

PHENOMENOLOGICAL AND ETIOLOGICAL CHARACTERISTICS OF JUVENILE CRIME IN SERBIA - COMPARATIVE ANALYSIS²

Abstract

The paper analyzed the general characteristics of juvenile crime, with special emphasis on the situation in the Republic of Serbia. The research is based on statistical data, comparative analyses and on a review of general theoretical concepts that attempt to explain the problem of juvenile crime. In the first part of the paper are listed the general terminology notes. Based on the analysis of statistical data, in the second part are presented the data about this type of crime in the Republic of Serbia in the period from 2005 to 2014, with emphasis on the general tendencies in other European countries - Phenomenological dimension. The etiological dimension of crime is dedicated to the third part of the work, which points to the basic theoretical approaches that seek to explain why juveniles committing criminal offences and what are the factors that most often affect the occurrence of the undesirable behaviour. Findings about Juveniles Crime in Serbia, are listed in the last part of paper, based on available data, and regarding this two dimensions - Phenomonological and Etiological.

Keywords: *criminality, juveniles, phenomenology, etiology, Serbia, Europe*

1. Introduction

The issue of juvenile crime is a serious problem nowadays, which is not possible to find a simple, concrete solution to. How to deal with minors who violate the norms of criminal law, and how to navigate the field of general prevention in order to prevent the exercise of unwanted behaviour by juveniles, are the basic questions that criminology, as well as other law-

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related and non-law-related disciplines, try to give an adequate answer to.

In order for a society to properly respond to juvenile crime, needless to say, there are questions that precede such a reaction and that are necessary to be answered in order for Juvenile Criminal Law (material, procedural and executive) to be the reflection of the needs of the community where it is implemented in the most comprehensive way. Some of these questions are: What is a juvenile crime? Which specific crimes are in question? Can some trends in the structure of the crimes be identified over a longer period of time? Why young people break the law? and so on.³

In theory, different definitions of juvenile delinquency are used, therefore sometimes it is not entirely clear what is meant by this term, although perhaps the largest number of theorists agrees that what is meant by the term is primarily an unadjusted behaviour of young people.⁴ At this point it should be noted that this paper will present the data pertaining only to the delinquency of minors which includes “the totality of crimes in the given time and space dimensions”⁵ – i.e. a violation of the norms of criminal law, and not the data concerning other forms of unwanted behavior of juveniles, such as misdemeanors, economic offences, and disciplinary offences of juveniles.⁶

If crime is viewed in the context of the violation of the norms of criminal law, it is necessary to make a distinction between the concepts of a minor, a child and a juvenile, which is done in most criminal codes, and within the legislation of the Republic of Serbia by the adoption of the Criminal Code (hereinafter: CC RS)⁷ it is stipulated as follows: a minor is the widest term and encompasses the term a child - a person who has not reached fourteen years of age and who cannot be held criminally liable and the term a juvenile which entails a person who has attained fourteen years of age and has not attained eighteen years of age and who is subject to criminal responsibility.⁸

In the field of juvenile criminal law which represents “a part of the corpus of criminal justice disciplines with which it is closely related and upon which it relies on achieving its basic function – combating juvenile crime and providing criminal protection of minors”⁹ the Law on Juvenile Offenders and

³ Đ. Ignjatović, „Kriminalitet maloletnika: stara tema i nove dileme” - in: *Maloletnici kao učinioci i žrtve krivičnih dela i prekršaja* (ed. I. Stevanović), Beograd 2015, 19.

⁴ M, Ljubičić, *Porodica i delinkvencija*, Beograd 2011, 21.

⁵ Đ. Ignjatović, *Kriminologija*, Beograd 2015, 23.

⁶ In criminological literature it is rightly pointed to the necessity of distinguishing between “juvenile delinquency” and “juvenile crime”, since the terms “delinquency” and “crime” are not synonyms. V. Đ. Ignjatović (2015a), 20.

⁷ Criminal Code of the Republic of Serbia - CC RS, *Official Gazette of RS*, Nos. 85/2005, 88/2005, 107/2005, 111/2009, 121/2012, 104/2013 and 108/2014.

⁸ Article 112 Item 8, 9 and 10 CC RS.

⁹ Lj. Radulović, *Maloletničko krivično pravo*, Beograd 2010, 3.

Criminal Protection of Juveniles adopted in 2005 (hereinafter: LJO)¹⁰ is of particular importance and represents *lex specialis* in this field. In regard to CC RS, LJO makes a distinction between younger and older juveniles. A *younger juvenile* is a person who at the time of the commission of the criminal offence has attained fourteen and is under sixteen years of age, whereas an *older juvenile* is a person who at the time of the commission of the criminal offence has attained sixteen and is under eighteen years of age.¹¹

The main purpose of this paper is, starting from the given introductory remarks, to point to the phenomenological and etiological dimension of juvenile crime in the Republic of Serbia, in the period of a decade since the adoption of the above mentioned *lex specialis*. The phenomenological dimension is firstly considered through the outline and processing of statistical data published by the Statistics Office of the Republic of Serbia (SORS) for the period from 2005 to 2014, and secondly through a comparative analysis of data on juvenile crime in the framework of European states and on the basis of international studies dealing with this issue. In this regard, it should be noted that the analysis included data about the reported and the convicted, but not the accused minors, as the latter represent a transitional category. Regarding the etiologic dimension, the paper provides an overview of the basic theoretical concepts with special emphasis on longitudinal studies that have been carried out in the USA in recent decades, as well as on new approaches in terms of explanations of certain forms of juvenile crime.

2. Phenomenological Dimension

The Statistical Office of the Republic of Serbia (SORS) published information about juvenile delinquency in the middle of July 2015, which comprised the analysis of data pertinent to reported, accused and convicted juvenile perpetrators of criminal offences between 2005 and 2014 (hereinafter referred to as *the Bulletin*). Since the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles (LJO) is being applied for a decade, this information are significant for keeping up with the registered criminality of underage persons in the Republic of Serbia.

Nevertheless, similarly to other forms of criminality, in the case of juvenile delinquency modern criminology insists on the application of

¹⁰ The Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles - LJO, *Official Gazette of RS*, Nos. 85/2005.

¹¹ Article 3 Paragraph 2 and 3 LJO.

comparative method¹² primarily due to the fact that juvenile criminal law is built upon more or less the same foundations in all European countries. Unlike to some earlier periods, when the access to certain data on criminality was restricted or almost impossible, this issue has been relativized in the past couple of decades, because many countries participate in projects aimed to facilitate the insight into the state of criminality through the accessibility of information and comparative analysis. When it comes to European countries, one of the most comprehensive publications providing the insight into the state of criminality is *the European Sourcebook of Crime and Criminal Justice Statistics* (hereinafter referred to as *the European Sourcebook*). The latest (fifth) edition of the European Sourcebook, published in 2014, comprises the data from the majority of European countries, and the observed period ranges between 2007 and 2011. Therefore, this publication will be used in some parts of the paper for the purpose of making a comparison with juvenile delinquency in Europe.

2.1. Statistics about reported juvenile crime

Between 2005 and 2014, the average number of reported juvenile perpetrators of criminal offences was 3594 and the smallest number of reports was registered in 2005 (2945), whereas the largest was registered in 2011 (4323). If we observe the entire population of reported offenders in the territory of the Republic of Serbia, the persons between the age of 14 and 18 comprise around 3,7% of the entire number of reported perpetrators with the lowest percentage in 2005 (2,8%) and the highest in 2010 (4,8%). In the last five years of the observed period, this percentage was around 4,2%, with the exception of 2014, when a significantly lower percentage of juvenile delinquents was registered in the entire population of reported perpetrators of criminal offences (3,3%). Although an increase of around 1%¹³ has been evidenced lately, in comparison to the beginning of the 21st century, when the participation of almost 2,5% was registered, the Republic of Serbia still represents one of the European countries where juveniles, conditionally speaking, do not represent a serious problem. According to the data from the European Sourcebook, an average percentage of juveniles participating in the population of offenders is 9,3%, being the highest in France (18,5%) and the lowest in the European part of Russia (2,8%).

¹² At the beginning of the last century, a renowned American criminologist *Glueck*, strongly supported the comparative approach to the studies of crime, arguing that without its application neither could the similarities and differences between the effects of the factors leading to crime be understood nor could the predictive factors and the effects of preventive and treatment programs be observed. V. S. Glueck, *Wanted: A Comparative Criminology* - in: *Ventures in Criminology: Selected Recent Papers* (Glueck S. and E., Eds.) Cambridge, 1920.

¹³ Đ. Ignjatović (2015a), 21.

2.1.1. Statistics about criminal offences and criminal procedure

Territorial distribution - According to the latest systematization applied in the Bulletin, the distribution of reported criminality is observed within the following arrangement: *the North*: (includes the city of Belgrade and Vojvodina) and *the South* (includes Šumadija and Western Serbia on one side and Southern and Eastern Serbia on the other). Since 1999 and Resolution UN no 1244, there have been no data for Kosovo. The observation of these criteria suggests that the participation of 44% was registered in the statistical unit of North (in Belgrade 9,6%, and in Vojvodina around 34,5%), the participation of 56% (Sumadija and Western Serbia 26%, Southern and Eastern Serbia 30%) was noted whereas in the statistical unit of South.

The structure of reported juvenile crime - If the average percentage for a ten years' period is observed, juveniles in the Republic of Serbia have most frequently been committing criminal offences against property (60,8%), life and physical integrity (12,7%), public order and peace and legal instruments (9,4%), road traffic safety (4,3%) and human health (3,7%).

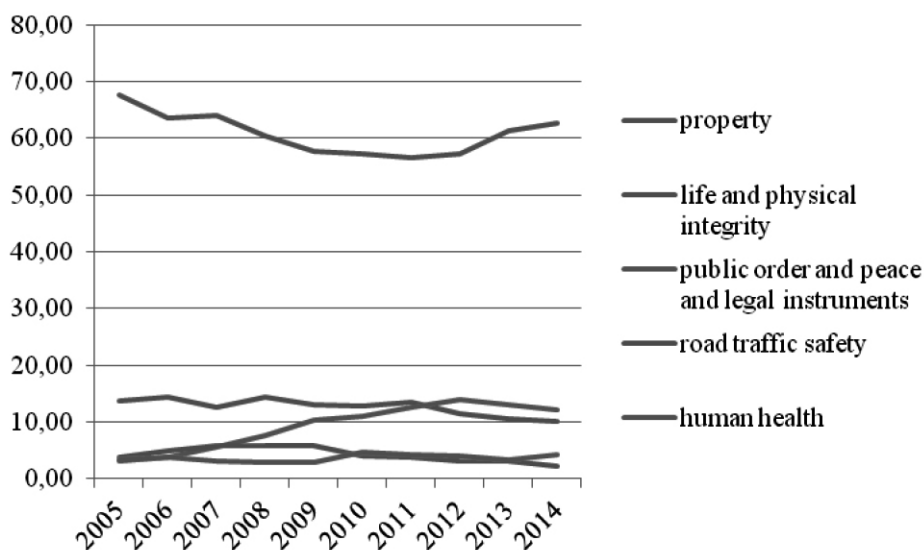


Figure 1. The structure of reported juvenile crime (source: SORS)

The data presented in figure 1 show that the largest, and at the same time constant, the increase has been registered in the percentage of criminal offences against public peace and order and against legal instruments, with a slight decrease in the past two years (in 2014 it was 12,1%). When it comes to other groups of criminal offences, as it has been mentioned previously, juveniles in the Republic of Serbia most frequently

commit criminal offences against property, the participation of which in the entire structure of criminality significantly decreased in 2011 (the lowest participation of 56,7% was registered in 2011). In 2012 this trend changed, and the increase was registered in that period, whereas in 2014 the participation of 62,8% was noted. A slight increase was registered in the percentage of criminal offences against human health (4,2% in 2014), whereas the percentage of criminal offences against life and physical integrity and against road traffic safety decreased.

If we observe individual criminal offences in this context, in comparison to juveniles from other European countries, juveniles from the Republic of Serbia tend to commit a smaller number of criminal offences against road traffic safety, theft of motor vehicles, burglary and fraud, whereas the number of sexual assaults they have committed tends to remain within the European average (*this primarily refers to prohibited sexual acts from Article 182 of CC RS*) as well as light bodily injury. The statistics that could be considered alarming refer to violent criminal offences, which, according to the data from the European Sourcebook, are more frequently committed by the juveniles from the Republic of Serbia than by their peers from other European countries. For example, the European average for intentional homicide is 6,1% (in RS 8,6%), for aggravated bodily injury 10,4% (in RS 12,6%) for rape 12,1% (in RS 17%), for sexual abuse of child 21,9% (in RS 25,6%) etc.

Other statistics - The data presented in the Bulletin indicate that from 3110 reports in 2014, the police submitted altogether 2808 (around 90,3%), whereas the damaged party did so in 205 cases (around 6,6%). When it comes to the types of decisions made between 2005 and 2014, around 60% submitted reports were converted into the proposal for imposing criminal sanctions in later phases of criminal procedure, in 29,5% cases the procedure was not initiated, whereas the preparatory procedure was terminated in more than 10% of cases. Custody was imposed in 1,2% of cases, whereas the measure of temporary accommodation and surveillance, as a specific alternative to custodial measures was applied in 3,9% of cases.

2.1.2. Statistics about the perpetrators

Age of juveniles is relevant since, as it has already been mentioned, LJO makes a difference between younger and older juveniles, which reflects on the type of penal measures that can be imposed on the aforementioned categories of juveniles. In 2014, there was a balance between the percentages of reported juvenile offenders: in 49% of cases reports were submitted against younger juvenile offenders, whereas in 51% of cases, they were submitted against older juveniles

Gender structure: In the last observed year, from the total number of reported juveniles, a bit more than 8% were female, which represents one percent more than the average percentage for the past couple of years¹⁴. However, like in other European countries, female juvenile delinquents comprise a smaller part of the total amount of reported juvenile offenders and there have not been any significant variances from the European average.

Other statistics: When the *educational process* is concerned, it should be mentioned that the Bulletin for 2014 does not provide information about education for altogether 1000 juveniles, which makes around 32% from the total amount of juveniles reported in that year. Other available data show that around 55% juveniles participate in some kind of educational process (either regular or extraordinary), whereas around 13% of juveniles are not included in the educational process. *Family circumstances* - for 31% of juveniles there are no available data on this subject, whereas the others most commonly live with both parents - 49%, around 10% live only with their mother and less than 5% live with their father (others live in foster families or in social welfare institutions etc.).

2.2. Statistics about convicted juveniles

In a ten years' period analyzed in this paper, the average number of convicted juvenile offenders is 2034 (5,8% of the total amount of convicted persons) and the lowest percentage of convicted juveniles was noted in 2006 (1566 convicted juveniles, which makes 3,6% of the total number of convicted persons), whereas the highest percentage was registered in 2013 (2648 convicted juveniles, which makes 7,6% of the total number of convicted persons). Between 2010 and 2013, a sudden increase in the percentage of juveniles participating in the total amount of convicted persons was identified (around 7,1%), but that trend changed in 2014 when a sudden decrease to around 5,5% was registered.¹⁵ The data published in the European Sourcebook show that average participation of juveniles in the structure of convicted persons goes around 6%. The lowest rate was registered in Poland 0,2%, and the highest in Denmark 23,1%. The participation of juveniles in the total amount of convicted persons in the Republic of Serbia is at the level that is average in European countries, and, when other countries in this region are concerned, a bit higher participation in comparison to the European average was registered

¹⁴ Compare: Đ. Ignjatović (2015a), 23.

¹⁵ The phenomenon of "losing criminality", which is present in crime statistics and refers to the fact that the number of persons appearing in each next step of criminal procedure decreases, can be noticed in juvenile crime as well. In 2014, 81 % of the total number of reported juveniles were accused and 65,40% were convicted.

in Bulgaria (7%) and Albania (8,1%), while it is much lower in Croatia (3,4%). It should be emphasized that some countries such as Great Britain, Slovenia, Cyprus, Czech Republic and Greece failed to deliver data about convicted persons, which, in a certain manner, relativizes the actual picture i.e. comparative approach in this field.

The structure of criminal offences for which the juveniles have been convicted does not differ significantly from the general structure of reported criminality. In 61,7% of cases, they were convicted for criminal offences against property, against life and physical integrity in 12,6%, against public order and peace and legal instruments in 9,3% and against road traffic safety in 3,3% of cases. The only noticeable difference refers to criminal offences against human health, where the percentage of convicted juveniles is higher than the percentage of the reported ones (the proportion: 5,4% - 3,3%).

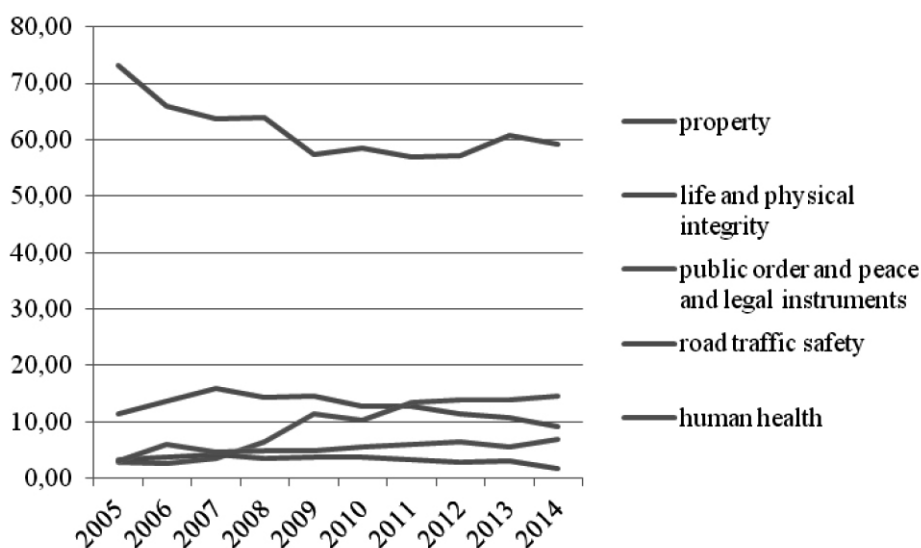


Figure 2. The structure of adjudicated juvenile crime cases (source: SORS)

As figure 2 shows, similarly to the cases of reported juvenile delinquency, the highest average increase in the number of convicted juvenile offenders in the analyzed period refers to criminal offences against public order and peace and against legal instruments. The increase also affected criminal offences against human health, the maximum number of which was noted in 2014, including 6,9%. When it comes to other criminal offences (against property, life and physical integrity and road traffic safety) a trend of decrease is noticed.

Statistics about the victims of juvenile crime: the Bulletin for 2014 provides data for only 398 victims, 65,5% of which are male and, when it

comes to age, in the observed year the majority of them were adults - 55,8%, whereas juveniles comprise 37,7% and children 6,5% of victims. But, in 2013 the data from the Bulletin showed a completely different picture about the victims of criminal offences. To be more exact, in that period, the majority of victims were male (96,8%) and, when it comes to the age of victims, in most cases, criminal offences were committed against juveniles - 60%. Such enormous difference between the observed two years could be the consequence of the collected data (in 2013 the statistics were available for 228 victims and in 2014 for 398). For that reason, general conclusions about the victims of juvenile perpetrators of criminal offences should not yet be drawn (which is sometimes done in Serbian victimology literature) at least until the information about a much larger number of victims is published in the Bulletins and made available. Also, it is noticeable that juveniles more often tend to commit violent criminal offences against their peers, whereas adults are more frequently the victims of criminal offences against property committed by juveniles (around 79%). Sexual offences represent the only group of criminal offences the victims of which are predominantly female (81%)¹⁶ and a large number of which have been committed against children or juveniles (77%).¹⁷

Other statistics: Juveniles are more likely to commit criminal offences in a group (complicity) than adult offenders - in almost 2/3 of cases. Adults in RS acts as accomplices in around 1/4 of cases.¹⁸ In 2014, some form of complicity existed in 65% of convictions (co-perpetration, incitement or aiding). The accomplices of juveniles were usually other juveniles – in about 70% of cases, adults in 15,2%, whereas in 7,5% of cases the accomplices were adults and juveniles and in the remaining 7% of cases, the accomplices were children. About 16,5% of juveniles have re-offended (i.e. been *previously convicted*).

When it comes to *age*, in 2014, from the total number of convicted juveniles, 59% belonged to the category of older juveniles. When *gender structure* is concerned, around 7% of them were female. *Educational level* of the juveniles is the following: 67% finished elementary school, 16% did not complete elementary education, 9% finished high school and 2,8% juveniles

¹⁶ Researches show that the victims of sexual violence are still more frequently female and, according to the statistics of World Health Organization, about 25% of the entire world's female population have been subjected to some form of sexual abuse. V. K. Custers, J.V. Bulck, „The Cultivation of Fear of Sexual violence in Women: Processes and Moderators of the Relationship between Television and Fear”, *Communication Research* 2013, 96.

¹⁷ The research conducted in 37 different cultural backgrounds has confirmed that young persons, children and adolescents are most common victims of this form of violence, either because of their attractiveness or due to their helplessness. V.D.M. Buss, „Sex differences in human mate preferences: Evolutionary hypotheses tested in 37 cultures”, *Behavioral and Brain Sciences* 1989, 12.

¹⁸ Đ. Ignjatović (2015a), 24.

have not attended elementary school (there are not any available data for 4,6% of juveniles). About 66,7% of juveniles participate in the educational process, about 21% do not, whereas there are no data for about 12%. *Family circumstances*: the majority of convicted juveniles lived with: both parents (56,5%), mother (23%) or father (9,5%). When it comes to *nationality*, data presented the Bulletin show that the majority of juvenile offenders are Serbian.

Although the penal reaction is not the subject of this paper, it is important to mention that courts in the Republic of Serbia seldom impose the punishment of juvenile imprisonment (the average for a ten years' period is 1% of all sanctions imposed on juveniles). On the other hand, the data published in the European Sourcebook confirm that the Republic of Serbia is among the countries that most commonly choose non-custodial measures (in 96,1% of cases), which represents the second important characteristic of our penal policy. The European average regarding non-custodial measures is 54,9%, maximum of which was registered in Slovenia (97,9%). Apart from Slovenia and Serbia, non-custodial measures are also often imposed in Great Britain, Greece, Poland and Croatia. When it comes to the unconditional prison sentence, the European average is 11,6%, and the highest rate of 61,2% was registered in Lithuania.

3. Etiological Dimension

3.1. General Theories on Juvenile Crime

In modern criminology, there is a number of theories that seek to explain criminal behaviour in general or its particular types. Criminologists have always paid special attention to juvenile crime, and in addition to theoretical concepts, such as labeling theory or defiance theory, which in their basic form are nowadays mostly abandoned, in recent decades there is more importance given to developmental concepts, differential association and social control theories, as well as risk and protective factors theories which are all essentially integrative theories. In this regard, Robinson states: "true integrative theories are interdisciplinary, which means that they try to integrate the contributions of all empirical academic disciplines. With the interdisciplinary approach, criminological theory can more efficiently explain antisocial behaviour and delinquency for it is based on empirical research of a wider spectrum of academic disciplines".¹⁹

While talking about **the labelling process** Wheeler and Cottrell suggest that "a label has an important effect on how others treat an

¹⁹ M. Robinson, „The Integrated Systems Theory of Antisocial Behavior”, in: *Teorije u kriminologiji* (ed. Đ. Ignjatović), Beograd 2009, 483.

individual". These authors focus especially on juvenile offenders, expressing a standpoint according to which there should be more effort put in the development of new forms of control of unacceptable conduct of a juvenile, i.e. that the police and the courts should not be involved in every case, but that schools and child care institutions need to develop specific programs that would help 'rehabilitate' such children. In these cases, the aim would be to avoid premature labeling of a young person as deviant or delinquent, and at the very end, the authors state that "the wisest policy is to refrain from implicating children in the delinquency control apparatus in so far as possible and to invoke the apparatus only when it is clear that the conduct of the juvenile in question requires it for the protection of the community".²⁰

Negative effects occur when an offender is treated in an unfair and disrespectful way by the agencies of formal social control, i.e. a kind of defiance occurs that affects future criminal behaviour, as Sherman states in his **defiance theory**.²¹ According to this author without paying attention to the characteristics of the formal social control agencies' treatment of young people from the streets, punishing them will more likely have defying than intimidating effect; in other words – it will be counterproductive.

Developmental concepts in criminology are developed on the basis of empirical observations of continuity in criminal behaviour: crime in early adolescence is a predictor of crime in late adolescence and adulthood. From the perspective of developmental concepts, conduct disorder usually starts at preschool age, and typically as an oppositional defiant disorder, for it to develop, with a certain number of children, into an antisocial personality disorder in adulthood. Today special attention is paid to the developmental theory which was established by Moffitt and which distinguishes between life-course-persistent antisocial behavior - a smaller group; minors who begin offending in early childhood and continue into adulthood and adolescence-limited antisocial behavior - a bigger group, in which certain forms of antisocial behavior manifest only during the indicated stage of life.²²

Unlike developmental concepts, **interactionist developmental model**, whose most prominent representative is Patterson, proceeds from the standpoint that many children in conflict with the law in early

²⁰ S. Wheeler, L. Cottrell, „Juvenile Delinquency Its Prevention and Control”, in: *Teorije u kriminologiji* (ed. Đ. Ignjatović), Beograd 2009, 330, 332.

²¹ L. Sherman, „Defiance, Deterrence, and Irrelevance: A Theory of the Criminal Sanction”, *Journal of Research in Crime and Delinquency*, 1993, 445-473.

²² T. Moffitt, „Adolescent Limited and Life-course Persistent Antisocial Behavior: A Developmental Taxonomy”, *Psychological Review*, Vol. 100, 1993, 674-701.

adolescence do not develop criminal careers. This author, together with his associates, identifies dysfunctional families, i.e. disruptions that occur in a family during a minor's early childhood and prepare him/her to enter deviant peer groups as the main problem. The conducted research shows that stronger family cohesion can protect children from the influence of deviant peers, especially when such a change is visible through success at school and through independent comparison of a young people with their peers.²³

Hirschi's **Social Control Theory** is based on bridging the link between individuals and conventional social institutions in order to explain delinquent behaviour. He argued that a strong social bond to social institutions, such as schools, promotes conformity to conventional norms. Individuals who possess weak or broken social bonds to conventional institutions are more likely to engage in deviant behaviour. According to Hirschi, an individual's bond to social institutions consists of four elements:

- emotional attachment to parents, peers, and conventional institutions, such as school and work;
- commitment to long-term educational, occupational, or other conventional goals;
- involvement in conventional activities such as work, homework, hobbies;
- belief in the moral validity of the law.²⁴

Church with a group of authors established a regularity and that is that the majority of theories, both social control and differential association theory, seek the causes for juvenile crime mainly in the family and the social environment of young people. For this reason, at the beginning of the 21st century, they conducted a study in which they tried to explain how family connections, stressors that exist within the family, the way young people perceive the importance of relationships outside the family, as well as the way young people perceive themselves, and contacts with delinquent peers influence young people to become delinquents. By examining three basic variables - stressors that occur within the family, family coherence and the importance of relationships outside the family - they came to the conclusion that only stressors that occur within the

²³ G. R. Patterson, B. D. DeBaryshe, E. Ramsey, „A developmental perspective on antisocial behavior”, *American Psychologist* 1989, 333-334.

²⁴ See A. A. Peguero *et al.* „Social Control Theory and School Misbehavior: Examining the Role of Race and Ethnicity”, *Youth Violence and Juvenile Justice*, 9 (3)/2011, 260.

family are the variable that has a direct impact on delinquency.²⁵ In other words, these authors confirmed the claim presented by Patterson and that is the problem of juvenile delinquency should be sought in dysfunctional families. Apart from the already mentioned variables, these authors examined the influence of race (belonging to a particular race) as a potential factor in the development of juvenile delinquency. Interestingly, the study found that race is not a significant predictor of the occurrence of crime, which in some way destroys prejudices that exist regarding, for example, negroid race.²⁶

Life-course theories deal with resolving certain important etiological dilemmas in criminology. One of these major dilemmas involves the question of gender differences concerning the inclination to delinquency and persistence of offending, while the other dilemma concerns the effects of the criminal justice system on crime rates.²⁷ The presented statistics on juvenile crime in the Republic of Serbia in the period from 2005 to 2014 confirm the baselines of longitudinal studies which stated that there is a far greater share of males within the overall juvenile crime structure.

Integrative-systemic theory of antisocial behaviour, set up by Robinson, associates risk factors with antisocial behaviour (the presence of appropriate factors increases the likelihood of an antisocial behaviour, but it should not be forgotten that there are also protective factors that can prevent the effects of risk factors). Also, he states the four main periods of an individual's life in which certain factors that may have greater or lesser influence on the occurrence of antisocial behaviour and crime operate. The first period is the period before birth and immediately after birth, the second period represents the early childhood, the third is the period of adolescence, and finally, the fourth period is the period of early adulthood.²⁸

In the area of juvenile crime prevention in recent years, there has been more and more discussion about **risk and protective (resistance) factors**. As well as the integrated systems theory of antisocial behaviour, these theories also instead of 'the causes' as direct generators of the criminal behaviour deal more with the factors that increase the risk of occurrence of such conduct. DeMateo and Marczyk define risk factors as "external or internal influences or conditions that *are associated*

²⁵ W.T. Church, T. Wharton, J.K. Taylor, „An Examination of Differential Association and Social Control Theory - Family Systems and Delinquency”, *Youth Violence and Juvenile Justice*, 7 (1)/2009, 12.

²⁶ *Ibid.*, 13.

²⁷ B. Simeunović-Patić, *Kriminalitet maloletnika u Republici Srbiji i savremena društvena reakcija*, PhD dissertation, Pravni fakultet Univerziteta u Kragujevcu, 2009, 47-48.

²⁸ M. Robinson, 491-492.

with or predictive of a negative outcome”, while protective factors are defined conversely as “external or internal influences and conditions that decrease the likelihood of a negative outcome or enhance the likelihood of a positive outcome”.²⁹ What some authors criticize about this division is the fact that the protective factors are not well examined; i. e. the bulk of research is dedicated to the influence of risk factors on the occurrence of crime and therefore conclusions should not be easily made that protective factors, which are often enumerated in criminological literature, really lead to juvenile crime prevention.³⁰ A research carried out by Stouthamer-Loeber and her associates showed that certain protective factors do not always lead to protection (prevention) and that they can have main effects on the occurrence of juvenile delinquency (and thus of juvenile crime), i. e. that certain factors cannot be determined as solely “protective factors” or as solely “risk factors”.³¹

The study, which was dedicated to the prevention of violence - *Reducing Risk and Increasing Capacity Project: Children, Youth and Families At Risk* (Haugen 2000) again pointed out that there are four groups of risk factors that occur in connection with the violence of minors:

- *Individual Factors* - Alcohol abuse, Illicit drug use, Central nervous system dysfunction, Early aggression and antisocial behaviour, Oppositional and conduct disorders, Attention deficit and hyperactivity disorder, Individual temperament, Biological deficits that can complicate or interfere with bonding and teaching of prosocial values and norms, Bias, racism, prejudice etc.;
- *Family* - Parental involvement in violence or crime, Poor attachment to parents, Poor parental supervision, Inconsistent and harsh discipline, Disruptions in caregiving, Child abuse, Weak family bonding, Exposure to and reinforcement of violence in the home, Absence of social bonds and controls etc.;
- *Neighborhood and Community* - Absence of any effective social or cultural organization in neighborhoods, which is connected to high rates of crime, No effective means of resisting violent activity - no cohesion, Living in impoverished, high-crime areas, Lack of accessible services, Lack of recreational space and activities, Feeling unsafe, need for self-defense, Bias, racism, prejudice, Gang membership based on a need to belong etc.;

²⁹ B. Simeunović-Patić, 61.

³⁰ J.C. Howell, A. Egley, „Moving Risk Factors into Developmental Theories of Gang Membership”, *Youth Violence and Juvenile Justice*, 3 (4)/2005, 335.

³¹ M. Stouthamer-Loeber *et al.*, „Desistance from persistent serious delinquency in the transition to adulthood”, *Development and Psychopathology*, 2004, 16, 898.

- *School and Peers* - Associations with delinquent and drug-using peers, Gang membership, No prosocial peers, Peer rejection, Poor success in school, Low attachment to teachers, Dropping out of school, Low educational goals, Feeling unsafe, need for self-defense, Bias, racism, prejudice, In the case of gang violence, the need to belong and for self-protection etc.³²

The most important protective factors to which the literature indicates are: the presence of care and support by an important person in a young person's life; high expectations and positive belief that activate innate vitality and self-rectifying capacity of adolescents and finally, last but not least, the possibility of participation of minors in those activities that require of them to show a certain level of responsibility.³³

3.2. Some Forms of Juvenile Crime

In addition to these general theories, the literature often points to two specific forms of juveniles crime: peer violence that happens in schools and the phenomenon of juvenile gangs.

Violence in schools - despite declining of crime rate, remains a serious problem. The study, which was conducted in 2009 in the US, shows that there are many forms of violence at school. But, one of the most common is physical fighting. In 2009, almost 6% of high school students reported having been in a physical fight at school. Also, *National Crime Victimization Survey* shows that in the US during the 2009 school year, almost two-thirds of public schools reported at least one violent incident and 16% reported one or more incidents of serious violence.³⁴

Youth gangs are a special form of organizing of young people with the aim of carrying out activities that have characteristics of minor or serious crimes. At the end of the 1990s, there was a sudden increased interest in studying of this form of juvenile crime, which mostly originated in the developmental theories, interactionist theories and the already mentioned risk and protective factors. The developmental path of gangs is characterized by:

1. First, risk factors for gang membership span all five of the risk factor domains: family, peer group, school, individual characteristics and

³² H. Haugen, *Prevention of Youth Violence*, New York 2000, 7-8.

³³ O. Pavičević, I. Stevanović, „Rizična ponašanja dece i mladih - rizik i otpornosti”, in: *Maloletnici kao učinioci i kao žrtve krivičnih dela i prekršaja* (ed. I. Stevanović), Beograd 2015, 300.

³⁴ K. James, J. Bunch, J. Clay-Warner, „Perceived Injustice and School Violence: An Application of General Strain Theory”, *Youth Violence and Juvenile Justice*, 13 (2)/2015, 169.

community conditions. In a longitudinal study, which was conducted at the end of the twentieth century in Seattle (USA), risk factors measured at ages 10 to 12 in each of the five domains predicted gang joining at ages 13 to 18.³⁵

2. Second, risk factors have a cumulative effect; that is, the greater the numbers of risk factors experienced by the youth, the greater the likelihood of gang involvement. In the previously mentioned study in Seattle, youth who possessing seven or more risk factors were 13 times more likely to join a gang than were children with no risk factor indicators or only one risk factor indicator.³⁶
3. Third, the presence of risk factors in multiple developmental domains appears to further enhance the likelihood of gang membership. *Rochester* study shows that a majority (61%) of the boys and 40% of the girls who exhibited elevated risk in all domains self-reported gang membership. In contrast, only one-third of the boys and one-fourth of the girls who experienced risk in a simple majority of the domains joined a gang.³⁷

Thornberry and colleagues', starting from the theory of interaction, set the three basic premise when it comes to juvenile - male gangs, which may have an impact on the construction of criminal careers during the life of the individual, namely:

1. First, their theory adopts a developmental or life-course perspective that posits that the causes of behaviour are not set or determined in childhood. Rather, "*behaviour patterns continue to unfold and change across the person's life, in part because of the consequences of earlier patterns of behaviour*";
2. Second, their theory emphasizes behavioural interactions and bidirectional causality: "*Behavior patterns emerge from interactions between the person and his or her environment and not simply from the environment acting upon the individual*";
3. Third, their theory incorporates the effect of both social structural influences and social-psychological processes, whereby the former "*influences and to some extent determines the initial values of process variables at early stages in the life course*".³⁸

³⁵ K.G. Hill *et al.*, „Childhood risk factors for adolescent gang membership: Results from the Seattle Social Development Project", *Journal of Research in Crime and Delinquency*, 36(3)/1999, 301.

³⁶ *Ibid.*

³⁷ T.P. Thornberry *et al.* „Causes and consequences of delinquency: Findings from the Rochester Youth Development Study" - in *Taking stock of delinquency: An overview of findings from contemporary longitudinal studies* (eds. T. P. Thornberry, M. D. Krohn), New York 2003, 12.

³⁸ *Ibid.*, 13-14.

4. Conclusion and discussion

Juvenile crime is a phenomenon that has in recent decades deserved special attention of criminologists. After the statistical data are examined, the following question can be asked: is it really necessary to have so many theoretical concepts that attempt to explain why young people commit crimes? In short, taking all the above mentioned into consideration, but also what has not found its place within the framework of a paper, the affirmative answer should be given in reply to this question. The fact that something is not a dramatic issue when compared with something else that is is not enough of a reason in itself not to think about such an issue and for society not to react adequately. The absence of a response of any kind (or more precisely: the absence of an adequate response) can be a stimulus to a young person to further commit criminal offences, i.e. it can be an incentive to pursue a criminal career throughout his/her life.

Theories in criminology should provide basic guidelines for resolving the issue of juvenile crime. As stated within specific theoretical concepts, mechanisms (apart from the activation of the criminal justice apparatus of a country) which act preventively to potential juvenile offenders should be found. The principle according to which the criminal law is *ultima ratio* comes to the fore with this category of offenders.

If there is a need to incline towards a certain theory, a slight advantage should be given to the integrative approach. The reasons for this are manifold but the most important reason is that not one phenomenon in modern society can be viewed in isolation from other phenomena. It is difficult to find the culprit only in the individual, or only in the company, one keeps, and not take into account factors related to school, peer relations and the so-called environmental factors. The advantage given to the integrative approach, namely to the theories that deal with risk and protective factors, is not absolute, which implies that it would be beneficial to use the achievements of some earlier theories.

Concerning juvenile crime in the Republic of Serbia, within the observed ten-year period, we can state the following:

- The share of minors (persons between the age of 14 and 18) in the overall crime structure is relatively low, and it amounts to 3.7% in comparison with the total number of reported persons;
- Compared to the period before the adoption of LJO, i.e. compared to the beginning of the 21st century, when the average share of minors in the overall crime structure amounted to 2.5%, in the observed period there was a marked increase by a somewhat more than 1%, which is most often explained by the period of transition Serbian society has been experiencing in the last 15 years;

- As the average share of minors in the overall crime structure in the region of Europe, according to the data presented in the last issue of European Sourcebook, amounts to 9.3% it can be ascertained that minors in the Republic of Serbia commit crimes more rarely than their peers from other European countries;
- When it comes to gender structure there has been an increase in the share of females in the overall juvenile crime structure in the observed period by around 1% (the multi-year average amounts to around 7%);
- Reported juvenile crime structure: ranges within the multi-year averages, i.e. minors in Serbia most often commit property crimes (the average: 60%) while it should be noted that there has been a constant decrease in this group of offenses in the period from 2005 to 2011 (the lowest share was recorded in 2011 and it amounted to 56.7%) with a considerable increase in the share of offenses against public order and safety and legal instruments. In the period from 2012 to 2014 an increase in the share of property crimes in the overall reported juvenile crime structure was recorded again;
- Although minors in the Republic of Serbia most often commit property crimes the data that is worrying is that they considerably more often than their peers in other European countries commit crimes with the elements of violence, such as murder, grievous bodily harm or rape - the fact of the matter that has earlier been pointed out by Serbian academic community.
- Victimization: Since the data on persons who are victimized by minors varies considerably in each observed year (the paper gives examples for 2013 and 2014), which is a result of poor availability of data recorded for statistical materials, general conclusions about the victims of juvenile offenders should not be made, as such tendency can sometimes be perceived in domestic literature on victimology.

The literature on criminal justice and criminology in Serbia abounds in papers which deal with the issue of juvenile crime but, above all, in the context of society's reaction to this form of crime. It seems that it is still necessary to consider the etiological dimension as well, since the logical sequence of actions requires that reasons for, i.e. causes of the occurrence of unwanted behaviour in young people are established first, and only then find mechanisms to be implemented in order to fight crime. This should be particularly so because the draft of a new juvenile criminal justice system has already been presented, and which was not preceded by a more serious analysis of the current situation in Serbia.

The paper refers to some basic theoretical concepts indicated in the literature on criminology, but also to more recent, mostly longitudinal research. The example of a longitudinal research carried out by Karl Hill and

his associates, or so-called the *Rochester* study, could serve as a model for carrying out a research which should answer the question why minors in the Republic of Serbia in 2/3 of cases commit crimes in groups, i.e. why in 70% of cases other minors appear to be accomplices to crimes.

Future criminological research should both move in the direction of finding adequate solutions, and giving as accurate answers as possible concerning the reasons why young people engage in unwanted conduct, whereby the attitude towards juvenile offenders should not be exclusively “protective” because he/she did commit a crime, with all its objective and subjective elements. In other words, the perpetrator is not the victim, and in addition to the ubiquitous “gentle approach” to this issue, we should also think about a different kind of society’s reaction when it comes to those categories of minors who commit the most serious crimes.

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FENOMENOLOŠKE I ETIOLOŠKE KARAKTERISTIKE KRIMINALITETA MALOLETNIKA U SRBIJI - KOMPARATIVNA ANALIZA

Rezime

U radu su analizirane osnovne karakteristike kriminaliteta maloletnika u Republici Srbiji u periodu od 2005. do 2014. godine, sa posebnim osvrtom na komparaciju kriminaliteta u okvirima evropskih država. Ukoliko se sagleda zvanična statistika, ovaj tip kriminaliteta u Srbiji ne predstavlja veliki problem, budući da učešće maloletnika u ukupnoj strukturi kriminaliteta iznosi 3,7% (evropski prosek je 9,3%). I mada maloletnici najčešće vrše krivična dela protiv imovine, u posmatranom periodu je zabeležen porast vršenja krivičnih dela sa elementima nasilja, pre svega se misli na krivična dela protiv života i tela, pri čemu su stope u Srbiji znatno više u odnosu na prosečnu evropsku stopu. Kada je reč o kaznenoj politici, Srbija se uz Sloveniju, Veliku Britaniju, Poljsku i Hrvatsku, ubraja u one zemlje koje kaznu maloletničkog zatvora vide kao krajnju meru, odnosno sudovi se najčešće opredeljuju za izricanje vanzavodskih mera i sankcija.

Ključne reči: kriminalitet, maloletnici, fenomenološka dimenzija, etiološka dimenzija, Srbija, Evropa.