

MISDEMEANOR LAW PROTECTION OF PUBLIC ORDER: STATE AND TRENDS IN SERBIA

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INTRODUCTION

One of the basic functions of the police in all countries is to maintain public order (and peace). In Serbia, this function of the police is normatively realized through the police work on 'maintenance of public order and peace' (Art. 30, Para. 3, l. 5 of the Serbian Police Law). Also, this role of the police is reinforced by the existence of a systemic law regulating public order and peace in Serbia, namely the Public Order and Peace Law, Official Gazette of RS, No. 6/2016 (hereinafter: ZJRM/2016). Maintaining public order means preventing public order from being disturbed, or reestablishing already disturbed public order. This police work is primarily carried out by the uniformed police through patrol and permanent control center activities. (Leštanin, Nikač, 2016: 42).

Violence is increasingly penetrating our society and all socio-economic levels, religious beliefs and cultural backgrounds. Violence affects our lives, homes and society (Bašić, 2010: 284). When infringements of public order and peace reach extreme proportions and become large-scale violations (large-scale demonstrations, social unrest, civil disobedience, riots at sports and other events, etc.), they represent a very significant form of endangering internal security (Đukić, 2019: 70). On the other hand, each country should prevent its citizens from participating in the disruption of public order and violence in another country (Janković, Otašević, 2023: 399).

Protection of public order and peace in Serbia is the subject of several legal regulations, but ZJRM/2016 is a systemic act in this area. From the beginning of the creation of Serbian statehood, there was a need to protect public order, to achieve a harmonized system of exercising human rights and freedoms. In relation to the Public Order and Peace Law, Official Gazette of RS, No. 51/1992 (hereinafter: ZJRM/1992), the new law introduced new misdemeanors, whereas some earlier ones were abolished; misdemeanor sanctions were tightened for some misdemeanors, while some misdemeanors suffered certain, not only formal, but also essential changes. Probably the most important novelty introduced by the ZJRM/2016 is the requirement that every misdemeanor must be committed in a public place. The main goal and intention of the legislator was to improve the situation in this area with the new law, in a more systematic way, based on the previous experience and practice of the competent entities (Skakavac, 2017: 85). Others believe that the adoption and implementation of the ZJRM/2016, was a huge turnaround for the state in the area of protecting citizens from illegal behavior that was previously sanctioned as misdemeanor and that now the police are not able to fully ensure the safety of citizens. The most important reason for this is the restriction in ZJRM/2016 where the misdemeanor must be committed in a public place (Marković, 2017: 303-304). Some scholars believe that misdemeanors against public order and peace must concern the public or legal order in general, including

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all violations of that order and equally protecting the rights of all citizens, regardless of where the violations are committed, whether in a public place or elsewhere. Otherwise, there is no protection of the freedoms and rights of citizens and the legal order does not work (Delibašić, 2017: 465).

For the past two decades, the police in Serbia have been introducing new policing models such as community policing², intelligence-led policing³, problem-oriented policing⁴, etc. In this regard, this paper can show how the application of these models affected the state and trends of public order (and peace). The main goal of this paper is to explore the protection of public order from the misdemeanor - legal, comparative, theoretical and empirical aspect. The authors placed their research in a spatial context related to the territory of the Republic of Serbia and in a time frame in the period from 2018 to 2023. This period was chosen as the beginning of the research because it also represents the beginning of the implementation of the ZJRM/2016.

METHOD

The authors use the normative method to analyze the norms of the law. The authors will present and analyze statistical data and numbers related to the state and trends of public order protection from the aspect of misdemeanor law. For these purposes, the authors use data from the Ministry of Interior of the Republic of Serbia for the period 2018-2023. Data from the Statistical Offices of Serbia, Croatia and Montenegro related to the number of inhabitants were also used. Comparative method will be used for exploring the public order norms in some other states. Thus, several parameters were identified that will be the subject of analysis: 1) Total number of misdemeanors (without traffic safety); 2) Total number of public order (hereinafter: PO) misdemeanors; 3) Participation of PO misdemeanors in the total number of misdemeanors; 4) Rate of PO misdemeanors; 5) Spatial (nominal) distribution of PO misdemeanors; 6) Spatial distribution of PO misdemeanors by rate; 7) PO misdemeanors according to the legal types; 8) Prostitution; 9) Violence and fighting; 10) Insulting an official; 11) Characteristic places of PO misdemeanors; 12) Characteristic time during the day of PO misdemeanors; 13) Perpetrators of PO misdemeanors by gender and age; 14) Adult perpetrators of PO misdemeanors according to age; 15) Juvenile perpetrators of PO misdemeanors according to age; 16) Decisions of Misdemeanor Courts upon police requests for initiation of misdemeanor proceedings for PO misdemeanors; and 17) Types of misdemeanor sanctions imposed in the first instance and Misdemeanor Appellate Court.

FINDINGS

As can be seen from Figure 1, the total number of misdemeanors in Serbia (without traffic safety misdemeanors) varies from year to year. The average number of misdemeanors in the observed period was 56,650, where only in 2020, a huge increase in misdemeanors by about 20% can be observed, but after that the situation calms down. Generally speaking, the number of misdemeanors in Serbia was decreasing in the observed period. Several hypotheses can be raised here that could be resolved by further research. Such trends are the result of the increased involvement of the police in detecting misdemeanors, but at the same time, the impact of the penal policy on the perpetrators of violations.

2 Further readings: Nikač, Leštanin, 2019; Milojević, Janković, Milojković, Djukanović, 2017; Jankovic, Cvetkovic, Ivanovic, Ivanov, Jovanovic, Otasevic, 2023

3 Further readings: Đurđević, Leštanin, 2017

4 Further readings: Nikač, 2019



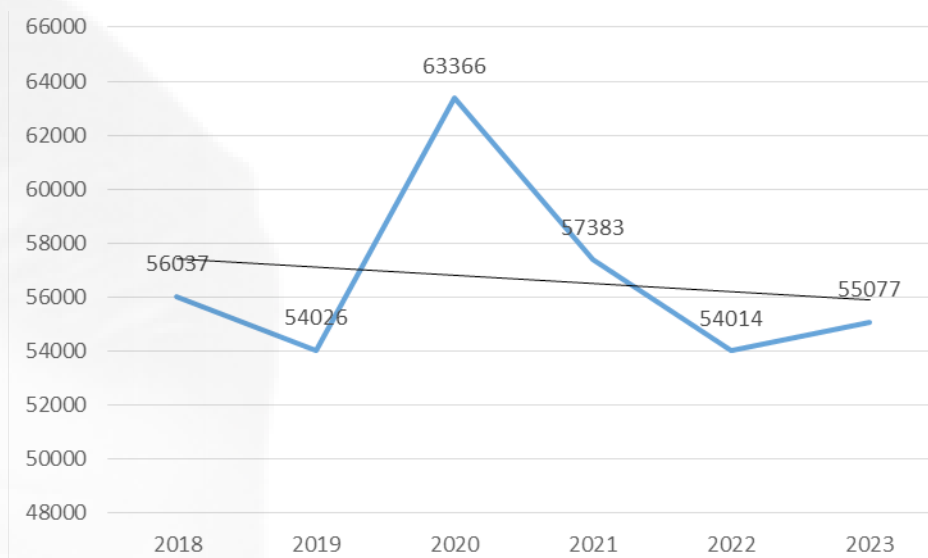


Figure 1. Total Number of Violations (Without Traffic Safety) in the Period 2018–2023

If we look at the total number of PO misdemeanors in the period 2018-2023, a constant trend of decreasing nominal number of misdemeanors can be observed (Figure 2). The trend of a decrease in the number of PO misdemeanors was also recorded in other researches of this problem in the previous period when ZJRM/1992 was in force (Skakavac, 2017: 80), and in Croatia (Peulić, Matijević, Palić, 2022: 56; Juras, Marenić, Doljanin, 2023: 128). The average number of PO misdemeanors in Serbia is about 22,500, which is almost by a half less than in the previous period, while in Croatia it is around 16,500, which is significantly less. Therefore, the hypothesis about the ‘apparent usefulness’ of ZJRM/2016 put forward by Marković (2017: 304) may have been confirmed. However, citizens’ subjective sense of security should be examined in another way (survey, interview, etc.).

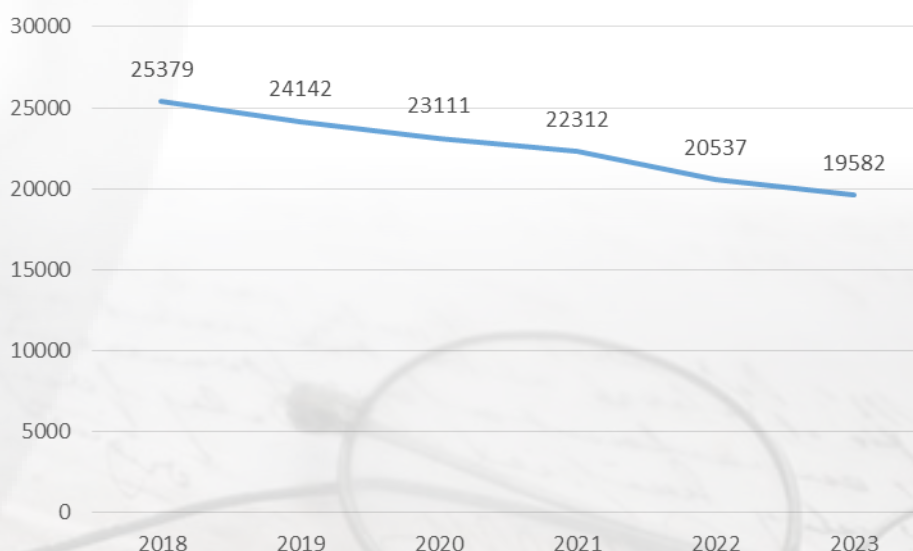


Figure 2. Total Number of PO Misdemeanors in the Period 2018–2023

Bearing in mind the previously stated, i.e. different trends, it was necessary to investigate the participation of PO violations in the total nominal number of violations. Figure 3 shows us different trends

of participation, where the highest participation of PO misdemeanors is in the initial years of the research, but later it decreases. The average participation of PO misdemeanors in the total number of misdemeanors is about 40%. Research into misdemeanors in the area of weapons and ammunition showed that their participation in the total number of misdemeanors was only 6%, but in 2023 it increased significantly to almost 10% (Leštanin, Nikač, 2024). Misdemeanors in the area of private security only account for 2.5% of the total number of misdemeanors (Leštanin, Nikač, 2022: 579). As can be seen, PO misdemeanors have priority over other misdemeanors detected by the police (authors emphasize that traffic safety misdemeanors are not taken into account in this research). An analysis of other researches on the state and trends of PO misdemeanors (Skakavac, 2017; Arsović, 2017; Đukić, 2019; Peulić, Matijević, Palić, 2022 and Juras, Marendić, Doljanin, 2023) concludes that the researchers did not deal with the participation of PO misdemeanors in the total number of misdemeanors.

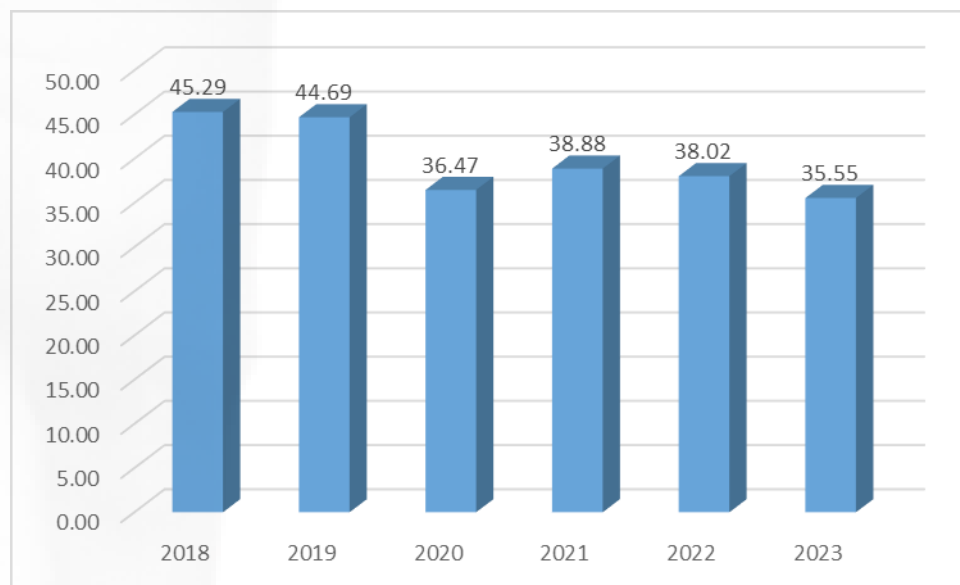


Figure 3. *Participation of PO Misdemeanors in the Total Misdemeanors in the Period 2018–2023*

In order to obtain a complete picture of the state of public order in Serbia, the authors connected the trends of nominal numbers of PO misdemeanors with the movement of the number of inhabitants in Serbia in the observed period in order to obtain the rate of PO misdemeanors⁵. According to Figure 4, the rate of PO misdemeanors in Serbia is decreasing from year to year. The average rate of PO misdemeanors is around 330, which is significantly lower compared to the period when ZJRM/1992 was applied, when the rate of PO misdemeanors was around 600 (Skakavac, 2017: 80). The analysis of other researches in the field of public order (Skakavac, 2017; Arsović, 2017; Đukić, 2019; Peulić, Matijević, Palić, 2022 and Juras, Marendić, Doljanin, 2023) showed that researchers did not deal with the rate of PO misdemeanors. If, however, the nominal values from Croatia and Montenegro are applied and brought into relation with the movement of the number of inhabitants⁶, we get the average rate of PO misdemeanors in Croatia of almost 415 and in Montenegro around 125 (Arsović, 2017; Peulić, Matijević, Palić, 2022: 56 and Juras, Marendić, Doljanin, 2023: 128). This means that Montenegro has a more favorable state of public order than Serbia, while the situation in Croatia is the least favorable.

⁵ <https://www.stat.gov.rs/sr-Latn/oblasti/stanovnistvo/procene-stanovnistva> Accessed on April 10th, 2024

⁶ <https://podaci.dzs.hr/hr/podaci/stanovnistvo/procjena-stanovnistva/> and <https://monstat.org/cg/page.php?id=534pageid=322> Accessed on April 10th, 2024

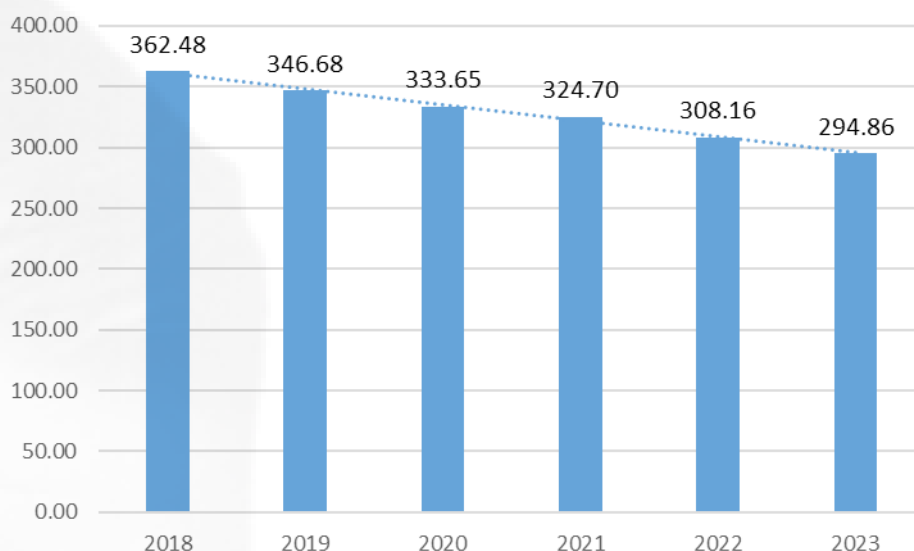


Figure 4. PO Misdeemeanors Rate Between 2018 and 2023

In order to facilitate the collection and processing of data, the territory of Serbia is divided according to the jurisdiction of police departments (Police Department for the City of Belgrade and 27 regional police departments). According to the nominal numbers, the most PO misdeemeanors were committed in the area of Police Department (hereinafter: PD) the City of Belgrade (34%), followed by the Novi Sad PD with 9%, the Niš PD with 5%, Kragujevac PD with 4% and other PDs with 3% participation or less (Figure 5). Zagreb, as the capital of Croatia, also records the nominally highest number of PO misdeemeanors (Peulić, Matijević, Palić, 2022: 56-57). Research conducted during the implementation of ZJRM/1992 shows partially different trends, as Belgrade, Novi Sad and Niš PDs are in the first three places, followed by Šabac, Jagodina and Zrenjanin PDs (Đukić, 2019: 79). Observing the nominal values in the area of Novi Sad PD, a decrease in the number of PO misdeemeanors by 50% is observed compared to the period of application of ZJRM/1992 (Skakavac, 2017: 80). Novi Sad PD nominally has fewer committed PO misdeemeanors than the Split-Dalmatia PD in Croatia (Juras, Marendić, Doljanin, 2023: 130).

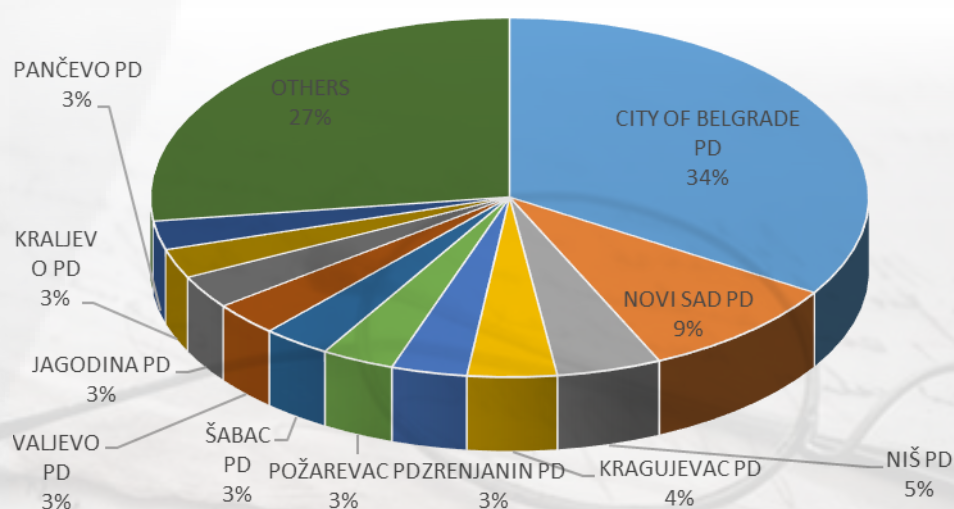


Figure 5. Spatial (Nominal) Distribution of PO Misdeemeanors Between 2018 and 2023

Nominal values when researching the state and trends of some criminal phenomena can mislead the researcher. Therefore, the authors explored the spatial distribution of PO misdemeanors according to the misdemeanor rate where the results are significantly different (Figure 6). Zrenjanin and Šabac are the regional police departments in Serbia with the worst rate of PO misdemeanors, followed by the City of Belgrade PD, Valjevo and Kikinda PD. PDs with the most favorable rate of PO misdemeanors include Sremska Mitrovica, Novi Pazar and Čačak.

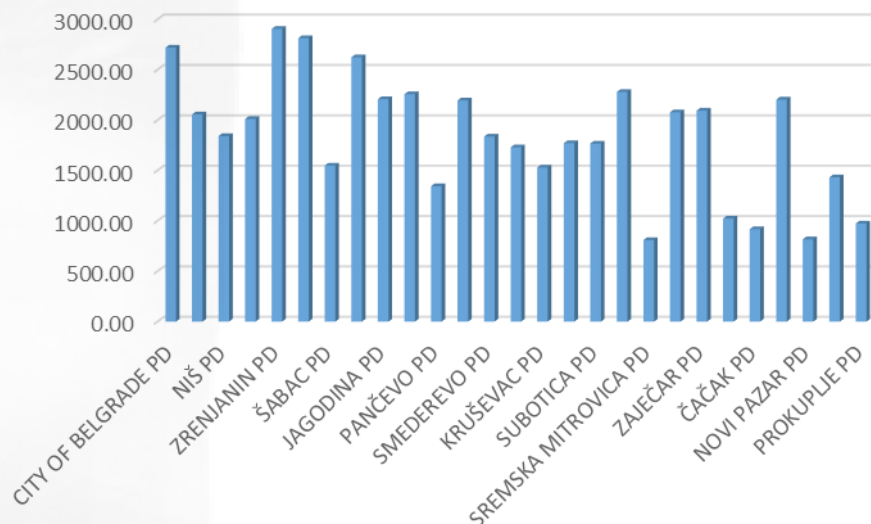


Figure 6. Spatial Distribution of PO Misdemeanors by Rate Between 2018 and 2023

The Serbian legislator groups several PO misdemeanors in one provision according to their danger to society and issues the punishment accordingly. If we look at the misdemeanors according to the division from the ZJRM/2016, we can see that in the observed period, the dominant misdemeanor is Insulting, Using Violence, Threatening or Fighting⁷ (Art. 9) with 61%, which, considering the issued penalties, can be considered the most serious misdemeanor (Figure 7). Immediately following is the misdemeanor of Indecent, Insolent and Reckless Behavior⁸ (Art. 8) with 17%, then Quarreling, Yelling and Noise in a Public Place⁹ (Art. 7) with 8% and Insulting an Official in the Performance of Official

7 Insulting is defined as belittling the personality (honor and reputation) of another person, committing violence is the use of physical or other force on the body of another person where the force must be capable of causing suffering or pain, threatening is defined as making it appear that evil will be done, that is, to attack the life or body of a person or a person close to someone, while a fight represents the infliction (author's note: exchange) of punches with the hand, other parts of the body or items between two or more persons (Art. 3 Para. 1 ZJRM/2016)

8 Indecent, insolent and reckless behavior is defined by the Serbian legislator as the behavior of a person or the taking of actions in a public place which endangers the safety of citizens or violates public order and peace, offends the morals of citizens, destroys or damages property (Art. 3 Para. 1 ZJRM/2016). Such a definition can be criticized as too general because it does not refer to any specific action, such as a fighting. However, it is precisely the general nature of legal norms that comes to the fore here, as this misdemeanor includes a wide range of prohibited behaviors that threaten public order. A study in Croatia showed that the legal descriptions of the offenses of Fighting, Quarreling and Noise on the one hand and Insolent and Indecent Behavior on the other hand are flawed and unclear and that there is a collision between their applications, because there is no clear boundary of the legal description, especially in physical attacks (Filipović, 2014: 52). The difference between indecent behavior and insulting is that indecent behavior is not directed towards a specific person, but is a question of general socially unacceptable behavior (Tukar, 2019: 24, 81). In reckless behavior, as the word itself suggests, a certain degree of arrogance or audacity must be observed in order for that behavior to be characterized as reckless. Insolent and reckless behavior are manifested in a similar way, but they differ in the intensity of the illegality of the action and the subjective feeling of the victim about the threat to his/her person or property.

9 Quarreling is defined in the law as a verbal conflict between two or more persons, yelling is considered as a verbal expression of high intensity, while noise is considered an unwanted or harmful sound with high intensity (Art. 3 Para. 1 ZJRM/2016)

Duties¹⁰ with 5% of the total number of PO misdemeanors. This trend of participation existed before (Skakavac, 2017: 80) with the exception that the misdemeanor of Insulting an Official did not exist at all in ZJRM/1992, as it was considered as a felony.

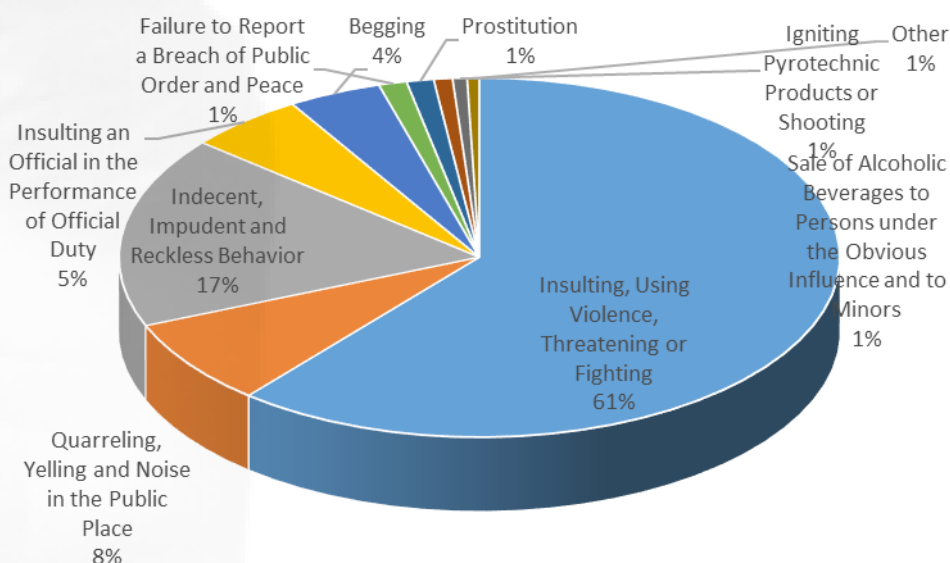


Figure 7. PO Misdemeanors According to Legal Types in the Period 2018–2023

The provisions of ZJRM/2016 observe prostitution as the provision of sexual services for payment in money or other value (Art. 3, Para. 1 of the ZJRM/2016). This ‘moral’ misdemeanor is subject to wide scientific and professional criticism, especially regarding demands for the decriminalization of prostitution and greater protection of women. Historically, in prostitution, women have always borne the burden of punishment, inequality, moral condemnation and etiquette (Pejović, 2020: 84). However, it should be added here that others also suffer the same consequences, where as an example the authors emphasize the transgender persons engaged in prostitution. Kovačević (2016: 66) considers it surprising that an agreement between persons on the provision of sexual services on a commercial basis, which as a rule takes place discreetly, through a conversation between two people, can be considered a disturbance of public order. Likewise, regarding the renting of an apartment as a citizen’s property for sexual enjoyment (‘prostitution as a profession’), this author believes that it can hardly be legally explained as a disturbance of public order and that, if the principle of banning and sanctioning prostitution is maintained, this should be done through criminal legislation.

One research showed that international documents suggest that the demand for commercial sex is the main factor that affects the increase in prostitution, which was not taken into account when adopting ZJRM/2016 (Pejović, 2016: 335). Slavković (2015: 377) believes that when regulating prostitution, attention must also be paid to its harmful consequences, such as the spread of venereal diseases, negative impact on family relationships, oppression of women, participation of minors, etc. Observing the comparative legal literature, three systems of regulation of prostitution are recognized: prohibitionist¹¹, abolitionist¹² and reglementary¹³. The prohibitionist system in EU countries is present in

10 The misdemeanor of Insulting an Official consists in belittling the personality of an official during the performance of official duties. In addition to police officers, communal militiamen, officers of inspection authorities and other competent authorities enjoy enhanced legal protection according to and within the scope and of the law.

11 A system of norms that completely prohibits prostitution as a negative social phenomenon.

12 A system in which there are no legal norms on prostitution.

13 A system in which prostitution is observed as a legal economic activity.

Romania, Lithuania and Croatia. This system exists outside the EU in Serbia and Russia. Belgium¹⁴, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Italy, Ireland, Luxembourg, Malta, Poland, Portugal, Slovakia, Slovenia and Great Britain inherit the abolitionist system of regulating prostitution. Finally, the reglementary system is present in Austria, Greece, the Netherlands, Latvia, Hungary and Germany (Pejović, 2016: 332; Slavković, 2015).

Prostitution as misdemeanor in Serbia only accounts for 1% of the total number of PO misdemeanors (Figure 7). Figure 8 shows the situation and trends in the area of prostitution in Serbia. As can be seen, at the beginning of the implementation of the new law, an increase in the number of misdemeanors was observed, but in later years it declined. The average nominal number of prostitution misdemeanors in Serbia in the observed period is 274, while in Croatia it is only around 9 (Juras, Marendić, Doljanin, 2023: 128). In the previous period, the average was significantly higher both in Serbia (about 390) and in Croatia, where there were slightly more than 160 violations (Spasić, 2006: 172; Mihaljević, 2023: 213).



Figure 8. *Prostitution as a Misdemeanor in Serbia Between 2018 and 2023*

One of the most serious misdemeanors in ZJRM/2016 is Insulting, Using Violence, Threatening or Fighting, which is also the most prevalent in the observed period. What can be considered favorable is the decreasing trend of this misdemeanor in Serbia in the observed period (Figure 9). However, this misdemeanor contains four different acts, that is, four different misdemeanors that are observed as a group because statistically they are not separated, so it was not possible to explore them separately. The police must pay particular attention when initiating misdemeanor proceedings to make a clear distinction between violence and fighting. For violence, there is a clear line between the abuser and the victim, as one party applies force while the other endures suffering, pain or restriction of certain freedoms. Violence can be a prelude to a fight, but fight represents mutual exchange of punches with hand, parts of the body and/or objects. This type of misdemeanor recorded a declining trend in the previous period in Serbia (Skakavac, 2017: 80; Đukić, 2019: 80) but also in Croatia (Juras, Marendić, Doljanin, 2023: 128) and Montenegro (Arsović, 2017). This indicates that the preventive policing through constant presence in public places gives good results in maintaining stable public order.

14 Read more about new trends in the legal regulation of prostitution in Belgium in Hausman, 2024.

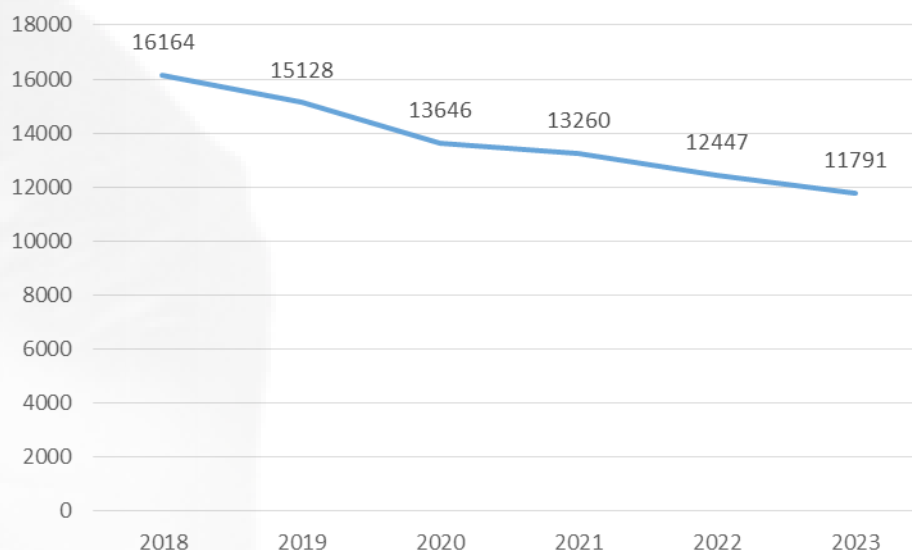


Figure 9. *Insulting, Using Violence, Threatening or Fighting Between 2018 and 2023*

The revision of public order regulations carried out in 2016 resulted in the partial decriminalization of insulting an official, where such illegal behavior was 'lowered' from the level of a felony to the level of a misdemeanor. During the process of decriminalization, the Ministry of Interior of Republic of Serbia, as the proposer of the law, had in mind the complexity and length of the criminal procedure, as well as the consequences caused by this action, so it believed that the decriminalization of this action would ensure the efficiency of the procedure and the actions of the judicial authorities in imposing the issued sanction¹⁵. Looking at the comparative law, apart from Serbia, this action has been decriminalized and is a misdemeanor in Croatia, Bosnia and Herzegovina (e.g. the Republic of Srpska and Canton of Sarajevo), North Macedonia, Montenegro and Slovenia. Viewed more broadly, this behavior is a misdemeanor in Italy, Finland and France, in Slovakia it is still considered as a felony, while in Bulgaria and Luxembourg it is not explicitly issued as a punishable offense (Peulić, Matijević, Palić, 2022: 60). As can be seen from Figure 10, this misdemeanor experienced a sudden jump in the first three years of the law's implementation, but later the situation improved. In general, this misdemeanor is on the decline, and on average, around 1,200 insults to officials are committed annually in Serbia. This is significantly fewer compared to Croatia, where on average around 1,700 misdemeanors of insulting officials are committed during the year (Juras, Marendić, Doljanin, 2023: 128), while only 80 of these misdemeanors are committed in Montenegro (Arsović, 2017). What is interesting is that the parable of insulting officials is identical to the parable of the total number of violations (Figure 1), which leads to the conclusion that this misdemeanor significantly influenced the state and trends of the total number of misdemeanors in Serbia.

15 <http://www.parlament.gov.rs/akti/zakoni-u-proceduri/zakoni-u-proceduri.1037.html> Accessed on January 2nd, 2016

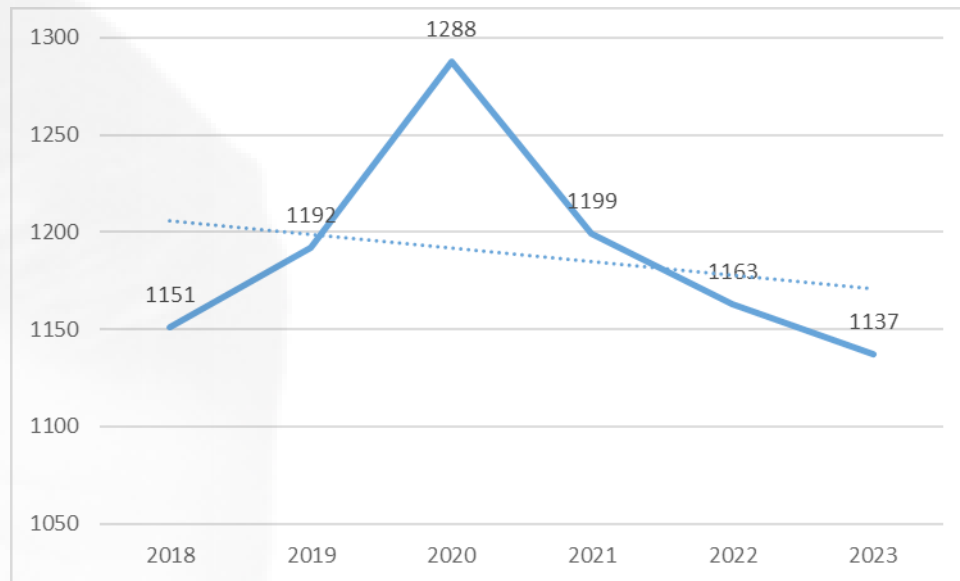


Figure 10. *Insulting an Official in the Period 2018–2023*

Analyzing PO misdemeanors by place of commission, the observed trend shows that most misdemeanors are committed on the streets or squares (44%), in catering facilities (12%), only 3% in a house or apartment, while other places accounted for only 1% or significantly less (Figure 11). This trend was also observed in Croatia (Juras, Marendić, Doljanin, 2023: 131; Peulić, Matijević, Palić, 2022: 57). In the previous period in Serbia, relatively the same trend was observed when it comes to the places of commission (Skakavac, 2017, 82; Đukić, 2019: 81), with the fact that due to the revision of the law, there is a decrease in PO misdemeanors in houses because they are not a public place.

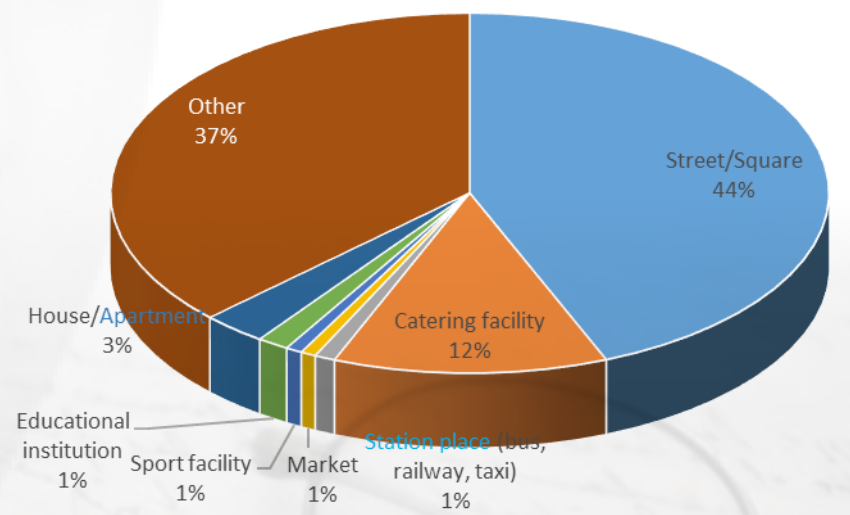


Figure 11. *Characteristic Places of Disturbing of Public Order in the Period 2018–2023*

The trends regarding the time of disturbing public order are relatively even, with the early morning hours being distinguished by the fact that they are not characteristic for disturbing public order (Figure 12). Public order is most often disturbed in the period from 12–6 PM (31%) and then in the night hours from 10 to 6 AM (29%). Such trends were also observed in the previous period in Serbia (Skakavac, 2017: 83; Đukić, 2019: 81), but there are no data for Croatia in the literature.

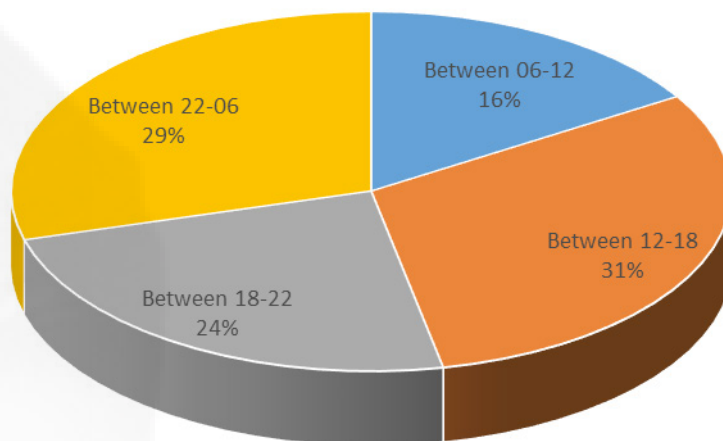


Figure 12. *Characteristic Time During the Day of Disturbing of Public Order in the Period 2018–2023*

If we pay attention to the offenders by gender, we can see that there are significantly more men (83%) than women (17%), while by age there are significantly more adult offenders (94%) than minors (6%). Observed in relation to the previous period, there have been no significant differences except for the fact that a shift in terms of gender can be observed in favor of women, whose participation as the perpetrators of PO misdemeanors has dropped by 1% (Skakavac, 2017: 83; Đukić, 2019: 81). Such trends can also be observed in Croatia, with the fact that minors participate with only 1% in the execution of PO misdemeanors (Juras, Marendić, Doljanin, 2023: 131).



Figure 13. *Perpetrators of PO Misdemeanors by Gender and Age Between 2018 and 2023*

If we were to separate adult perpetrators by age, it can be seen that the majority of perpetrators are in the middle age of 21 to 40 (46%), while persons over 40 years of age participate with 35%. It can be considered favorable that perpetrators aged 18 to 21 participate with only 9%. Within this parameter, no significant deviation is observed in relation to the previous period, where the trends are identical in Serbia (Skakavac, 2017: 83; Đukić, 2019: 81) and in Montenegro (Arsović, 2017).

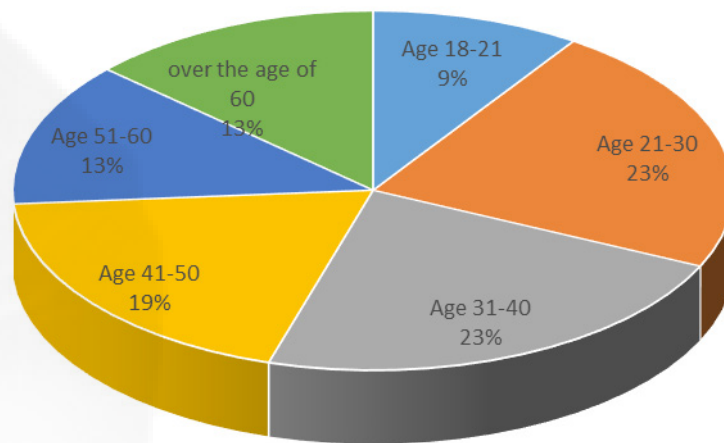


Figure 14. *Adult Perpetrators of PO Misdemeanors by Age Between 2018 and 2023*

On the other hand, if we look at juvenile perpetrators according to their age, a trend can be observed with the majority in the group of older juveniles between the ages of 16 and 18 (66%), which is understandable considering that this group of juveniles visits catering facilities and other gathering places for juveniles where the disturbance of public order occurs. However, the worrying fact is that there is a percentage of children (1%) under the age of 14 who have been registered as perpetrators of PO misdemeanors, even though they cannot be held responsible for misdemeanors.

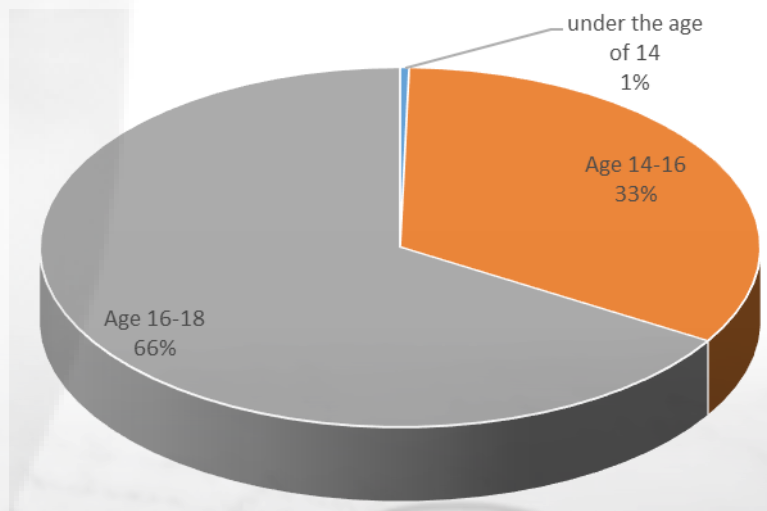


Figure 15. *Juvenile Perpetrators of PO Misdemeanors According to Their Age Between 2018 and 2023*

One of the very important parameters for a complete overview of the state and trends in the area of maintaining a stable public order involves the decisions of the courts in misdemeanor proceedings initiated by the police. Looking at previous research, this parameter, with the exception of Montenegro, was not the subject of research (Skakavac, 2017; Arsović, 2017; Đukić, 2019; and Juras, Marenić, Doljanin, 2023). Figure 16 shows that 50% of the initiated proceedings ended with the conviction of the offender, in 23% of cases the offender was acquitted of charges, while in 13% the proceedings were suspended (obsolescence) and in only 4% the police initiative for misdemeanor proceedings was dismissed. These indicators point to a very good level of cooperation between the police and

misdemeanor judicial authorities in Serbia, which work in a coordinated manner to maintain a stable public order. Also the quality of the initiatives submitted by the police and the evidence collected for this purpose is also good. However, the authors believe that the suspension of the procedure due to obsolescence still has a high prevalence, which should be reduced below 10%.

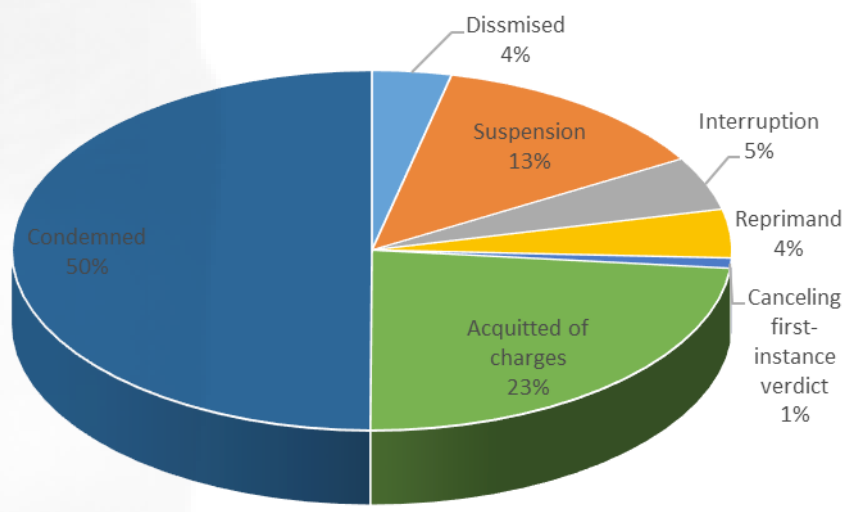


Figure 16. *Decisions of Misdemeanor Courts Based on Requests from the Police to Initiate Misdemeanor Proceedings for Disturbing of Public Order*

The provisions of ZJRM/2016 issue misdemeanor sanctions for misdemeanors ranging from fines to prison sentences with the possibility of imposing other misdemeanor sanctions stipulated by the Misdemeanors Law (reprimand, educational and protective measures, etc.). Comparing the data on the misdemeanor sanctions imposed by the courts in the first instance and the Appellate Misdemeanor Court, we see that there is no big difference and that there has been preference for the imposition of fines (Figure 17). This indicates the mild penal policy of the courts, which has been confirmed in other researches and in some other areas of social life that are protected by misdemeanor law (Marković, 2023; Leštanin, Nikač, 2022; Leštanin, Nikač, 2024). Regardless of that, this kind of penal policy gives results and affects the perpetrators, bearing in mind the trend of the decline of PO misdemeanors.

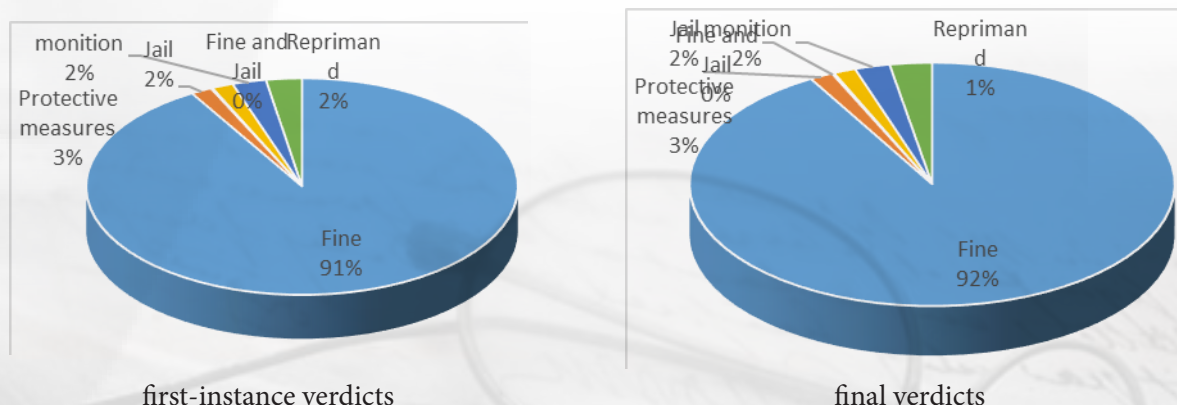


Figure 17. *Types of Misdemeanor Sanctions Imposed in the First and Appellate Degree*

CONCLUSION

Violence is only one segment, one of the ways of disturbing public order (and peace), but, as we could see in this research, public order implies a much wider sphere of social life. The revision of the legal text from 2016 brought not only new misdemeanors but also certain controversies, especially regarding the scope of protection of public order which is limited to public places. Relying on the title of the law, its subject matter, legal tradition and comparative law, the authors believe that the limitation of the protection of public order to a public place is justified. Violence and other forms of endangerment that are not expressed in public should not be outlawed, but there should also be legal protection against such forms of endangerment, but not within the regulations governing public order.

Statistical indicators direct our attention to the fact that the state of public order in Serbia is stable with a tendency to improve. Novelties to the law from 2016 contributed to this, but also the work of the police aimed at maintaining a stable public order. Public order misdemeanors were and remain the dominant form of antisocial behavior on which policing is directed in patrols and hot spots. Comparative legal analysis shows that certain behaviors that endanger public order may differ in the countries surrounding Serbia. Regardless of this, Serbia is one of the countries with a more favorable public order situation.

The research showed that the Zrenjanin and Šabac PDs have the worst state of public order in Serbia, while Sremska Mitrovica, Novi Pazar and Čačak PDs have the most favorable rate of public order. Public order is most often endangered by insulting another person, committing violence against another person, threatening another person or fighting between two or more people. Unfortunately, it was not possible to monitor these types of actions individually in order to determine exactly which one most threatens the peace of Serbian citizens, which should be corrected in the future through the improvement of data storage in the official records of the Ministry of Interior.

Looking at the misdemeanors individually, we see that there are the most disputes in the case of prostitution because there are different systems of legal regulation and, therefore, different attitudes of society towards prostitution. In the period preceding the normative review of the public order, significantly more misdemeanors were found than in the later period, both in Serbia and in other countries. One of the 'new' misdemeanors introduced by the ZJRM/2016 is Insulting an Official. Looking at the state and trends of this misdemeanor, the degree of authority of police officers and the police as a public service can be assessed. In the initial years of the implementation of ZJRM/2016, the degree of authority was low, but a certain balance has subsequently been established and it can be considered that in the following period, citizens' trust in the police will strengthen. What is interesting, if we look at it nominally, is that this misdemeanor has had an effect on the increase of the total number of misdemeanors in Serbia.

In the future, the police activity of maintaining a stable public order should be focused on the streets/squares and catering facilities, where in the afternoon and night hours the presence of police officers in uniform should be increased. As for the profile of the perpetrator, it can be concluded that it is an adult man in middle age, but special attention must be paid to children as potential perpetrators. This is where community policing, school policeman and other projects aimed at preventing misbehavior among children come to the fore (Graduation, lectures in primary and high schools by the police, etc.).

The police should continue good cooperation and coordinated work with the Misdemeanor Courts, with the fact that the Misdemeanor Courts should pay attention to the processing time of cases and reduce the rate of obsolescence of cases in the area of public order.



ORIGINALITY/VALUE

The issue of public order (and peace) is poorly researched in the world, in Serbia and in the surrounding area. With this paper, the authors want to contribute to a better understanding of this issue by looking at all aspects through the prism of misdemeanor law. In this way, the law enforcement authorities (police) will be able to devise new preventive mechanisms in the coming period in order to reduce this problem to the smallest possible extent in Serbia.

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