

THE ROLE OF THE POLICE IN COUNTERING THE ILLEGAL POSSESSION AND TRAFFICKING OF FIREARMS IN THE REPUBLIC OF SERBIA

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ABSTRACT

Purpose: A prerequisite for successfully combating the illegal possession and trafficking of firearms is to encourage individuals who illegally possess firearms to hand them over to the police as part of legalization campaigns and to identify perpetrators under Article 348 of the Criminal Code through the use of modern proactive policing models. The aim of the research is to assess the outcomes of both approaches by the competent authorities, that is, the effectiveness of prevention and repression in this area of crime.

Design/Methods/Approach: The research refers to the period from 2018 to 2023. Normative and statistical methods, content analysis, formal and logical analysis, and comparative methods were used. Statistical data and verdicts related to the criminal offence from Article 348 of the Criminal Code obtained from the Statistical Office of the Republic of Serbia, the Ministry of Interior, and the courts, were analysed.

Findings: Greater efficiency and effectiveness in combating crime related to the illegal possession and trafficking of firearms is achieved through a combination of preventive measures and the implementation of appropriate investigative strategies based on proactive policing in detecting and prosecuting the criminal offence under Article 348 of the Criminal Code of the Republic of Serbia. The results of the investigations carried out show that in Serbia the quantity of firearms and ammunition voluntarily surrendered during legalization campaigns was significantly higher than the amount confiscated through criminal proceedings.

Originality/Value: Such researches have not been carried out on the territory of Serbia so far, and they can point out to the scientific and professional public the advantages of applying modern proactive police work models.

Keywords: firearms, legalization, criminal offence, penal policy, dark figure of crime

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INTRODUCTION

The issue of firearm possession by citizens in Serbia was brought back into focus after two mass murders that occurred in Belgrade, at “Vladislav Ribnikar” Elementary School on May 3, 2023 and in the villages of Dubona and Malo Orašje on the night of May 4–5 of the same year. In both cases, the perpetrators illegally carried firearms with them before committing the murders.

In the first case, the perpetrator was a child under the age of 14 who used a firearm, legally owned by his father, to take the lives of nine students and a security guard and wound five more students and a teacher. In the second case, the perpetrator, a young adult, committed the murders with a firearm that citizens are not legally allowed to possess (an automatic firearm). He was also in possession of explosives and other types of weapons. In addition to the perpetrator, who was sentenced to 20 years in prison for aggravated murder for using a firearm to kill nine people and wound 12, his father was also convicted of illegal possession of firearms and creating a common danger by omission for failing to prevent the illegal possession of firearms, which his son later used to kill several people (RTS, June 20, 2025).

The subject of this research will be the current situation regarding the acquisition and possession of firearms and ammunition in Serbia. The analysis will cover the legal regulations in this field, as well as the preventive and repressive measures undertaken by the state between 2018 and 2024 to reduce the number of firearms in both legal and illegal possession among citizens. Special attention will be given to the last two years of the analysed period, 2023 and 2024, in order to assess the effects of a series of measures introduced by the executive authorities following the mass murders, aimed at preventing the illegal possession of firearms.

LEGAL FRAMEWORK IN THE FIELD OF WEAPONS AND AMMUNITION

The Law on Weapons and Ammunition of 2015 (hereinafter: LWA) is the fundamental piece of legislation governing the acquisition, possession, carrying, collecting, repair, modification, trade, mediation, and transport of weapons and ammunition within the territory of the Republic of Serbia. A firearm is defined as a weapon that, under the pressure of gunpowder gases, ejects a projectile from the barrel (LWA, 2015, Article 3). The European Union Directive 2021/555 defines the term as “any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant”. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime, adopted on 31 May 2001 in New York and ratified by Serbia in 2005, defines it as “any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, including antique firearms or their replicas”. The LWA, among other things, prescribes the conditions and procedures for the acquisition, possession, and carrying of weapons and ammunition by natural persons, and also provides for certain penal provisions establishing misdemeanour liability for violations of the law. The Criminal Code of the Republic of Serbia (hereinafter: CC), within the group of criminal offences against public order and peace, in Article 348 criminalizes the offence entitled “Unauthorized Production, Possession, Carrying and Trafficking of Weapons and Explosive Substances”. This criminal offence has a basic form, three aggravated forms, and one lesser form. The actus reus consists of unauthorized manufacture, modification, sale, acquisition, exchange, possession, and carrying, while the object of commission includes firearms, convertible or deactivated weapons, parts of such weapons, ammunition, explosive substances or explosive devices (Đorđević & Kolarić, 2020: 237–238). The



provisions of the LWA provide explanations of what is understood under each of these terms denoting the objects of the criminal offence. This means that the court is obliged to consult the provisions of the LWA when determining whether the criminal offence has been committed, since the Criminal Code itself does not define these terms.

The LWA classifies firearms into four categories (A, B, C, D) and determines under what conditions citizens may possess certain types of weapons. Firearms in Category A (explosive ordnance, automatic short and long firearms, disguised firearms, and firearms with silencers) may not be acquired, possessed or carried by natural persons. Firearms in Category B (semi-automatic, repeating, single-shot, double-barrelled, rifled and smoothbore firearms) and convertible weapons (gas, starter, and signal weapons) may be acquired only on the basis of authorization and after obtaining a permit from the Ministry of Interior (hereinafter: MoI).

New provisions of the LWA compared to previous legislation in this field relate, among other things, to the requirements for acquisition and possession of weapons by natural persons, particularly regarding medical fitness and training for weapon handling. As for legitimate reasons for possession, each applicant must: 1) for firearms in Category B intended for personal security, demonstrate the likelihood that his or her personal security may be endangered due to the nature of work or other circumstances; 2) for hunting firearms in Category B, submit proof of eligibility for a hunting license in accordance with the Law on Game and Hunting; 3) For sporting firearms, submit certification of active membership in a sports shooting organization (Leštanin, 2017: 164). If a natural person acquires a weapon without the authorization of the competent authority, he or she commits a criminal offence under Article 348 of the CC.

Based on an analysis of the basic form of the offence under Article 348 of the CC, it can be concluded, among other things, that the offender commits a criminal act if he illegally acquires and/or possesses deactivated weapons. However, the provisions of the LWA classify this type of weapon, along with antique weapons and certain types of air weapons, into Category C, for which no authorization is required for adults, but only a mandatory notification to the competent authority using a prescribed form accompanied by proof of origin. Failure to comply constitutes a misdemeanour under Article 47 of the LWA. This raises the question of criminal liability in such cases, since the acquisition of deactivated weapons is permitted under the LWA, while illegal possession contrary to its provisions constitutes only a misdemeanour. Furthermore, the object of commission in the basic form of the offence also includes explosive substances and explosive devices. However, the LWA does not define “explosive substance”, while explosive devices are classified into Category A, meaning that natural persons may neither acquire nor possess them. Consequently, the basic form of the offence under Article 348 of the CC cannot be committed in this context, since the first aggravated form presupposes the objects of the basic form (explosive substances, explosive devices or means based on explosive substances, explicitly mentioned) whose manufacture, sale, acquisition, exchange or possession is prohibited to citizens. The basic form carries a sentence of imprisonment from six months to five years and a fine, while the first aggravated form carries a sentence of one to eight years of imprisonment and a fine. At this point it is also necessary to mention the Law on Explosive Substances, Flammable Liquids and Gases (later amended by the Law on Flammable Liquids and Gases), since it regulates matters defining the objects of commission of the criminal offence under Article 348 of the CC (Marković, 2016: 252).

The second aggravated form of the offence is committed if the object of the basic or first aggravated form is a larger quantity of weapons, ammunition or devices or if the weapons or devices are of great destructive power or if the offence is committed contrary to the rules of international law. The prescribed punishment is imprisonment from two to twelve years.



The third, more serious form exists if the perpetrator illegally carries the objects of the basic or first aggravated form, with the same penalty range as the second aggravated form.

The lesser form of the offence involves the unauthorized carrying of the objects of the basic form if the perpetrator has authorization from the MoI for acquisition and possession, and the prescribed punishment is identical to that of the basic form, but without a fine.

LEGALIZATION AND VOLUNTARY SURRENDER OF UNREGISTERED WEAPONS WITHOUT ESTABLISHING LIABILITY FOR ILLEGAL ACQUISITION AND POSSESSION

Following the two incidents in May 2023 that resulted in mass murders committed with firearms, the Serbian executive authorities introduced a moratorium on the issuance of firearm acquisition permits. By a Government Conclusion, the Ministry of Interior (MoI) was instructed to “take all measures within its competence to ensure a moratorium on the issuance of permits for the possession and carrying of short firearms (permits for firearm acquisition, firearm licenses, etc.) for a period of two years”. The MoI was also instructed, among other things, to review all issued firearm possession permits within three months, and within six months to inspect how permit holders store their firearms, particularly whether legal requirements for safe storage are met, whether firearms are stored separately from ammunition, and whether access to firearms and ammunition is adequately restricted for minors and other unauthorized persons (Government Conclusion, 05 No. 56-3807/2023). Considering the number of registered firearms in Serbia and the available human resources of the MoI, it is evident that it was not possible to carry out inspections of all firearm permit holders within that period.

Previously, in Serbia, an average of about 15,000 requests for firearm acquisition were submitted annually. Between 2015 and 2021, around 80,000 requests were submitted for hunting firearms and around 15,000 for firearms for personal security (Rajković, 2022). Between 2016 and 2022, registered firearm owners voluntarily donated to the state just under 115,000 firearms for personal security and around 40,000 hunting firearms (Rajković, 2022). These data indicate that the number of registered firearms in Serbia had been steadily decreasing even before the two incidents. The main reason for this was most likely the annual tax on firearm ownership. In addition, the LWA of 2015 requires firearm owners to undergo medical examinations every five years as a condition for permit renewal. Firearm owners who no longer wish to keep their weapons often cannot sell them due to low demand and thus decide to donate them to the state. We consider the increase in firearm taxation a good way to reduce the number of registered firearms; however, such a measure may also lead to an increase in illegal possession of firearms. Severe penalties prescribed for the illegal acquisition and possession of firearms have limited deterrent effect, as in Serbia, due to frequent wars in the past and strong traditions, it is customary to “keep a firearm in the house”. The MoI data show that following the mass murders in Belgrade, Dubona, and Malo Orašje, the number of registered firearms in Serbia decreased from 766,665 in May 2023 to 594,880 in February 2024 (PrEUgovor, 2024). During that period, harsher penal policies regarding illegal acquisition and possession of firearms were brought back into focus. We believe this was one of the reasons why many firearm owners decided to return and donate their weapons. The Ministry of Justice, within the framework of the existing working group for amendments to the Criminal Code, considered the amendments concerning offences related to illegal possession, carrying, and trafficking of firearms, as well as the possibility of amending juvenile criminal liability in this field, including lowering the age of criminal responsibility from 14 to 12 years, in line with international standards. The Minister of Interior issued the Order on the Surrender of Unregistered Firearms (“Official Gazette of RS,” No. 37 of 5 May 2023, No. 46 of 7 June 2023). The order stipulated



that for owners who surrendered firearms between May 5 and June 30, 2023, no proceedings would be conducted regarding proof of origin of the firearms or establishing liability for illegal possession and carrying. During this two-month period, citizens surrendered 82,398 firearms, 4,243,139 rounds of ammunition, and 26,485 explosive devices to the MoI (PrEUgovor, 2024). These figures also include registered firearms and ammunition surrendered by owners who no longer wished to keep them. The order was adopted on the basis of Article 46 of the LWA. However, that provision actually regulates the legalization of firearms and ammunition. The LWA defines legalization as the process of “registration or surrender of unregistered firearms or ammunition held without authorization from the competent authority, where proof of origin of the firearms and ammunition is not required, and owners who register or surrender them during the legalization period cannot be prosecuted either for misdemeanour or criminal offences of illegal acquisition, possession or carrying of firearms and ammunition”. We therefore conclude that legalization implies either registration or surrender of unregistered firearms and ammunition. However, this particular order did not provide for registration but only for surrender of firearms without a permit from the competent authority, without establishing liability for acquisition and possession. It is worth noting that in both legal theory and practice there is an ongoing debate as to whether the criminal offence under Article 348 of the Criminal Code is effectively decriminalized during the legalization period. Although the purpose of the order in line with Article 46 of the LWA was not the suspension of this offence, court practice in many cases has accepted the position that, during the legalization period, criminal prosecution of offenders illegally possessing and carrying objects of the offence under Article 348 of the CC is permanently excluded (Decision of the Court of Appeal in Kragujevac, Kž2-79/18 of 08.02.2018, rejecting the appeal against the decision of the Higher Court in Kragujevac Kv-349/17 of 26.12.2017). However, with regard to acts such as selling, acquiring, purchasing, aiding or mediating in such actions, case law has taken the opposite stance: that criminal prosecution of offenders who committed such acts during the legalization period is not excluded (Judgment of the Basic Court in Kraljevo, K 195/18 of 11.12.2018; Judgment of the Higher Court in Kraljevo, Kž 20/19 of 21.02.2019; and Judgment of the Supreme Court of Cassation, Kzz 877/19 of 24.10.2019).

PERPETRATORS OF THE CRIMINAL OFFENCE “UNAUTHORIZED PRODUCTION, POSSESSION, CARRYING, AND TRAFFICKING OF WEAPONS AND EXPLOSIVE SUBSTANCES”

Results of numerous studies show that perpetrators of criminal offences involving firearms, ammunition, and explosive devices (such as murders, robberies, extortions, etc.) are, in the vast majority of cases, men (read more in: Marković, 2016; Marković, 2024a; Kolarić & Marković, 2024; Marković & Kolarić, 2025). The perpetrators of serious criminal offences most often use firearms that are possessed illegally. There are several reasons for this. For example, it is more difficult to identify a perpetrator who used an illegal firearm than one who used a legal one. Moreover, the perpetrators of serious crimes are often recidivists who do not meet the security requirements for possessing firearms, and therefore acquire illegal weapons for the purpose of committing criminal acts. For this reason, in the next section of the paper, we will analyse the number of reported, indicted, and convicted individuals for the offence under Article 348 of the Criminal Code.

From the chart 1, we conclude that during this seven-year period a total of 6,986 individuals were reported for the specified criminal offence. Of that number, 376 or 5%, were women, which also indicates that this is an overwhelmingly “male” criminal offence. Historically, firearms have primarily been associated with men, and the data show that this remains the case today. The fewest reported per-



petrators were in the Belgrade region, 1,101 individuals or slightly less than 16%, while the most were in the Southern and Eastern Serbia region, 2,169 individuals or 31%. In Šumadija and the Western Serbia region, 2,105 individuals or 30% were reported, and in the Vojvodina region 1,611 individuals or 23%. We conclude that this criminal offence is significantly more prevalent in the two regions located in the northern part of Serbia.

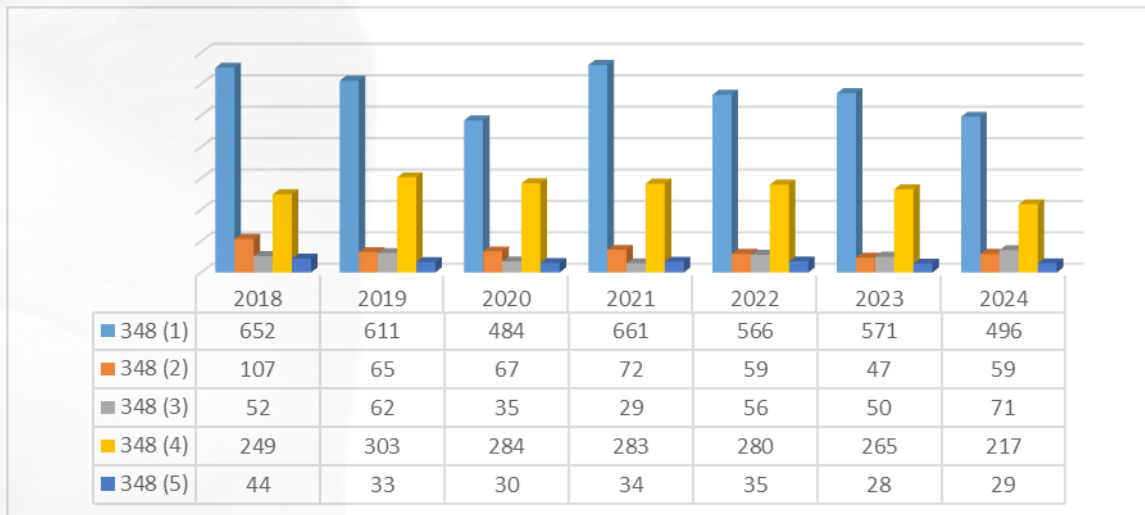


Chart 1: Number of Reported Individuals for the Offence under Article 348 of the Criminal Code

The majority of reported individuals were charged with committing the basic form of the offence. In total, 4,041 individuals were suspected of illegally acquiring, possessing, selling or exchanging weapons and ammunition whose acquisition and possession are legally permitted. The highest number of perpetrators was reported in 2021, and the lowest in 2020. Following this, the third aggravated, most serious form of the offence comes next. A total of 1,881 individuals were reported for illegal carrying of weapons and ammunition. The fewest reported perpetrators were for the lesser form of this offence, i.e., individuals who possessed registered firearms but carried them illegally. In total, 233 individuals were reported for this form of the offence. It is noticeable that in the last two years, fewer suspects were recorded for this form of the criminal offence.

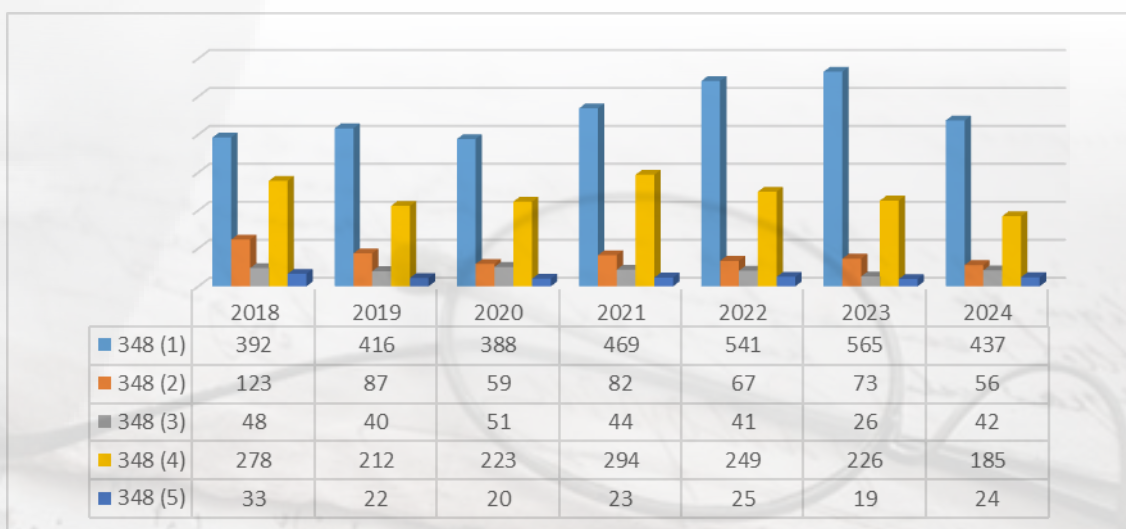


Chart 2: Number of Indicted Individuals for the Offence under Article 348 of the Criminal Code



During the analysed period 5,882 individuals were indicted. The majority were indicted for the basic form of the offence, totalling 3,208 individuals, followed by the most serious form of the offence, with 1,667 individuals, and the fewest for the lesser form of the offence, totalling 167 individuals. The indicted individuals were predominantly men, while women accounted for only 260 individuals or 4.4%, leading us to conclude that the proportion of women among the indicted is even smaller compared to the reported individuals.

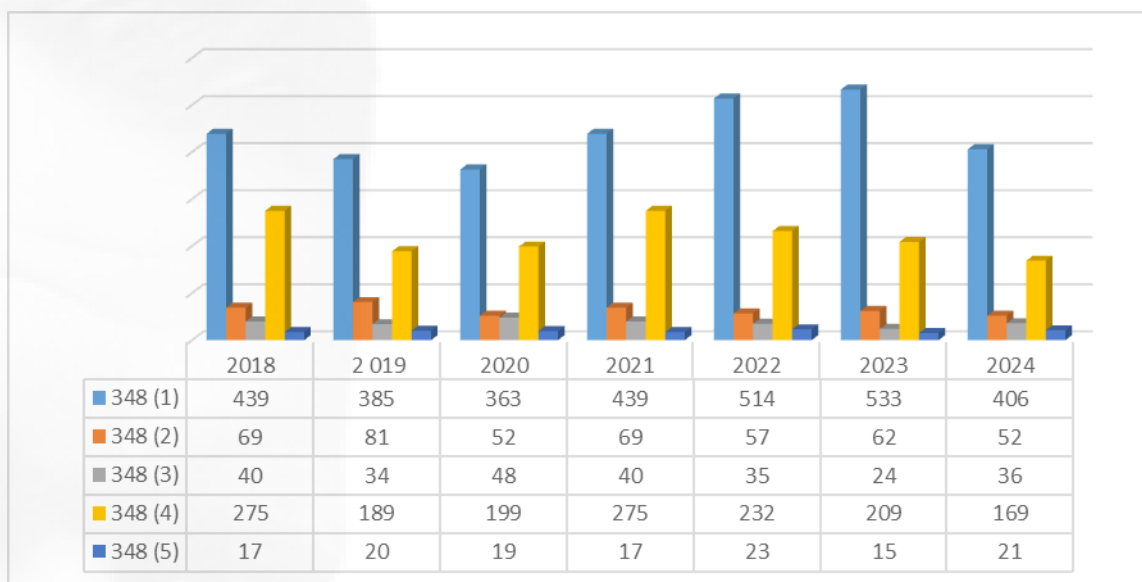


Chart 3: Number of Convicted Individuals for the Offence under Article 348 of the Criminal Code

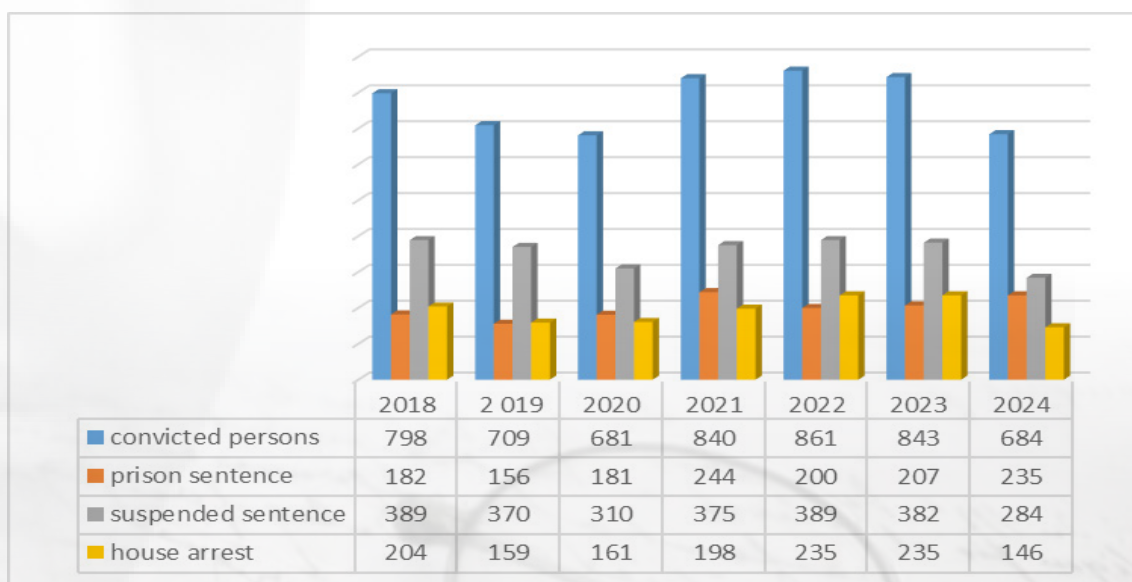


Chart 4: Number of Convicted Individuals for the Offence under Article 348 of the Criminal Code and Type of Conviction

Interestingly, the number of convicted individuals during the analysed period is only slightly lower than the number of indicted individuals. A total of 5,416 individuals were convicted, 92% of all those indicted. This suggests that the indictments were well-prepared and supported by sufficient evidence necessary for conviction. Of the 260 indicted women, 233 were convicted, which is slightly less than

90%. The proportion of convicted women in relation to the total number of convicted individuals is 4.3%. The fewest convicted individuals for this offence were recorded in 2020, with 681 individuals, and in 2024, with 684 individuals, while the highest number was in 2022, with a total of 861 individuals. For the basic form of the offence, 3,079 individuals were convicted; for the most serious form, 1,548 individuals; and for the lesser form, a total of 132 individuals.

During the analysed period, a total of 5,416 individuals were convicted, of whom 1,405 or 26%, received a prison sentence, 2,499 or 46%, received a suspended sentence, and 1,338 or 25%, were sentenced to house arrest. We conclude that the majority of individuals were convicted with a suspended sentence, with the annual number of such convictions ranging between 370 and 390. The only deviations were in 2020, with 310 convictions, and in 2024, with 284. The number of individuals sentenced to prison was the highest in 2021, followed by 2024. The proportion of prison sentences was 22% in 2019 and increased to 34% in 2024. This indicates that the judicial penal policy was tightened in 2024, following the mass murders that occurred in 2023.

Over the two-year period from 2023 to 2024, 1,527 individuals were convicted for this offence, of whom 319 or 21%, were recorded as repeat offenders. A total of 80 women or 5.2%, were convicted, of whom 35 or 44%, were over 60 years old. Male perpetrators were also most frequently over the age of 60, with 307 individuals or 21%, in this age group. A total of 111 foreign nationals or 7%, were convicted, of whom 29 were from the European Union countries. The majority of convicted foreign nationals were citizens originating from outside the European continent. This was influenced by mass irregular migrations from Asia and Africa to the developed European countries, as a significant migration route (the Western Balkan route) passes through the territory of Serbia (read more in: Mijalković, Bajagić & Popović Mančević, 2023; Milašinović, Janković & Milojević, 2023; Marković, 2025b). Armed conflicts between organized smuggling groups competing for control over smuggling channels in Serbia, which escalated at the end of 2023, led to increased police control in border areas, primarily at the borders with Hungary, Bulgaria, North Macedonia, and Bosnia and Herzegovina, resulting in the seizure of significant amounts of firearms (read more in: Marković, 2025; Marković, 2025a; Marković, 2024; Janković, Marković & Ivanov, 2024).

CONCLUSION

The results of the conducted research show that the most frequent perpetrators of the criminal offence involving illegal acquisition and possession of weapons and ammunition are men, citizens of Serbia, over the age of 60, who have not been previously convicted, and that the most commonly imposed sanction is a suspended sentence. At the same time, the number of confiscated weapons and ammunition during repressive measures is significantly smaller compared to prevention campaigns, when citizens are encouraged to voluntarily surrender unregistered weapons without facing penalties. The number of voluntarily surrendered unregistered firearms in May and June 2023 demonstrates that citizens still possess a large number of illegal weapons. In fact, the largest number of weapons surrendered during a legalization period occurred in 2003 after the assassination of the Prime Minister of Serbia, when 82,769 firearms and 2,226,765 rounds of ammunition were handed over (Marković, 2023: 560). In the twenty-year period between 2003 and 2023, several other weapon legalization campaigns were conducted, but the number of surrendered weapons was significantly lower. During the 2007 legalization, 8,455 firearms and 11,566 rounds of ammunition were surrendered; in 2015, a total of 7,545 firearms and 160,434 rounds of ammunition; in 2016, 1,410 firearms and 61,755 rounds of ammunition; and in 2017, 1,104 firearms, 124 hand grenades, 189 explosive devices, and 57,852 rounds of ammunition (Strategy for Small and Light Weapons Control for the Period 2019–2024). The last weapon legalization



before the mass murders in May 2023 was conducted from 16 March 2020 to 16 June 2020 (Order on Weapon Legalization) and was unsuccessful. It was subsequently extended for two additional months, until 17 August 2020. This means that repressive measures regarding illegal possession and carrying of weapons and ammunition were suspended for five months in 2020. During this period, citizens who had unregistered weapons could surrender them to the police without undergoing procedures to verify the origin of the weapons or to determine responsibility for illegal possession and carrying. However, the goal was not achieved, as only a very small number of weapons was surrendered. The data from 2023 indicate that citizens still possessed a vast quantity of unregistered weapons and were unwilling to legalize or surrender them during previous legalization campaigns. We conclude that only after major social upheavals caused by serious criminal acts that disturb public order on a large scale, and due to increased fear of detection and sanctioning, do citizens voluntarily surrender firearms that they previously possessed illegally. The most recent campaign aimed at the surrender of firearms resulted in positive outcomes, including in terms of voluntary relinquishment of legally held weapons. Nearly 50% of the surrendered weapons were registered, but citizens chose to donate them to the state. This also led to a significant reduction in the number of registered weapons in Serbia.

In conclusion, citizens of Serbia still hold a large quantity of unregistered firearms. Repressive measures alone do not produce effective results among the population. The research results show that as many as 79% of convicted individuals had not been previously convicted for criminal offences. The state must find ways to encourage citizens, through preventive measures, to relinquish unregistered weapons and surrender them to the police, while stricter repressive measures should target recidivists who will undoubtedly continue to hold illegal firearms, as they serve both as instruments for committing crimes and as status symbols within the criminal subculture.

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