

THE PURPOSE OF PUNISHMENT AS A CRITERION FOR IMPOSING A SENTENCE OF JUVENILE IMPRISONMENT

Dragan Blagić, PhD¹

Faculty of Law, University of Priština, Kosovska Mitrovica

Zdravko Grujić, PhD²

Faculty of Law, University of Priština, Kosovska Mitrovica

Abstract: In the theory of juvenile criminal law, especially in a field of imposing criminal sanctions to minors, it is easy to recognize attitudes that point special prevention instead of general, and also giving much greater importance to the special prevention. Consistent opinions on special prevention have always been emphasized, while the impact of general, especially positive, general prevention is rarely mentioned. Considering that today in the theory of criminal law, the influence of the general i.e. positive prevention is prevailing, it is necessary to point out its importance when it comes to the imposing a punishment of a juvenile imprisonment.

Contemporary views on the purpose of punishment generally begin from a functional unity of special and general prevention. Sentencing is a very complex procedure that requires consideration of all the normative criteria, where the purpose of punishment certainly has a significant (or primary) role. Given the legal nature of a juvenile imprisonment and its specificity, it is possible that in one situation the objectives of general prevention require a more severe sentencing, while the objectives of special prevention require a more lenient sentence. Therefore, when imposing this sentence, it is necessary for the court to evaluate in each particular case the relation between special and general prevention and, without diminishing the importance of the other circumstances that affects the sentencing.

In the paper the authors first present the general questions related to the purpose of punishment, then explain the content and substance of the sentence of a juvenile imprisonment, while at the end trying to determine the correlation between basic purposes of a punishment and imposing the sentence of a juvenile imprisonment.

Keywords: purpose of punishment, juvenile imprisonment

1 dragan.blagic@pr.ac.rs

2 zdravko.grujic@pr.ac.rs



INTRODUCTION

Imposing punishment is to determine the limits of criminal sanction in accordance with the gravity of the crime committed and the principle of guilt, where all the circumstances related to the crime, the perpetrator and the victim had to be taken into account. The different circumstances and special characteristics of the perpetrator often require different sanctions for the same offense, and thus the right choice of criminal sanction leads to the basic form of criminal coercion. Among other, the most important activity of the court is to precisely select and impose criminal sanction, which, on the one hand, terminates criminal proceedings, while on the other, it exercises the protective function of criminal law (Drakić, Drakić, 2015: 1408). Determining the type and level of criminal sanction in our legal system is primarily done by the courts, therefore is called – court measurement, in addition to the legal one, performed by the legislature when prescribing criminal offenses, according to the adopted system of relatively defined penalties. When sentencing individual offenses, the range of the special minimum and the special maximum is very wide, leaving the court assess within the legal measurement, which results that the court sentencing is considered to be the only true/valid sentencing (Stojanović, 2014: 279).

When imposing a sentence of juvenile imprisonment, the courts have to take into account the fact that it is a special type of imprisonment - which should be weighed in accordance with its content and justification (Sržentić, Stajić, Lazarević, 2000: 518-519). As a rule, the punishment of a minor is only exceptional and, in addition to the fulfillment of all legal requirements, juvenile imprisonment does not have to be pronounced. On the contrary, sometimes is inevitably to impose a sentence as a reaction to the perpetrator and the crime committed, as well as all reaction to other potential perpetrators (juveniles) not to commit crimes in the future (Perić, 1979: 65).

THE JUSTIFICATION OF THE PURPOSE OF PUNISHMENT IN JUVENILE CRIMINAL LAW

In the context of the imposing juvenile imprisonment, it is necessary to achieve the purpose of punishment in the specific case, i.e. to realize its meaning and essence. The purpose of punishment, in general, is one complex legal and philosophical issue that is of particular importance in the criminal and criminological sense. Therefore, regarding the purpose of punishment, it is necessary to point out different understandings, i.e. concept-based theories that aim to explain their content in more detail (Atanacković, 1988: 21). In the science of criminal law, different understandings about the purpose of punishment are generally classified into three basic groups of theories: absolute, relative, and mixed. The essential questions are explained through these theories, in terms of why society is punishing and what they want to be achieved with punishment (Stojanović, 2014: 295). Absolute theories base their attitudes on the idea of the existence of absolute justice, where the purpose of punishment is retribution (revenge) for the one who punishes, or atonement for the one who is being punished (Živanović, 1930: 428). According to this theory, the primary purpose of punishment is retribution for the act committed, the offender being punished for what they sinned but not to sin in the future. According to this theory, punishment is not seen as a way of achieving something in the future, but refers to the past, i.e. committed crime and present of the offender, i.e. their suffering. Thus, the purpose of punishment is to inflict harm on the offender in order to satisfy absolute justice (Stojanović, 1994: 219). As a further consideration of this theory, it is necessary to indicate the impact of the classical school and its influence on the governing doctrine of the purpose and substance of punishment. Furthermore, abso-



lute theories of the time, inspired by the ideas of some philosophers (Kant), indicate that retribution is an imperative of moral conscience, a postulate of practical reason, while according to Hegel it is seen as a necessary consequence of legal justice and that punishment is considered a culprit's right, because the culprit committing the crime is knowingly and voluntarily accepting to be punished (Sržentić, Stajić, 1970: 93-94). When it comes to absolute theories modern understandings in criminal law and criminology emphasize their unacceptability, that is, these theories are considered to be completely overcome. Namely, punishment cannot be accepted as a measure intended to serve the satisfaction of some abstract justice where retribution is the primary purpose of punishment (Bojanić, Mrčela, 2006: 435-436).

Relative theories in determining the purpose of punishment start with the idea that basic meaning and purpose of punishment would be affecting people not to commit criminal acts in the future. Punishment in this case is not an end in itself, and as such it is directed towards the future, because it is not punishing only for having sinned, but also not for sinning in the future (Platon, 1990: 379). In terms of how crime prevention should be achieved, relative theories can be divided into: theories of special (individual) prevention and theories of general prevention. According to the theories of special prevention, the prevention of committing criminal offenses, i.e. the protection of society from crime, is achieved through the offender who has committed the crime. The primary purpose of punishment in this case is for the offender not to commit the crime again (Stojanović, 1994: 223). Supporters of special prevention theories point out that the basic purpose and essence of punishment can be achieved in several ways: the theory of intimidation of the execution of punishment, the theory of guardianship, the theory of re-socialization. First, intimidation is accomplished so that the offender experiences the harsh impact of the sentence and does not commit any crimes in the future. Guardianship theory implies that an offender is put under surveillance and custody for a period of time in order not to commit the crime again (Laubenthal, Baier, Nestler, 2010: 232). Finally, resocialization is accepted as one way of achieving special prevention of the offender. It is understood as one process and a different approach to the convicted person's personality in terms of re-education, assistance and support, in order to return the convicted person back to the community and to continue daily life activities. However, more recent understandings raise many questions to which the re-socialization process did not provide valid answers. For example, the length of a sentence in re-socialization can be a problem, because the sentence often lasts for the duration of the re-education process. Are negligent offenses also required to apply resocialization and to what extent? Thus, in the theory of criminal law, there are understandings which would suggest that resocialization should not be the only one or the most important purpose of punishment. In this sense, offender should be helped and trained to live in society, so as not to commit crimes, if the offender himself accepts this kind of assistance and support (Roxin, 2006: 75-76; Vuković, 2014: 155; Novoselec, 2007: 373). Theories of general prevention predict that the purpose of punishment is to influence citizens not to commit crimes. Therefore, the purpose of punishment can only be achieved if the punishment affects all potential offenders to refrain from unlawful conduct. This effect of punishment prevents in advance all citizens who might have committed the crime of not doing so and thus avoided the receiving of punishment (Tahović, 1961: 322). Modern understandings regarding general prevention indicate the existence of the so-called negative general prevention that is achieved by intimidation of potential offenders and positive general prevention, which is achieved through strengthening and preserving citizens' trust in the legal order and respecting social and moral norms in order to prevent the commission of criminal offenses (Stojanović, 1994: 224). General prevention in this way, in criminal law theory, gives priority to positive prevention over intimidation of potential perpetrators, i.e. negative prevention. In this way, punishment is justified even when there is no danger of the offender committing the crime again (Jeschek, Weigend, 1996: 68). Despite many good points of positive general prevention, the theory of criminal law makes



some objections, one of which is taken as basic, which relates to the length of the sentence. The issue of harsher punishment in order to accomplish its purpose, on the other side, questions respect for human dignity. The intimidation of citizens by imposing harsher punishments is not a fundamental task of the purpose of punishment, but rather the importance of generally preventive action, first and foremost, should relate to the strengthening of moral (psychological) and social values by individuals (Roxin, 2006: 82-83).

Ultimately, mixed theories assume that the purpose of punishment is based on a combination of understanding both absolute and relative theories. On the one hand, punishment will result in retaliation for the crime committed, but it will also prevent future acts of crime. It is not easy to answer to what extent and how far you can go with the stated understanding that the purpose of punishing is retribution and especially - general prevention. Namely, Stojanović has all the right to believe that this theory has conflicting assumptions and that it is difficult to imagine that the purpose of punishment, on the one hand, allows “just retribution”, while on the other hand it achieves the corresponding socially useful goals of punishment (Stojanović, 2014; 262).

THE PURPOSE OF PUNISHMENT ACCORDING TO CRIMINAL CODE AND JUVENILE CRIMINAL LAW

The purpose of criminal sanctions against juveniles in our criminal law is related to the general purpose of punishment, as indicated by the provision of article 4, paragraph 2 of the Criminal Code (hereinafter CC).³ Within the general purpose of criminal sanctions, the protective function of criminal law is defined in the sense that by prescribing and imposing criminal sanctions on juveniles, they are suppressing acts that violate or threaten the fundamental values of society (Stojanović, 2014: 41).

Many “juvenile laws” do specifically prescribe the purpose of criminal sanctions on juveniles, such as the German Criminal Code in article 46 paragraph 1, Austrian in article 32 paragraph 2 which stipulates that preference is given to special prevention, whereby the court also considers its impact on the future life of the offender (Jeschek, Weigend, 1996: 885-886). Serbian Juvenile Criminal Law (hereinafter: ZM)⁴, article 10 sets out a provision defining the purpose of educational measures and juvenile imprisonment. Although there is a difference made between the educational measures and the punishment of juvenile imprisonment (Tahović, 1962: 188), the purpose is prescribed with the same provision which indicates that they have another close functional connection. Educational measures and juvenile imprisonment reflect the specific common purpose of providing protection and assistance to a juvenile, ensuring his or her personality is properly developing, upbringing, increasing his or her personal responsibility and involvement in the community. Therefore, the above provision implies that the approach to juveniles is based on prioritizing the educational influence in the process of proper maturation, individual cognition and social evaluation by the juvenile (Lazarević, Grubač, 2005: 35).

Among other things, in order to achieve the purpose of educational measures and juvenile imprisonment prescribed in this way, it is necessary to anticipate, to a certain extent, the ways of achieving this purpose. To add, just mentioned legal provision explicitly determines the means which refers to providing supervision, protection, assistance as well as providing basic and technical training for ju-

3 Krivični zakonik “Službeni glasnik Republike Srbije” br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019).

4 Zakon o maloletnim učionicima krivičnih dela i krivičnopravnoj zaštiti malolentih lica, “Službeni glasnik Republike Srbije” br. 85/2005.



veniles. In order to implement a certain educational measure, i.e. in order to make the correct choice of a particular educational measure, the first thing that should be done is getting to know the juvenile's personality. With examining and getting to know juvenile's personality (Kostić, 2011: 488), the selection of educational measures would be performed in the way where the imposition and implementation of these measures would have individual approach and treatment of the juvenile's personality. The diversity of educational measures leads to the possibility that the juvenile offender, depending on some important personality traits, positive or negative tendencies, type of the committed crime, may be imposed an appropriate educational measure to eliminate precisely the reasons that led to the juvenile delinquent behavior. First of all, providing protection and assistance involves taking various measures to protect the juvenile from the various negative effects of the environment in which the juvenile grows up. For example, various problems with the use of alcohol or narcotics indicate the court's obligation to separate the juvenile from the environment in which they lived and to provide the necessary protection according to their needs in another environment. Assistance can then consist of solving various problems related to educational neglect and providing pedagogical and psychological advice, in order to achieve proper development of the juvenile's personality (Radulović, 2010: 94). The statutory determination of the common purpose of educational measures and the punishment of juvenile imprisonment in its own way emphasizes special prevention, where the offender is prevented from committing criminal offenses and is being educated in order to educate him/her. The purpose of correctional measures and juvenile imprisonment is determined so that these criminal sanctions affect re-education, i.e. affects the educational neglect of juveniles, whereby taking these measures achieves their sociological and pedagogical character (Sržentić, Stajić, Lazarević, 2000: 493-494).

In addition to the significant impact of the special prevention of the mentioned criminal sanctions, especially in juvenile imprisonment, there is a preventive effect on potential juvenile offenders to refrain from dangerous behavior and not commit any criminal offenses in the future. In other words, in the statutory determination of article 10 paragraph 2 ZM emphasizes particularly the operation of the general prevention of juvenile imprisonment, where you can see the difference from educational measures when it comes to determining their purpose. Thus, in addition to the goals common to both types of criminal sanctions, the punishment of juvenile imprisonment also achieves specific goals in terms of increased influence on juvenile offenders not to commit criminal acts in the future, as well as increased influence on other juveniles not to commit crimes (Perić, 2010: 87).

The legal nature of the sentence of juvenile imprisonment indicates how unique and exceptional it is, and points to its justification for the utterance and application. Namely, in addition to fulfilling the legal requirements in the specific case, justification of the sentence of juvenile imprisonment is being questioned, i.e. it is required by statutory provision of article 28 ZM by the court to examine all the circumstances and judge whether it is justified to impose a sentence of juvenile imprisonment. Therefore, in addition to the existence of general conditions that must be cumulatively fulfilled, a judge's conviction in each individual case is also required that it is not enough to impose an educational measure, but sentence of juvenile imprisonment is required (Milošević, 2000: 70).

THE IMPORTANCE OF SPECIAL AND GENERAL PREVENTION IN IMPOSING A JUVENILE IMPRISONMENT

Consideration and acceptance of contemporary views that prevention is a necessary means of combating and preventing juvenile delinquency indicates increasing of its use by implementing appropriate criminal policy instruments and mechanisms (Simeunović-Patić, 2017: 309). Within the study of



particular segments of criminal policy, we are aware of the increasing importance not only of social prevention as a model of combating crime, but also of the influence, the reach of prevention in the criminal sense of the word.

Considering the legal nature and content of criminal sanctions against juveniles, the theory of juvenile criminal law has a generally accepted view pointing to significant specifics of the purpose of educational measures and punishment of juvenile imprisonment and the purpose of criminal sanctions applicable to adults. The implementation of prevention through the purpose of criminal sanctions against juveniles explains and shapes the criminal policy strategy in the field of juvenile criminal law. The preventive function in criminal law is undertaken on the basis of the normative influence of criminal law provisions which explicitly provide the purpose of punishment. Clearly set limits on the purpose of punishment allow juvenile offender to be influenced through various forms of action, so it is possible to achieve certain effects of the protective function. This is another way to express and confirm the criminal-political function of prevention, which aims to contribute to the reduction of harmful behavior of minors. Therefore, prevention is also a natural function of juvenile criminal law, and as such, it represents certain ethical postulates which impact is being made through the purpose of punishing juvenile offenders (Steng, 2008: 160).

Prevention in juvenile criminal law is primarily achieved through special prevention as the basic mechanism of achieving a protective function (Stojanović, 2011: 6-7). The character of educational measures is such that their special-preventive effect is emphasized in the form of supervision, assistance and protection in order to develop the personal responsibility of the juvenile as well as his education and proper personality development. Special prevention is the basic form of functioning in criminal justice when it comes to application of educational measures and punishment of juvenile imprisonment, because the preventive effect is achieved by directly acting on the offender. It shows the importance of preventive impact of educating a juvenile offender and providing the necessary assistance and appropriate group or individual treatments. In this context, the preventive function comes to the fore by implementing so-called assistance measures, which are primarily measures in the role of correcting and re-educating a juvenile offender and thus affecting him or her not to commit a crime again (Lazarević, Grubač, 2005: 35).

In addition to the fact that special preventive action is the primary criminal and political function in criminal sanctions for juveniles, it is necessary to point out the importance of general preventive influence in the punishment of juvenile imprisonment. Although the special preventive action is in the first place, you can also see the effects of general prevention in this case. The purpose of a protective function in juvenile criminal law is being achieved through generally preventive action by the punishment of juvenile imprisonment so it can have an impact on other juveniles not to commit criminal offenses. In fact, punishment that is not a classic punishment allows influencing potential juvenile offenders to abstain and not commit crimes. In this way, it is emphasized that the punishment of juvenile imprisonment also has its repressive character, which carries out certain punishment acts, which in a certain way makes a difference opposing to educational measures (Škulić, 2011: 287).

The general preventive effect of juvenile imprisonment is being achieved by threatening to potential perpetrators with punishment, which is defined by the provision in article 10 paragraph 2 ZM. It is impossible to deny the so-called the criminal impact of this punishment on all other juvenile offenders not to commit any criminal offenses in the future, thus proving that this is yet a punishment and has repressive impact. It can be expected that in the case of juveniles, the general preventive effect is visible because of their psycho-physical condition, in which the threat of punishment can be a decisive reason for refusing to commit a criminal offense. It is difficult to say to what extent it will affect potential juve-



niles not to commit crimes and how preventive it will be from a criminal policy perspective. The goals of general prevention and their effectiveness in the field of juvenile criminal law, are being achieved by educational influence as one of the basic concepts on which criminal sanctions for juveniles are based (Stojanović, 1991: 106). Also, the general purpose of criminal sanctions, where, within its prescribing, the purpose of criminal sanctions against juveniles is also defined and determined, that shows the existence and operation of not only general and special prevention, but also so-called positive general prevention. Namely, it is important to understand the defined provision of article 10 paragraph 2 ZM in a way that punishment should not have a deterrent effect on potential juvenile offenders, but to have as much as possible impact in the form of educational and social - pedagogical activities. This would justify the very nature of the punishment of juvenile imprisonment, which has, above all, an educational character. The basic idea underlying the prescribing of certain measures and criminal sanctions represents a special function as a primary one, therefore emphasizing the active action on a juvenile who has already committed a crime. (Radulović, 1999: 249). On the other hand, keeping in mind the repressive impact of juvenile imprisonment, it is inevitable to point out its generally preventive effect. Thus, criminal protection in the field of juvenile criminal law is mainly achieved through the special preventive effect of educational measures, as well as through the special - general effect of punishment of juvenile imprisonment, as the goals and tasks of criminal policy in general allow.

PRACTICE OF IMPOSING A JUVENILE IMPRISONMENT IN SERBIA

As part of the research on the criminal policy of courts towards juvenile offenders, we will point out the scope and dynamics of sentencing juvenile imprisonment in the period from 2006 to 2013 in order to determine whether sentencing is an exception as social respond to juvenile delinquency. At first glance, the analyzed data shows that the sentence of juvenile imprisonment is rarely imposed in the practice of our courts, having in mind its participation in the structure of criminal sanctions applied to juveniles. The other data shows but uneven number of sentences of juvenile imprisonment in relation to individual years.

In the observed period, a total of 111 sentences of juvenile imprisonment were imposed, or just under 14 sentences at the annual level. The highest number was recorded in 2007, when thirty sentences of juvenile imprisonment were imposed, and the lowest number in 2012, only two. Juvenile imprisonment was most often imposed for the murder, aggravated murder, rape, theft and robbery, a lesser extent for other crimes.

In 2007, a total of thirty sentences of juvenile imprisonment were imposed, of which as many as twenty-two for committed crimes against property. The data indicate the frequency of committing a criminal offense - aggravated theft, for which 14 out of 22 sentences of juvenile imprisonment for up to two years were imposed. In the mentioned period, four sentences of juvenile imprisonment were imposed for crimes against life and body, which is significantly less than in 2006. In 2008, a total of seventeen sentences of juvenile imprisonment were imposed, which is almost half less than in the previous year. Also, there was a noticeable decrease in the number of persons sentenced to juvenile imprisonment for crimes against property, while there are slight deviations in crimes against life and body. There were four sentences of juvenile imprisonment for the crime of rape, with three sentences lasting 2 to 5 years, and one lasting up to two years. In 2009, the number of committed criminal offenses against property increased again, specifically criminal offenses of aggravated theft, for which ten out of a total of nineteen sentences of juvenile imprisonment were imposed. The following year there was a significant decline in the number of sentences of juvenile imprisonment, only five sentences, three of which



were imposed for the crime of aggravated theft, while one was imposed for the rape and unauthorized production and distribution of narcotics. Statistics for 2011 show that thirteen penalties were imposed, of which seven for crimes against property, lasting up to two years. Three sentences from two to five years were imposed for the murder and one sentence from five to ten years for the criminal offense of aggravated murder. In 2012, the least sentences of juvenile imprisonment were imposed. Only two minors were convicted for criminal acts of grievous bodily injury and robbery, lasting up to two years. In 2013, three juvenile prison sentences were imposed for aggravated theft and aggravated murder and one for the murder. Out of a total of eight sentences, three last from five to ten years (Bilten, 2015).

Based on statistical data, it is easy to conclude that the sentence of juvenile imprisonment is an exceptional criminal sanction in the practice of courts. Having in mind the number of sentences imposed and the cases in which it was imposed, it can be concluded that the sentence of juvenile imprisonment was the last reaction (*ultima ratio*) by which the courts tried to achieve the goal and purposes of punishment, then the same effects could not be achieved by applying some of the educational measures.

CONCLUSION

Based on the above theories that explain the purpose of punishment, in relation to the sentence of juvenile imprisonment, it can be seen that the justification of punishing juveniles allows the exercise of the protective function of criminal law. However, the state's right to punish, according to positive legal regulations and relevant international documents, is applied only as a last resort, which unequivocally implements the goals and various mechanisms of crime prevention policy.

In accordance with the purpose and goals of punishment, it is necessary to point out that their realization depends on the principles of fairness and proportionality. Namely, the amendments to the Criminal Code from 2019 in the provision of Art. 42 par. 4 stipulates that the purpose of punishment, in addition to special and general prevention, is to achieve fairness and proportionality between the committed act and the gravity of the criminal sanction. Undoubtedly, in this way, the legislator decided to expand the retributive character of punishment, i.e. to resort to the application of a retributive measure that always restricts (to a significant extent) certain rights and freedoms of the perpetrator, achieving a social and ethical reprimand for the crime. If the mentioned provision is understood as a way and form of realizing the traditional principle of justice and proportionality, which primarily punishes the perpetrator for the committed crime in proportion to the gravity of the crime and the degree of guilt, then the question of acceptability and justification of the "amended" purpose of punishment arises. With this approach, indisputably, the legislator decided to first achieve the general purpose of punishment in terms of positive prevention, and diminishes the importance of the special preventive nature of punishment, and consequently the sentence of juvenile imprisonment.

Having in mind the special status of the juveniles in the law, the purpose and the methods of punishment, the correct reaction for serious juvenile delinquency will always be problematic. Such a sensitive and complex issue is a great challenge for every society, including ours, which is why we should always keep in mind the need to choose an adequate criminal sanction, having in mind primarily age, level of personal development, as well as the behavior of minors. After all, we should not forget the fact that in this case we are talking about young people who have not yet turned 18 years old, that they are in a special psychophysical development, i.e. the period of personality formation, so the focus of social reaction would be focused on upbringing, education and strengthening personal responsibility, in exceptional cases on punishment in the traditional sense. Deprivation of liberty of an older juvenile



for a longer period of time can have undesirable consequences on his/her personality and behavior, whereby the later inclusion of the juvenile in the social community and return to the family entails certain difficulties. The amended purpose of punishment, in terms of achieving the principle of proportionality between the gravity of the crime and the guilt of the perpetrator and the fairness of punishment, can (negatively) affect the future penal policy of courts if primacy primarily be focused on the implementation of these principles.

REFERENCES

1. Atanacković, D. (1988). *Penologija*, Beograd.
2. Bojanić, I., Mrčela M., (2/2006). Svrha kažnjavanja u kontekstu šeste novele Kaznenog zakona, *Hrvatski ljetopis za kazneno pravo i praksu*, Zagreb.
3. Vuković I, (2014). Svrha kažnjavanja kao kriterijum odmeravanja kazne, *Kaznena reakcija u Srbiji IV deo*, tematska monografija, Beograd.
4. Drakić D., Drakić G., (4/2015). Sistem mera bezbednosti u našem krivičnom pravu - kroz istoriju i danas, *TEME*, XXXIX.
5. Živanović T, (1930). *Osnovi krivičnog prava Kraljevine Jugoslavije*, Beograd.
6. Jeschek, H. H, WeigendT, (1996). *Lehrbuch des Strafrechts*, Allgemeiner Teil, 5, Berlin.
7. Krivični zakonik "Službeni glasnik Republike Srbije" br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019).
8. Kostić M, (2/2011). Ličnost maloletnog delikventa-kriminološka obeležja, *TEME*, XXXV.
9. Lazarević Lj, Grubač M, (2005). *Komentar zakona o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica*, Beograd.
10. Laubenthal, K, Baier, H, Nestler N, (2010). *Jugendstrafrecht*, 2. Auflage, Würzburg.
11. Milošević N, (3/2000). Maloletnički zatvor, *Jugoslovenska revija za kriminologiju i krivično pravo*, Beograd.
12. Novoselec P, (2007). *Opći dio kaznenog prava*, Zagreb.
13. Perić O, (2010). *Komentar zakona o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica*, Beograd.
14. Perić O, (1979). *Maloletnički zatvor*, Beograd.
15. Platon, (1990). *Zakoni*, Beograd.
16. Radulović Lj, (1999). *Kriminalna politika*, Beograd.
17. Radulović Lj, (2010). *Maloletničko krivično pravo*, Beograd.
18. Republički zavod za statistiku, Maloletni učinioci krivičnih dela – prijave, optuženja, osude u 2014, *Bilten*, br. 604, Beograd, 2015.
19. Rovin C, (2006). *Strafrecht*, Allgemeiner Teil, Band I, 4. München.
20. Simeunović-Patić B, (2/2017). Razvoj primarne prevencije seksualnog nasilja u svetu, *TEME*, XLI.
21. Srzentić N, Stajić A, (1970). *Krivično pravo*, Beograd.



22. Srzentić N, Stajić A, Lazarević Lj, (2000). *Krivično pravo - Opšti deo*, Beograd.
23. Stojanović, Z, (2/1994). Generalna prevencija i zaštitna funkcija krivičnog prava, *Anali Pravnog fakulteta u Beogradu*, 1, 219.
24. Stojanović Z, (2014). *Krivično pravo*, Beograd.
25. Stojanović Z, (1991). *Politika suzbijanja kriminaliteta*, Novi Sad.
26. Stojanović Z, (1/2011). Preventivna funkcija krivičnog prava, *Crimen*, Beograd.
27. Streng F, (2008). *Jugendstrafrecht*, Ninberg.
28. Škulić M, (2011). *Maloletničko krivično pravo*, Beograd.
29. Zakon o maloletnim učionicima krivičnih dela i krivičnopravnoj zaštiti malolentih lica, "Službeni glasnik Republike Srbije" br. 85/2005.