities in social processes can be uncovered. Such an approach enables us to rely on each other, complement each other, and create a unique theoretical framework that is verifiable through research practice. This leads us to develop theoretical frameworks for the study of contemporary dynamic social events. It is these social theoretical frameworks that determine the important methodological features of empirical research and its value.

The theoretical-methodological framework described earlier passes through a particular science - *the science of genocide*, so it is necessary to constitute it as a particular and independent science. In order to fully explore genocide, the science of genocide needs to be introduced into the scientific literature and pedagogical practice. We derive the need for the constitution and development of the science of genocide from the fact that there are very few scientists in the world today who study genocide, and if there is not enough scientific research on genocide and scientific studies on genocide, there is no adequate perception of the social reality.

4.3 The role of theory and scientific theory in the process of scientific research on the crime of genocide.

The connection between concrete scientific research and scientific theory as part of the scientific fund is not an easy task and does not arise by itself, i.e. spontaneously. Indeed, there are situations in which it is not possible to test the theory in practice. This is the case with hypothetical theories that

have not yet been proven in practice. However, this does not at all mean that, given the constant development of science and scientific disciplines, it will not be possible to test this theory or parts of it in the future. Therefore, "the relation of research to science and to scientific theory appears in every methodological idea as one of the key problems." (Milić, 1965: 281-283).

4.3.1 *Research into the crime of genocide*

Research is a process whose task is to explore something unknown. This means that one should beware of researching what is known unless it is research that aims to verify previous knowledge. Any research that is to be carried out successfully must have a methodological basis and be based on the principles and rules of methodology as a science. This also applies to the study of the crime of genocide.

Based on the fundamental theoretical and methodological principles and framework of research on genocide as a negative security phenomenon, relevant, objective and valid indicators of this phenomenon must be found. Research must be thorough, precise, and systematic about the entire phenomenon, i.e., the object of research, and must systematically collect accurate data on the manifestations of this phenomenon. The key question is how to arrive at the truth through scientific research and how to recognize the truth in its original form manifested by the crime of genocide. In this research, it is important to establish a causal link between the research and the scientific knowledge of this phenomenon as a reality of social reality. This establishes a link between scientific research and science (the science of genocide) so that science receives feedback that will necessarily help it in future research into the social reality - the crime of genocide.

The developmental path of the research process is as follows: "theory - research process - research results - theory as a research product." (Gabela & Malkić, 2021: 963).

Theoretical and methodological assumptions for genocide research, therefore, presuppose a good knowledge of the theory and theory of science of genocide and methodology as a science. The position that methodology is often reduced to research methods and techniques in practice should be eliminated, as methodology as a science is used to gain scientific knowledge about the committed crime of genocide alongside other sciences. Theory and methodology should be interwoven and complement each other, which is a prerequisite for successful scientific research. This indicates that theory is always intertwined with methodology, i.e., with the processes of scientific knowledge, and is an "important part of science", including methodology, but also the science of genocide.

4.3.1.1 *Types of genocide research*

Man has a natural tendency to really want to know objective reality. In order to fulfill this condition, research must be carried out to answer the questions posed. The idea of research itself has not always developed ideally and gone uphill but has been burdened with various one-sidedness so that it has also had certain difficulties in its development. Considering the dynamics of social phenomena, the need for their research is therefore constantly necessary and imperative.

There are different types of research, but from the point of view of methodology it is important to distinguish the following four types of research (Termiz, 2009: 40-41): 1) amateur research, 2) professional research, 3) scientific research and 4) quasi-research. The most important is certainly scientific research, and therefore a distinction should be made between scientific research and other research (quasi-research, amateur research, professional research, etc.). The authors Milošević Novak and Milojević Saša (2001) understand scientific research as a system of intellectual and practical activities by which existing scientific knowledge is tested or deepened and new knowledge is gained.

Dr sc. Miroslav Vujević (2006) distinguishes the following types of research: a) scientific, b) technical, c) professional and d) action research, while Jack D. Fitzgerald and Fox M. Steven (2001) classify it into the following categories: 1) "internal" research, 2) research with committed individuals and 3) research by third parties.

Within methodology and methodological research, a particular type of research has developed those deals with security phenomena, of which genocide is one. Authors Milošević Novak and Milojević Saša (2001) classify research on security phenomena according to the following criteria: 1) criterion of the practical application of research results: a) basic research, the task of which is to improve scientific knowledge regardless of its practical application; b) applied research, the task of which is to improve scientific knowledge but primarily to achieve practical goals; c) development research, which is based on basic and applied research and the task of which is to discover the development of security structures, organizations, security ideas, etc. to discover. 2) Scientific discipline criterion: a) intradisciplinary research - it deals with phenomena from the subject area of only one scientific discipline, e.g. criminology; b) interdisciplinary research - it covers the field of several scientific disciplines; 3) the criterion of research function: a) preliminary research, the task of which is to collect data on insufficiently known phenomena of a security nature in order to facilitate the design and implementation of the main research; b) action research, the task of which is to provide an answer to a concrete problem, a concrete operational solution.

Author Dževad Termiz (2014) states that research on security phenomena can be: 1) scientific research, which seeks to discover scientific regularities, laws, and general characteristics and is primarily based on the scientific fund; 2) professional (methodological) research, which draws its sources from the professional literature and the records of professional practice; 3) action-oriented research, which refers to the study of a specific event and is based on similar, previously recorded cases.

These divisions of research can be applied to genocide because genocide is primarily a security phenomenon and a problem that has recurred throughout human history.

4.3.1.2 *Genocide research method*

The word method comes from Greek and means way, search, or procedure by which one arrives at true knowledge in the exploration of reality. The method means a way of thinking, a way of exploring reality in order to arrive at the truest and most objective knowledge possible. The method in the broadest sense of the word comprises three basic components: a) the general approach, b) the methodological procedure and c) the technical methods (Pečujlić, 1981).

Prof. Vojin Milić (1965) understands it as a research method applied in science and an inseparable part of its research activity. As such, it is naturally almost fused with the theoretical findings of that science and develops in closest contact with the tasks that science has to solve in a period. Fundamental understandings of methods are among the essential elements of the basic concept of science and therefore have a constitutive significance for science in addition to their practical significance for research.

The methods of particular science and the theory of science are closely related to the process of scientific cognition and knowledge in general and are mutually dependent and complementary. The scientific theory of a particular science and scientific discipline summarizes various scientific findings, which manifest themselves in the form of scientific laws, theories, theorems, theoretical systems, etc., and which form the starting point for the application of the scientific method in new research. In this way, information about reality is gathered and, as such, becomes an integral part of the existing fund of science. The sphere of scientific cognition, in fact, include perception with the help of scientific instruments, their measurement, and the critical use of the sensory-perceptual material, while concepts are the product of a logical form of scientific cognition.

The mainstay of theoretical thinking about reality is a method, and as such, it is a theoretical category of creativity and a product of scientific thinking and reasoning. This method gives science its name and is its constitutive component. It can be said that method is the most dynamic part of science and that it depends on it through practical and theoretical questions and procedures as well as through the creative power of the research process. This points to the complexity of the method, its dynamism, and its diversity in science. It should also be emphasized that the object of research

determines the research method and techniques, both for social phenomena in general and for phenomena that have a security character, such as genocide.

There is a debate about whether genocide research can use "universal methods" that are applicable in the broader research field of social sciences, especially security sciences because the most important methods are those that can be applied to different research subjects and adapt to specific needs. In genocide research, it can be stated that the epistemological characteristics of the research object determine the research methods. This means that the method of genocide research is as special as the methods of other social sciences since the special phenomenon of genocide is a research object about the areas of reality that another science research. For this very reason, it can be said that the methods of genocide research are all those methods that are also used in the research of other security phenomena, i.e., social phenomena in general. "The complex of methods applicable in other sciences is relevant for application in the study of security phenomena and thus also of genocide." (Gabela, 2018: 184).

Through the application of scientific methods, we arrive at scientific knowledge about the crime of genocide, that is, relevant and systematized knowledge and knowledge about this crime. Indeed, all scientific knowledge is a kind of individual and social consciousness based on the collection of knowledge about the social reality or social reality - the crime of genocide. We cannot separate social knowledge from science, and that is part of scientific knowledge about the genocide that was committed. Science and scientific thinking must offer the possibility of testing their views in practice because they must first be precise and socially understandable. The combination of theory, practice, and science determines scientific knowledge as a dynamic category whose aim is to gain knowledge about social reality - the social reality reflected in the crime committed - the genocide.

The application of scientific methods in the study of genocide determines certain laws, regularities, principles, and tenets that help us discover the cause, manifestations, and manifestations of the crime of genocide and its mutual connections and relations both within the phenomenon and with other phenomena. Only when we know certain laws, regularities, and principles obtained on the basis of scientific theoretical and empirical research can we predict future trends of the phenomenon.

4.3.2 *The importance of scientific research into the crime of genocide*

In any type of investigation, it is necessary to collect information and data that indicate that a crime has been committed. Indeed, it is a complex phenomenon that destroys every pore of society and is particularly devastating for certain groups. Therefore, research on such phenomena is very complex and demanding.

Indeed, any research topic on social reality is extremely complex, especially a social phenomenon like genocide. The task in the study of the crime of genocide is to select, from the many pieces of information available, those that are relevant to our research. This is where the researcher's creativity and ability to solve certain research problems come into play. "This creativity is also expressed in the deduction of hypotheses that must be tested for accuracy or inaccuracy. One way of deducing hypotheses is based on the researcher's own scientific research experience and knowledge of how to formulate specific scientific hypotheses that will be tested later." (Gabela, 2018: 167).

It can be summarized by saying that while the study of genocide as a security-threatening phenomenon in the modern world requires understanding the manifestations and practice of its manifestation, the key to success lies in scientific and theoretical and practical, and experimental knowledge of this crime. Without such knowledge, the research is likely to be unsuccessful and may not provide answers to the researchers (scientists). This may have repercussions on the scientific and social significance of the research results. Genocide research has an important place on the scale of security phenomena with regard to priorities in crime prevention and control priorities.

4.3.3 Particularity and specificity of genocide research

The variability and complexity of social phenomena are conditioned by the very framework of their origin and manifestation, so their research cannot be satisfied only by describing these phenomena. Therefore, the task of researching all social phenomena, including genocide, is to determine the cause-and-effect relationships and their relationship with other social phenomena and reality, bearing in mind their pronounced dynamism as a basic characteristic of these phenomena.

Genocide research involves the collection of scientific facts and empirical data and evidence that should provide reliable, accurate, valid knowledge of the crime committed. Successful research is influenced by some important elements and activities, starting from the plan of activities, manpower, material and technical resources, available time, preparations, knowledge, and several other factors that can be subjective and objective. Considering the nature and scope of the crime, it can be said that this is a very responsible and complex issue that must be approached with the utmost care and maximum engagement of all available human and material-technical capacities. "The best and most efficient way is to involve experts in various fields and specialties in genocide research (criminologists, criminologists, lawyers, forensic scientists, forensic experts, anthropologists, historians, experienced analysts, etc.)." (Gabela, 2018 : 266).

Namely, genocide in the scientific-professional sense requires the study and understanding of all its aspects, because it is a phenomenon that has not been fully researched and studied. The best example of uncertainty and ambiguity regarding certain understandings of the term is the fact that the ICTY Prosecutor's Office, almost ten years after its establishment, requested the Center for Holocaust and Genocide Studies at the University of Amsterdam and received a special report on the etiology and genesis of genocide and other mass crimes. certain groups, authored by Dr. Ton Zwaan, director of the Center. The report was intended to help harmonize instruments for analyzing genocide cases. Thus, in the Report (Available at: http://www.icty.org/x/cases/slobodan_milosevic/prosexp/bcs/mil-exr-zwaan-b.pdf, recovered on 26 April 2022), the author points out that the field of genocide is not fully studied or researched.

This fact indicates that even after ten years of ICTY work, the legal experts have not mastered all segments of the crime of genocide.

One of the reasons for this attitude is the complexity of genocide as an empirical phenomenon, its dynamic nature, "with many different and varied factors". Considering that it is the most serious crime, its research is of crucial importance for the social community [...]' (Gabela, 2016: 343). Having this in mind, for successful research it is necessary to scientifically study international and national legal documents, as well as the most important scientific-theoretical literature and empirical material of the social reality embodied in the form of genocide. In addition, the art of interpreting the relevant data collected is important, because "faced with a large number of impressions, personal documents, field notes, etc., a qualitative researcher is confronted with the difficult and challenging task of 'making sense of what he or she has learned during fieldwork.'" (Halimi, 2005: 439).

Scientific and other research on genocide is of great importance to society as a whole and is the focus of interest to the entire global public, both internationally and nationally. Therefore, only relevant scientific and professional research can understand the overall structure and important aspects of the crime of genocide with all segments involved in its implementation in terms of organizers, commanders, and perpetrators, as well as acts of cover-up and denial. The research must provide answers to questions about the circumstances and historical facts that preceded the commission of the crime, i.e., the facts that led to its realization, as well as the facts that facilitated its realization. It is necessary to cover all phases of the genocide, including the last one, which is the phase of denial of the genocide.

Ultimately, it can be concluded that any research on genocide must make a scientific and social contribution to all segments of this crime. The scientific contribution will be in the form of knowledge of genocide as a phenomenon that should be heuristic and verifying, necessarily prognostic. Social justification is a contribution to the resolution of the social issues and problems

that led to the commission of a crime, to the punishment of its perpetrators, to the satisfaction of the victims, and to the success of its prevention.

4.4 *Scientific research on genocide as a contribution to the development of the science of genocide*

Today, the development of science is evident, so new scientific disciplines are constantly emerging. The ultimate aim of these sciences is to be at the service of mankind, although nowadays it can be seen that scientific knowledge leads to the endangerment of society and produces a danger to man's survival. The causes are diverse, starting with the desire for power, the search for more wealth and profit, etc. Therefore, science must not be transformed into its simple opposite, because it must be a common good for man and society and nobody has the explicit right to abuse it.

4.4.1 *Scientific research on genocide as a condition for the emergence of the science of genocide*

The task of science is to constantly search for the truth about its subject by linking opinion and experience while ensuring that it is a true opinion based on accurate experiments. We can say that "scientific truth is not a reflection of reality but a creation of thought based on research. It must be structured linguistically, but the truth is not a matter of language. It is useful, but the truth of an opinion is not determined by its usefulness. It is abstract, but it is the most practical true theory. Truth is also a value, but the value of thought must be distinguished from its truthfulness... Truth is a characteristic of thought, but truth alone cannot lead to truth. This is why a distinction must be made between a correct opinion and a true opinion. A correct opinion respects logical rule. The correct conclusion of a false opinion does not become a true opinion. The true opinion is based on a representative number of accurate empirical data. Therefore, the truth can only be reached through research." (Vujević, 2006: 17-18). From the aspect of the development of genocide science, we can say that theoretical-methodological and empirical research of genocide requires a wide range of knowledge on various issues, and also requires a thorough and critical examination of many theoretical and empirical types of research and results. Thus, we eliminate ambiguities and doubts in research methodology and practice and seek a scientific-empirical approach that allows for the acquisition of relevant evidence. Only such research can reach the scientific and social truth about the causes of the origin and development of the crime of genocide (Gabela, 2016: 351), which should be the basis for the further study of this phenomenon. The question of truth is "a fundamental and crucial question of science and scientific research, which the great men of human thought have dealt with and are dealing with from the earliest times to the present day. Scientific truth, i.e., scientifically true knowledge, is achieved by applying scientific methods, methods of scientific knowledge, and scientific research in the process of scientific research." (Čekić, 2012: 37-38). It is important to emphasize that scientific truth is objective, based on the object of cognition, not on the subject performing the cognition. In no case can truth in science be absolute, because each science studies and researches only a part of reality, and in this part many phenomena and processes take place. To know these processes in the part of absolute truth is almost impossible, but one must strive to do so. When it comes to the crime of genocide, the whole process of its study is accompanied by different approaches or paradigms, as well as different theoretical and methodological approaches. This is a framework within which scientific work takes place and which guides the scientist in the search for scientific solutions, and thus in the development of theory. The more complex and understudied the field, the more approaches we have, and as scientific research intensifies, we arrive at an appropriate approach that best explains the phenomenon in a particular scientific discipline - a discipline that will study social phenomena - genocide.

4.4.2 *Constitution and development of the science of genocide*

The problem of genocide is a socially and scientifically complex issue and a problem whose solution

requires the engagement of a special science - the science of genocide (Čekić, 2011). One of the basic tasks of this science would be to raise awareness among scientists, researchers, politicians, citizens, and all other categories of society of the negative consequences of the crime of genocide for society as a whole. This awareness of the negative dimensions of this phenomenon would provide a legal framework for the repression of genocide denial.

Furthermore, the purpose of this science would be to help carry out a scientific study of genocide with a scientific research approach, and many non-scientific publications that appear and present to the public do not "close the door" to research projects, because if implemented a certain quasi-research in a certain area, it "closes the door" to researchers who would do so according to scientific principles.

Therefore, as already said, the current knowledge on genocide as a crime against humanity and international law is not complete, but it is incomplete, fragmentary, and partial, which further encourages the introduction of a special science of genocide, respecting the principles and methodological rules, respecting all the specificities and peculiarities of the crime of genocide, came to a complete knowledge, or at least to a significant extent complete, of this crime. Since it is the most serious form of crime against humanity and international law as such, it deserves to be studied within the framework of a special science - a scientific discipline, because it consists of various and diverse factors.

The science of genocide is a "modern scientific discipline that deals most directly with genocide as a social phenomenon...". "Genocide as a subject of research within the aforementioned science and other scientific sciences and disciplines is determined in time and space [...]" (Čekić, 2012: 38). It can be classified in the system of social sciences because we know that genocide as a phenomenon has its structure, and in this structure, the important factors - subjects are people - perpetrators and victims. Within the science of genocide, special and specific scientific disciplines can be developed that study genocide from different aspects, such as the hermeneutics of genocide, the history of genocide, the security sciences - the scientific discipline of genocide, the sociology of genocide, the politics of genocide, the philosophy of genocide, the anthropology of genocide, the pathology of genocide, genocide from the perspective of the study of legal sciences, etc. It is precisely these specific scientific disciplines within the science of genocide that need to be the subject of scientific research in order to know all its dimensions. This is necessary because it is an empirical phenomenon, clearly recognizable and extremely significant and socially complex in all its negative consequences, and because due to its dynamic structure and complexity it needs to be studied from different aspects and dimensions.

However, the science of genocide, which other sciences are confronted with in the constitution of their theoretical and methodological frameworks, is not immune to difficulties in its constitution. It must therefore respect the fundamental assumptions that characterize its development, such as empiricism and practical relevance.

The science of genocide must be based and developed on existing scientific-theoretical and normative definitions of the phenomenon of genocide and on the study and collection of methodological knowledge about this phenomenon in order to know the regularities and laws of the occurrence and manifestation of genocide for its scientific explanation and prediction. This science necessarily strives to achieve its ultimate goal: to predict genocide in the future, and thus prevent it from happening again. The prediction of future phenomena, as Šefket Krcić (2016: 250) points out, "occurs on the basis of existing conditions."

Prediction is correlated with overall scientific knowledge, so the higher the level of scientific knowledge about the crime of genocide, the greater the possibility of a more accurate prediction of its recurrence in the future. If they can establish scientific knowledge at the level of cause and effect, i.e., at the level of the laws according to which this phenomenon occurs and manifests itself, then the prognosis of its future occurrence will be at the highest possible level. However, science goes a little further than a mere prediction, and today we try to control it after predicting a certain phenomenon. It would be the ultimate goal of the science of genocide to be able to control phenomena and events

in society so that there is no genocide in the future, anywhere and at any time.

5. Conclusion

As a social phenomenon, genocide is the most serious form of crime that can be committed and its structure is extremely complex. This complexity manifests itself in the acts of genocide, the perpetrators, those who ordered and organized the genocide, and the victims of this crime. Moreover, the structure of all social security phenomena is extremely complex and is much more complex than natural phenomena. Because of this complexity and dynamics, it is much more difficult to study and measure them as it is done in natural phenomena.

As a prerequisite for the success of genocide research and the formation of a special science that would deal with this problem, it is necessary to develop theory and scientific theory as a basis for the development of genocide science, because the underdevelopment of theoretical assumptions reflects the development of methodological empirical research and the limited use of research. procedures, methods, and techniques. If the theoretical basis of some empirical research is weaker, then the source of knowledge for research is limited. This leads to the conclusion that there is a direct causal link with the research results obtained, which calls into question their value and validity.

Therefore, for a successful investigation of genocide, it is necessary to develop theoretical knowledge about this crime. The scientific objective of theory is to discover the regularities and laws according to which phenomena occur in nature and society, their connection and development, both among the phenomena themselves and in the internal structure of that phenomenon itself. The essence of the theory is not to represent a goal in itself, but to offer some better solution to improve practice and better solutions in research practice. This is exactly what experts in practice expect from theory and scientific theory, namely to offer more concrete and effective solutions to some of the problems of practice that arise every day. However, scientists have to present it in such a way and in such a language that it is understandable for practitioners, but efforts have to be made by both sides, so practitioners have to raise their knowledge of scientific research theory and methodology to such a level. to understand and be able to adopt the scientific knowledge presented by scientists. Similarly, scientists who conduct research need to adapt the language of writing the results of scientific research to those who will apply and use this knowledge in practice.

We can conclude that theory and science, through the process of scientific research, should contribute to the development of science so that it can lead to the constitution of a special and independent science of genocide, which would study the generality, regularity, and legality of genocide. The main purpose of its constitution is to study the crime of genocide, its explanation, the identification of connections and relationships with other phenomena, as well as other important issues, up to the question of scientific prediction for its prevention, which would be its ultimate goal in preventing this crime.

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