

## SOCIAL REACTION TO JUVENILE CRIME

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**Abstract.** *Social reaction to juvenile crime has evolved over time together with crime. In the initial period, juveniles were punished like adults and the primary purpose of punishment was repression, which is quite different today. In terms of punishment of juvenile offenders, our country has accepted the widely used system which is primarily characterised by the protection and education of juveniles. Therefore, the Act on Juvenile Criminal Offenders and Criminal-law Protection of Juveniles introduced educational orders whose primary purpose is to reduce the institutional treatment of juveniles and to contribute to their rehabilitation through their active involvement and improving relations with the victim. To this effect, the most preferable measures are educational measures whose main purpose is to provide assistance, supervision and rehabilitation of minors, and to prevent commission of crimes in the future. The most common educational measures are measures of intensive supervision which imply greater control over a minor by a parents, another family member or the guardianship authority. Institutional measures are the least common because they are the most serious kind of educational/correctional measures. In this system, the punishment of imprisonment is used exceptionally; thus, juvenile imprisonment is the last resort punishment, which may be applied only against an older juvenile.*

**Key words:** *The Act on Juvenile Criminal Offenders and Criminal-law Protection of Juveniles, juvenile, criminal sentences, educational measures, juvenile prison.*

### 1. INTRODUCTION

Crime, as a negative social phenomenon, is a criminal act committed in a specific place at the specific period of time. There are many types of crime. But if we take age as a criterion for dividing crime, we can see the difference between adult and juvenile crime. The distinctions between these two types of crime are in causes, methods, *modus operandi*, punishments, etc. Subject of this paper is social reaction to juvenile crime and specifics related to criminal procedure and criminal measures, as well as social reaction in the Republic of Serbia.

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A juvenile offender is a young person who, at the time of the criminal offence, has reached the age of 14 but has not turned 18. Within this category, there is a distinction between younger and older juveniles. Younger juveniles are young people who have reached the age of 14 but have not turned 16; older juveniles are young people who have reached the age of 16 but have not turned 18. This is relevant because only older juveniles may be sentenced to juvenile prison. Younger adults, who at the time of the criminal offence, have reached the age of 18 but have not turned 21 at the time of trial are subject to special provisions.

At the beginning, the main characteristic of social reaction to crime was that there was no distinction in punishing young and adult offenders. In further development, there were some changes that initially led to huge differences in social reaction. First of all, the most important thing is prevention of crime, especially re-education of juvenile offenders and their protection in criminal procedure. In order to accomplish these goals, a new system of sanctions and alternative measures for young offenders was developed. Also, the participants in criminal procedure are specialized authorities, and there are some exceptions in comparison to the criminal procedure for adults. Modern criminal laws (e.g. German, French, Croatia) envisage a lot of alternative measures as a substitute for criminal sanctions, which may be imposed individually or cumulatively with criminal sanctions (Jovašević, 2013: 62). For this reason, criminal sanctions are *ultima ratio* in procedures with juveniles and a substitute for poor or non-existing juveniles' protection system (Bugarski, 2015: 90).

## 2. HISTORICAL DEVELOPMENT OF SOCIAL REACTION TO JUVENILE CRIME

At the beginning of social development, there was a belief that the only appropriate reaction to violation of the law was punishment, which mostly means retribution. Also, there was no distinction in sentencing between young and adult offenders. After that, in ancient Greece, an idea of preventive action on the offender was born. The development of specific criminal-law position of juvenile offenders could be observed through two periods: in the first one, juveniles were equal to adults, and in the second the juveniles had a special position. The first is a period where there was no essential difference between juveniles and adults, and there was just a mild difference during the execution of the sentence, but the sentence was always the same. In other words, juvenile adults were regarded as a "small version of adults" (Shoemaker, 2013: 11). There was a belief that a young offender expressed criminal intent by committing a crime; therefore, age could be taken just as a mitigating factor. Criminal intent could not be exonerated by immaturity. This principle is known as *malitia supplet aetatem*.

After this, there was a mild improvement in the treatment of juvenile offenders. Instead of *malitia supplet aetatem*, there was a principle of „discernment“. This principle implied that we should estimate the ability of juveniles to differentiate between good and bad (Blagić, 2015: 18). In the beginning, this principle was applied to the most serious crimes committed by younger juveniles, but then it was expanded to all (Soković, Bejatović, 2009: 43). New tendencies are in favour of putting juveniles in a particular position adapted to their age, and the primary purpose is juvenile protection. The principle of „discernment“ included a voluntary element, and it was replaced with the term „maturity“. Judges had obligation to consider voluntary element as well as the intellectual element in the juveniles personality. If there was „maturity“, it was better to impose an educational order rather than a punishment (Čopić, 2014a: 183). In developed systems, there were juvenile courts,

particular procedure and particular system of sanctions based on prevention of juvenile crimes. International standardization concerning the position of juveniles in criminal law was characteristic of the last decades of XX century. The essence of this process is the adoption of documents by the UN and other international organisations (Soković, 2014: 145).

### 3. DIFFERENT MODELS FOR REGULATING THE POSITION OF JUVENILE OFFENDERS IN CRIMINAL LAW

The main criterion for defining different models regulating the position of juvenile offenders in criminal law is whether the central role is reserved for the personality of juveniles or the crime that they have been committed. In this regard, there are two models: welfare (protective) model and justice model (Bojić, *et al*, 2015: 54). It also implies the presence of a third (mixed) welfare- justice model. The new theories entail a new one: the restoration justice model.

#### 3.1. Welfare model

According to the welfare or protective model, the most important criteria for criminal position of juveniles are the juvenile's personality and his/her social environment. In this model, social factors are crucial in etiology of juvenile crime, and rehabilitation and education of minors are the best ways of their resocialization. Juveniles should be prosecuted before courts specialized in handling juvenile cases; the procedure should be flexible and based on protection of their personality. When the juvenile court issues a sentence, the decision must be based on the juvenile's personality, but not on the type and gravity of the offence. Also, the duration of the sanction is unspecified as it depends on the reeducation of juveniles. These sanctions should be enforced in special juvenile facilities, aimed at separating the juvenile from his previous environment. This model has shown substantial defects, such as: no change in the crime rate, arbitrariness of judges, and inefficiency of the reeducation treatment.

#### 3.2. Justice model

Unlike the welfare model, the primary criterion in the justice model is the type of committed crime, and abandoning the theory of rehabilitation. Instead of rehabilitation, the main purpose is reintegration of juveniles in the society with strict respect of their rights. The duration of the imposed sanctions is explicitly determined, and the sanction is proportional to the committed crime. Imprisonment and other forms of punishment that require some form of custody must be the ultimate choice. For this reason, there are alternative measures, imposed only with a juvenile's consent. The procedure for petty crimes should have a non-penal outcome as a consequence (diversification). The essential defect of this model is insufficient individualization of sanctions.

#### 3.3. Welfare- justice model

The welfare- justice model is intended to overcome the deficiencies of the previous two models. It is governed by the principle of justice and highlights the advantages of the alternative approach. The "four D" model (based on diversion, dejuridisation, deinstitutionalization and due process) has proven to be a particularly good solution. Actually,

it implies that criminal procedure should be avoided whenever possible; judges should apply the alternative approach and institutional measures should be avoided in view of ensuring fair proceedings (Soković, et al, 2009: 48).

### 3.4. Restorative justice model

This model is based on the principle of accepting responsibility for the committed crime and compensation of damage. The central figure in this model is the victim of crime, but it is also important to involve the community in the process of juveniles' reintegration into the society (Čopić, 2014b: 191). Instead of punishment, the restorative justice model insists on compensation of damage arising from crime, as well as improving relations between the juveniles, the victim and the community (Haines, O'Mahony, 2006: 110). The juvenile accepts responsibility for the committed crime, the damage and compensation, which is good for straightening his responsibility and improving his personality. The model is implemented through mediations, interventions and support groups; the damages may be compensated materially or symbolically, for example, by returning things or apologizing to the victim (Junger-Tas, Decker, 2006: 519). Reintegration of the juvenile and the victim in the society is important characteristic of this model. Besides the juvenile, great attention is given the victim, but it should be noted that accomplishing these principles must not harm the juvenile's rights (Bugarski, 2015: 97).

## 4. BASIC CHARACTERISTICS OF MODERN SOCIAL REACTION

Regarding different position of juveniles and adults in criminal proceedings, there is a need for particular legislation in the matter of juvenile crime. At first, the position of juveniles was regulated by the same laws as for adults, but later particular provisions were separated from these laws (Bojić et al, 2015: 53). Today, the position of juvenile offenders is comprehensively regulated. In 2005, Serbia adopted the Act on on Juvenile Criminal Offenders and Criminal-law Protection of Juveniles,<sup>1</sup> (hereinafter: the Juvenile Justice Act), which includes substantive and procedural provisions, procedural authorities, the system of criminal sanctions, the mechanisms for the execution of criminal sanctions, as well as provisions on the protection of minors as a victim or an injured party.

### 4.1. Jurisdiction in Juvenile Procedure

Jurisdiction for adjudicating issues involving juveniles may be vested in Juvenile Courts /or in special juvenile judicial councils (panels) or in juvenile judges sitting within regular courts (Soković, 2014: 148). In Serbian legislation law, juvenile proceedings are run by juvenile councils (panels) or by juvenile judges. The essence of this organization is in designating the participants in juvenile proceedings. Thus, all authorities involved in juvenile justice (judges, prosecutors, lawyers, police officers) must have specialized knowledge about children rights, juvenile delinquency and criminal protections of juveniles. The same rule applies in criminal proceedings for adults where a juvenile is a victim or an injured party. Also, participants in juvenile proceedings are also lay justices who have knowledge and experience working with minors (such as: teachers, educators, professors), and they should be of different gender (Soković, *et al*, 2009: 50).

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<sup>1</sup> Act on Juvenile Offenders and Criminal Law Protection of Juveniles, Official Gazette RS, No. 85/2005

#### 4.2. Characteristics of Juvenile Criminal Procedure

In order to protect juveniles in criminal procedure, there are some differences between juvenile criminal procedure and adult criminal procedure. Apart from the Juvenile Justice Act, there is subsidiary application of other legislative acts (except in cases where they are inconsistent with this Act). Exceptions in juvenile procedure are embodied in the modification of main principles.

##### 1) *The Principle of Opportunity*

One of the primary principles in criminal procedure is the principle of legality, which implies an obligation of the public prosecutor to initiate the procedure when there is enough evidence for official prosecution (Bejatović, 2014: 92). However, the Juvenile Justice Act prescribes an exception in cases involving juveniles, which implies the principle of opportunity. The Juvenile Public Prosecutor should assess the justifiability of initiating the procedure and, on that ground, make a decision whether to initiate it or not. This principle comes down to diversion, which can be simple diversion and diversion with intervention. *Simple diversion* does not seek for fulfillment of particular obligations, and the prosecutor makes a decision on the grounds of gravity of crime and the juvenile's personality, or based on fact that juvenile is in process of execution of sanctions. Simple diversion may be applied to crimes which are punishable by imprisonment of up to five years or a fine, provided that the public prosecutor believes that the criminal proceeding is not justified (Kovacević, 2015: 118). When a juvenile is already subjected to the execution of the imposed sanction, the juvenile public prosecutor may decide not to initiate a new proceeding regard the gravity of crime and sanction that is being executed. If a juvenile fulfills a particular obligation, the public prosecution may decide not to initiate the procedure, which implies diversion with an intervention. The particular obligations which have to be met are given in the form of educational orders. They are applicable to crimes punishable by a term of imprisonment not exceeding five years or a fine, but only subject to the juvenile's consent and his/her explicit confession of the committed crime, and providing that his/her attitude to the committed crime and the injured party has changed (Radulović, 2013). This is one of the examples of the restorative justice principle (Bugarski, 2015: 97).

##### 2) *The Principle of Accusation*

The Juvenile Public Prosecutor is the only one who is authorized to initiate criminal procedure against juveniles. In case a crime is prosecuted on the grounds of a private complaint or upon the proposal of the injured party, the injured party cannot initiate the procedure; he/she only can make a proposition to the Juvenile Public Prosecutor. This is a main difference between juvenile proceedings and adult proceedings. If the Juvenile Public Prosecutor decides not to initiate the procedure or give up the one that has already been initiated, he/she is obligated to give notice to the injured party who can only seek for statement of prosecution, issued by the Juvenile Council. It is the exception from accusation principle which implies initiating the procedure on the grounds of prosecution act, not on the grounds of a court decision.

### 3) *Procedural guarantees*

This principle is two-fold as it includes distinctive terminology as well as special treatment of juveniles in criminal proceedings, given the need to ensure their legal protection. As for terminology, we do not use terms “the suspect, the defendant, the accused”, and we talk about procedure “for” and not “against” juveniles (Jovašević, 2013: 61). It is essential in order to reduce the consequences that criminal procedure may have on juveniles. The rules of procedure entail: prohibition of trial in absence, giving mandatory notice about procedure to child support services, ensuring that juveniles are heard in the presence of a psychologist, a pedagogue, or other experts.

### 4) *The Principle of Urgency*

The Juvenile Justice Act prescribes that all parties in criminal proceedings involving juveniles should act with particular urgency so that the procedure could be terminated as soon as possible. This principle is especially important for protection of juveniles because long procedures could have harmful consequences on their further behavior. Urgency is based on shorter deadlines, too. The control over this principle is exercised through the obligation of the juvenile judge to give a monthly notice to the guardianship authority about the procedure.

### 5) *Principle of Publicity*

Unlike criminal proceedings involving adults where the procedure is public as a rule, and where general public may be excluded in exceptional cases, general public is not allowed to attend criminal proceedings involving juveniles. The main trial can be made public only subject to permission of the Juvenile Council, but the limits are prescribed in the Juvenile Justice Act. Permission may be given for appearance of individuals whose profession is connected with the protection of juveniles. Contents of decisions shall not be published without the explicit permission of the juvenile court (panel), whereby the publication refers only to the part of the decision which has been permitted by the court. In any circumstances, the juvenile’s name or other identity data shall not be published.

## **4.3. Criminal sanctions for juveniles**

The main purpose of criminal sanctions is to punish the offenders, but it is different with juveniles. The purpose of sanctions for juveniles is their improvement, reeducation and straightening their personal responsibility (Pocora, Pocora, 2013). These are reasons why the system of criminal sanctions for juveniles is different from the system of adult sanctions. The difference is in types of sanctions, but also in their execution. Juvenile sanctions are specifically aimed at reeducation of juveniles, and they are executed in particular institutions or departments (if there are no such institutions). There are also specialized authorities for supervision of execution (Radulović, 2013). All participants must be specialized in handling juvenile cases.

Before elaborating on criminal sanctions, we should pay attention to diversion measures in the restorative justice model. These are educational orders which are not intended to initiate procedure or to give up the initiated procedure. These measures have an impact on the development and improvement of the juvenile’s personality (Kovacević, 2015: 116). Regarding their nature, these are not criminal sanctions, but *sui generis* measures which may be applied, under the condition strictly prescribed by law, to juvenile offenders who

committed specific crimes, both in the interest of the juvenile offender and in the interest of the injured party (Radulović, 2008: 51). Educational orders are intended for juveniles who commit a crime punishable by a term of imprisonment not exceeding five years or a fine, provided that the juvenile has confessed to have committed the crime, expressly consented to the educational order, and has changed his/her attitude towards crime and injured party (Soković, 2008: 252). The use of educational orders is optional and there is a chance of imposing more than one order, but their duration is limited up to 6 months. The Juvenile Justice Act prescribes five types of educational orders:

- 1) Settlement with the injured party with intention to compensate the damage, or eliminate harmful consequences through apology, work, or otherwise;
- 2) Regular school attendance or regular attendance to work;
- 3) Community service and engaging a juvenile in community work with charity organizations, or in social, local and ecological activities without a fee;
- 4) Consent to proper examination and rehabilitation from using alcohol or drugs;
- 5) Engaging in an individual or group treatment in a relevant medical institution or counseling centre.

In the Juvenile Justice Act, sanctions for juveniles are divided into three groups: educational measures, juvenile prison, and security measures from the Criminal Code<sup>2</sup>, except for the measure of prohibition from practicing profession, activities and duties. The most common measures for juveniles are educational measure. Thus, juvenile prison sentence is imposed in exceptional and most serious cases (Jovašević, 2012: 265). The main characteristic of juvenile sanctions is their gradual application, starting from the mildest ones to the institutional measures, which are the ultimate solution.

#### *4.3.1. Educational Measures*

The Serbian legislation recognizes three types of educational measures: admonition and guidance, increased supervision, and institutional measures.

##### *1) Measures of admonition and guidance*

Measures of admonition and guidance are judicial reprimand and specific obligations. These measures are imposed by the competent court when it is estimated that they are sufficient for exerting relevant influence on a juvenile offender. These are particularly convenient for juveniles who commit a crime without unawareness or recklessly (Soković et al, 2009: 76).

Judicial reprimand is the mildest sanction which indicates the inadmissibility of the juvenile's behavior and gives him/her a notice that it could be replaced with another sanction in case of re-offending.

The Juvenile Justice Act prescribes ten types of specific obligations that could be imposed individually or with another measure of increased supervision. These are:

1. Apology to the injured party;
2. Compensation of damage within the juvenile capacities (the court orders the the number of hours and the manner of a meeting the imposed obligation through

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<sup>2</sup> Criminal Code of Republic of Serbia, Official Gazette RS, No. 85/2005, 88/2005- corr., 107/2005- corr., 72/2009, 111/2009, 121/2012, 104/2013 and 108/2014

- community service of up to 60 hours in a period of 3 months, bearing in mind that it does not interfere with the juvenile's school or work duties);
3. Regular school attendance or regular attendance to work;
  4. Education for profession that suits the juvenile's abilities and interests;
  5. Engaging juvenile in community work with charity organizations, or social, local and ecological activities without a fee (up to 120 hours in a period of 6 months);
  6. Involvement in sport activities;
  7. Consent to proper examination and rehabilitation from using alcohol or drugs;
  8. Engaging in individual or group treatment in a relevant medical institution or counseling centre, and regular attendance to juveniles programs;
  9. Regular attendance to vocational training classes or preparing for the exams in a designated field of study;
  10. Prohibition of leaving permanent or temporary residence without the permission of the competent court or particular authorization of the guardianship authority.

In these particular obligations, we can see elements of restorative justice which is reflected in ensuring the reparation of damage and, especially, in the apology and compensation where the damage may be repaired morally (through apology) and materially (through compensation). This also implies community service for the purpose of repairing damage. The competent court makes a decision about particular obligation, taking into consideration the juvenile's personality and his/her attitude towards crime, but the consent of the injured party is required in terms of compensation. Notably, specific obligations in some parts are the same as those envisaged for educational orders. The crucial difference is that educational orders are not sanctions; they are diversion measures. This fact gives rise to other differences, related to imposing these measures, their purpose and duration.

## *2) Measures of increased supervision*

The competent court shall impose measures of increased supervision when measures of admonition and guidance have failed to achieving the purpose of sanctions. Basically, these measures shall be imposed when it is necessary for a juvenile to pay more attention or to change the environment that has had a bad influence on him. The Juvenile Justice Act prescribes four types of these measures:

1. Increased supervision conducted by parents, adoptive parents or guardians;
2. Increased supervision in another family;
3. Increased supervision conducted by the guardianship authorities;
4. Increased supervision with daily attendance to relevant rehabilitation and educational institution for juveniles.

In the first case, the juvenile stays with his/her family, but the family is obliged to take increased care. As all the other measures from this group, this measure may be imposed for a period of 6 months up to 2 years at the most. The duration is not specified at the moment of sentencing because it depends on the juvenile's progress. The second measure implies that juvenile goes to another family because his/her family cannot provide increased care. The duration is the same, as in the first case, but the juvenile may be returned to his/her own family even before the expiry of the 6-month periods if the family fulfill conditions for supervision. In the third type of increased supervision, the juvenile stays with his/her family but increased supervision is taken by the guardianship authority. The increased supervision and daily attendance to relevant rehabilitation and educational institution for juveniles may be



awarded cumulatively with the other measures of increased supervision whenever the court considers it necessary. Along with these measures, the court may also impose one or more specific obligations. If a juvenile does not fulfill particular obligations, the measure of increased supervision may be replaced with institutional measures.

### 3) *Institutional measures*

These measures are intended for juveniles who need serious reeducation and treatment and strict separation from their immediate living environment. They are the last resort option and they shall be imposed for the shortest period possible. The Juvenile Justice Act prescribes three types of these measures:

1. Remand to a rehabilitation institution;
2. Remand to a correctional institution;
3. Remand to a special institution for treatment and acquisition of social skills.

A *remand to a rehabilitation institution* is a measure for juveniles who need to be strictly separated from their environment and who need constant expert supervision. It may last from 6 months up to 2 years, but the court may consider its suspension or replacement with another measure in regular 6-month intervals. Apart from separation and supervision, a *remand to a correctional institution* implies the ongoing application of specific expert-tailored reeducation programs. This measure may last from 6 months to 4 years at the most. It also implies the obligation of the competent court to check the juvenile's progress in regular 6-month intervals. A *remand to special institution* for treatment and acquisition of social skills is a measure that is imposed on juveniles with difficulties in mental and physical development. The measure may be alternative (imposed instead of the other two institutional measures) or mandatory (imposed instead of the security measure of mandatory psychiatric treatment and care in a health institution). It may last from 6 months up to 3 years, but the court may consider its suspension or replacement with another measure in regular 6-month intervals.

#### 4.3.2. *Juvenile prison sentence*

Given that reeducation of juveniles is a rule in Serbian law, juvenile prison is a sentence which is imposed in exceptional cases, as the last resort. The ultimate goal of this criminal sanction is special prevention because it is aimed at deterring the juvenile offender from the commission of crimes in the future. It also has a role in general prevention because it is aimed at deterring other juveniles from the commission of crimes (Stojanović, 2015: 376). It could be imposed only on older juveniles for the crimes punishable by a term of imprisonment over 5 years, and if there is no justification for applying educational measures because of the high level of guilt, nature and gravity of the crime. This sanction may be imposed for a period of 6 months (at least) to 5 years at the most, and it has to be stipulated in fully months and years. Exceptionally, it may last 10 years for criminal offences which are punishable by a term of 20 years' imprisonment or more, or in case of concurrence of criminal offences punishable by a term of imprisonment over 10 years.

#### 4.3.3. *Security measures*

These are the measures for adult offenders. But in case of dangerous circumstances causing the commission of a criminal offence, they may be imposed on juveniles as well. Unlike the educational measures which are aimed at assistance, supervision and reeducation,

security measures are aimed at addressing the dangerous conditions causing criminal behavior. They are imposing cumulatively with juvenile prison or educational measures, except for incompetent offenders. The Criminal Code prescribes eleven security measures: mandatory psychiatric treatment and care in a health institution; mandatory psychiatric treatment at liberty; mandatory treatment of drug abusers; mandatory treatment of alcoholic abusers; prohibition from practicing a profession, activity and duty; prohibition of a driving a motor vehicle; confiscation of items; expulsion of foreigners from the state territory; public announcement of a verdict; prohibition of communication with the injured party; and prohibition of attending sport events.

All these measures may be imposed on juveniles, except for the prohibition from practicing a profession, activity and duty. Mandatory treatment of drug abusers and mandatory treatment of alcoholic abusers cannot be imposed together with measures of admonition and guidance because there are similar specific obligations. Mandatory psychiatric treatment and care in a health institution and mandatory psychiatric treatment at liberty may be imposed individually.

#### 5. CRIMINAL SANCTIONS FOR JUVENILES IN THE REPUBLIC OF SERBIA IN THE PERIOD 2006-2015

The first part of this paper has elaborated on the social reaction to juvenile crime, specifics of the criminal procedure involving juveniles, and criminal sanctions/ The second part is dedicated to presenting the situation in judicial practice in the Republic of Serbia. The data presented in this paper have been collected from the Internet site of the Statistical Office of the Republic of Serbia.

Table 1 shows data about sanctions imposed on juvenile offenders in Republic of Serbia in the period 2006-2015. First, the table shows data for younger and older juveniles. This division is important because only older juveniles may be sentenced to prison. From the total number of juvenile sanctions imposed, a smaller number of sanctions were imposed on younger juveniles, and those are predominantly educational measures. Depending on the year, we can see the tendency of replacing the measures of admonition and guidance with measures of increased supervision, although the latter are slightly higher in number. Institutional measures are imposed in a significant minority of cases. The situation is nearly the same with older juveniles, except for juvenile prison. The most frequent sanctions for older juveniles are educational measures: measures of increased supervision, measures of admonition and guidance, and institutional measures (respectively). As for juvenile prison sentence, it was imposed most in 2007 (30 cases), and least in 2012 (2 cases). The most frequently imposed term of imprisonment was the one ranging from 6 months to 2 years at the most, whereas the least frequently imposed term of imprisonment was the one ranging from 5 to 10 years. No cases of the latter were recorded in the years 2010, 2012 and 2014. In 2012, there were no recorded cases involving a term of imprisonment ranging from 2 to 5 years.

If we analyze Table No. 1 carefully, we can come to a conclusion that our judicial practice is following the Law. So juveniles are the most frequent sanctioned with educational measures, like measures of admonition and guidance and measures of increased supervision, but rarely institutional measures. The least imposed measure is juvenile prison, and that shows respect of gradualness in applying and accomplishing the main purpose of criminal sanctions for juveniles.

**Table 1** Sentenced juvenile offenders, according to the matter of imposed sanctions

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Total</b>	1566	1996	2229	1902	1640	2290	2302	2648	2034	1926
<b>Younger Juveniles</b>	490	830	992	791	670	979	984	1094	825	744
	(31.3%)	(41.6%)	(44.5%)	(41.6%)	(40.9%)	(42.8%)	(42.7%)	(41.3%)	(40.6%)	(38.6%)
<b>Educational Measures</b>	490	830	992	791	670	979	984	1094	825	744
	(31.3%)	(41.6%)	(44.5%)	(41.6%)	(40.9%)	(42.8%)	(42.7%)	(41.3%)	(40.6%)	(38.6%)
Measures of admonition and guidance	204	405	468	363	316	452	460	471	428	386
	(13.0%)	(20.3%)	(21.0%)	(19.1%)	(19.3%)	(19.7%)	(20.0%)	(17.8%)	(21.0%)	(20.0%)
Measures of increased supervision	255	385	460	387	320	467	472	559	362	320
	(16.3%)	(19.3%)	(20.6%)	(20.3%)	(19.5%)	(20.4%)	(20.5%)	(21.1%)	(17.8%)	(16.6%)
Institutional measures	31	40	64	41	34	60	52	64	35	38
	(2.0%)	(2.0%)	(2.9%)	(2.2%)	(2.1%)	(2.6%)	(2.3%)	(2.4%)	(1.7%)	(2.0%)
<b>Older Juveniles</b>	1076	1166	1237	1111	970	1311	1318	1554	1209	1182
	(68.7%)	(57.3%)	(58.7%)	(59.4%)	(59.1%)	(57.2%)	(57.3%)	(58.7%)	(59.4%)	(61.4%)
<b>Juvenile Prison Sentence</b>	17	30	17	19	5	13	2	8	6	9
	(1.1%)	(1.5%)	(0.8%)	(1.0%)	(0.3%)	(0.1%)	(0.6%)	(0.3%)	(0.3%)	(0.5%)
Over 5 to 10 years	4	1	1	2	0	1	0	3	0	1
	(0.3%)	(0.1%)	(0.0%)	(0.1%)	(0.0%)	(0.0%)	(0.0%)	(0.1%)	(0.0%)	(0.1%)
Over 2 to 5 years	3	4	7	4	1	5	0	2	4	4
	(0.2%)	(0.2%)	(0.3%)	(0.2%)	(0.1%)	(0.2%)	(0.0%)	(0.1%)	(0.2%)	(0.2%)
Over 6 months to 2 years	10	25	9	13	4	7	2	3	2	4
	(0.6%)	(1.3%)	(0.4%)	(0.7%)	(0.2%)	(0.3%)	(0.1%)	(0.1%)	(0.1%)	(0.2%)
<b>Educational Measures</b>	1059	1136	1220	1092	965	1298	1316	1546	1203	1173
	(67.6%)	(56.9%)	(54.7%)	(57.4%)	(58.8%)	(56.7%)	(57.2%)	(58.4%)	(59.1%)	(60.9%)
Measures of admonition and guidance	383	481	479	471	431	562	535	651	576	594
	(24.5%)	(24.1%)	(21.5%)	(24.8%)	(26.3%)	(24.5%)	(23.2%)	(24.6%)	(28.3%)	(30.8%)
Measures of increased supervision	605	614	684	573	509	692	728	818	573	543
	(38.6%)	(30.8%)	(30.7%)	(30.1%)	(31.0%)	(30.2%)	(31.6%)	(30.9%)	(28.2%)	(28.2%)
Institutional measures	71	41	57	48	25	44	53	77	54	36
	(4.5%)	(2.1%)	(2.6%)	(2.5%)	(1.5%)	(1.9%)	(2.3%)	(2.9%)	(2.7%)	(1.9%)

Source: Statistical Office of the Republic of Serbia (2016)

## 6. CONCLUSION

Social reaction to crime has been developing through time along with crime. In the beginning, the position of juvenile offenders was the same as the position of adults. They were punished with the same sanctions, and the main purpose was repression. It is different today. In terms of punishment of juvenile offenders, our country has accepted the widely recognized system which is primarily characterised by the protection and reeducation of juveniles. To this effect, the Juvenile Justice Act prescribes educational orders in order to suppress institutional treatment, to contribute to the juvenile's development and to improve his/her relations with the victim or the injured party.

In Serbia, the most frequently imposed sanctions in the observed period (2006-2015) were educational measures, aimed at ensuring assistance, supervision and reeducation of juveniles, as well as preventing further criminal behavior. The most common measures in juvenile sentencing are measures of increased supervision, which may be exercised by parents, adoptive parents, guardians, another family, or the guardianship authority. Juvenile prison is

a sentence which is imposed in exceptional cases, as the last resort, and it may be imposed only on older juvenile offenders.

Juvenile crime today is a strong indicator of crime rate in the future because juveniles often continue displaying criminal behavior throughout life. This happens in case there is no prevention or adequate application of reeducation programs aimed at preventing recidivism and re-offending. The frequent application of educational orders is necessary because it is far behind the criminal sanctions, especially educational measures (Veković, 2011: 88). For this reason, we need to improve the common practices concerning social reactions to crime and provide for the use of criminal sanctions and alternative measures, which will ultimately contribute to accomplishing better results in social reaction to crime.

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## DRUŠTVENA REAKCIJA NA KRIMINALITET MALOLETNIKA

*Društvena reakcija na kriminalitet maloletnika se razvijala tokom vremena kao i sam kriminalitet. U početnom periodu, maloletnici su se kažnjavali kao i punoletna lica, a osnovna svrha kažnjavanja je bila represija. Danas to nije slučaj. Naša država se, po pitanju kažnjavanja maloletnih učinilaca, uklapa u sistem koji vlada u svetu i koga primarno karakteriše zaštita i prevaspitanje maloletnika. Zbog toga su Zakonom o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica uvedeni vaspitni nalozi čija je primarna svrha da smanje institucionalni tretman maloletnika i da doprinesu njegovom popravljanju uz aktivno angažovanje i popravlanje odnosa sa žrtvom. Sa istim ciljem, najviše se izriču mere vaspitnog karaktera čija je osnovna svrha pomoć, nadzor i popravlanje maloletnika kako bi se sprečilo vršenje krivičnih dela u budućnosti. Od tri vrste vaspitnih mera, najčešće se izriču mere pojačanog nadzora koje podrazumevaju veći nadzor nad maloletnikom od strane roditelja, druge porodice ili organa starateljstva. Najmanje su zastupljene vaspitne mere zavodskog karaktera jer predstavljaju najtežu vrstu vaspitnih mera. U ovakvom sistemu, kažnjavanje je izuzetak, te je tako kazna maloletničkog zatvora poslednje sredstvo koje se primenjuje prema maloletniku i to samo prema starijem maloletniku.*

*Ključne reči: Zakon o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica, maloletnici, krivične sankcije, vaspitne mere, maloletnički zatvor.*

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