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INSTITUTIONAL CORRECTIVE MEASURES IN THE JUVENILE CRIMINAL SANCTIONS SYSTEM

ABSTRACT. The author examines the specific features of institutional corrective measures from the material perspective. Although implementing non-institutional reformatory measures does take precedence, the juveniles who require more permanent corrective measures, medical treatment, and training are sentenced to institutional corrective measures by the court. This is often accompanied by a complete separation from their current environment, in order to exert augmented influence on the juvenile persons. There are three measures in the positive legislation: referral to a reformatory institution, referral to a correctional facility and referral to a special institution for medical treatment and training. The paper includes research results on the application of institutional corrective measures in case law of the Republic of Serbia between 2010 and 2020.

KEY WORDS: juveniles, institutional corrective measures, referral, reformatory institution, correctional facility, special institution for medical treatment and training, case law.

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1. Introduction

The system of criminal sanctions of the Republic of Serbia against juvenile offenders consists of 1) corrective measures; 2) security measures and 3) juvenile prison sentence. In addition to criminal sanctions, Serbian juvenile criminal law provides for alternative, diversionary measures in the form of corrective orders.

Institutional corrective measures represent the most demanding and the hardest type of correctional measures. They are imposed on juveniles whose condition requires more permanent corrective measures, treatment, and training along with complete separation from their current environment in order to exert augmented influence on such juveniles. In order to achieve these goals, the court can decide on one of three institutional measures: referral to a reformatory institution, referral to a correctional facility and referral to a special institution for medical treatment and training.

The subject of this paper is the position and role of institutional corrective measures in the system of juvenile criminal sanctions, viewed from the material aspect. The paper consists of three parts. The first part of the paper contains a general overview and the most important features of the criminal sanctions intended for juvenile offenders in the Republic of Serbia. The second part of the paper discusses the specific features of institutional corrective measures individually and the conditions of their imposition and duration. The third part examines the application of institutional corrective measures in the judicial case law of the Republic of Serbia from 2010 to 2020 through the following parts: imposed criminal sanctions against juveniles according to the type of criminal sanctions; representation of imposed institutional corrective measures relative to measures of warning and guidance, and measures of increased supervision; imposed institutional corrective measures relative to the categories of younger and older juveniles and imposed institutional measures according to the type of institutional corrective measures.

2. Criminal sanctions against juveniles in the positive law of the Republic of Serbia

The Law on Juvenile criminal offenders and criminal protection of juveniles (“Official Gazette of the Republic of Serbia”, No. 85/2005), (hereinafter: ZOMUKD), is a comprehensive legal act from the material, procedural and executive aspect, which regulates the legal position of juveniles as perpetrators of criminal offences, as well as the criminal protection of juveniles who appear as victims, as well as witnesses of certain criminal offences (Soković, 2009, pp. 16-17). In this way, a special system of criminal sanctions for juveniles is provided, different from the system of sanctions intended for adults. This system includes three types of criminal sanctions:

- a) corrective measures.
- b) juvenile prison sentence.
- c) security measures, stipulated by Article 79 of the Criminal Code (“Official Gazette of the Republic of Serbia”, No. 85/2005, 88/2005 – cc., 107/2005 – cc., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019), except for the prohibition of making calls, business activities or duties.

Corrective measures are the basic and most frequently applied criminal sanctions in the system of social response to juvenile delinquency. If the following conditions are fulfilled, i.e., (1) the age of offender is from fourteen to eighteen years at the time of the criminal offence and (2) a perpetration of an unlawful act provided under the law as a criminal offence (Dragojlović & Matijašević, 2013, p. 51)) these measures may be imposed on juveniles, as well as younger adults, while they are the only criminal sanctions intended for younger juveniles (Veković, 2017, p. 179). The intention is, on one hand, to suppress the perpetration of criminal offences that damage or endanger goods or values, while on the other hand, they influence juvenile offenders to develop and strengthen personal responsibility, guiding proper personality development (Lazarević & Grubač, 2005, p. 31–32). The content and nature of corrective measures indicate a distinction between lighter and stricter corrective

measures due to the existence of the principle of gradualism in their selection and application. However, in the criminal law theory, the controversial question of division into lighter and harder corrective measures arises, regarding their purpose and nature (Blagić, 2021, p. 215).

The following corrective measures, systematized into three groups, can be imposed on a juvenile perpetrator of a criminal offense (ZOMUKD, art. 11):

- 1) corrective measures of warning and guidance: Court admonition and alternative sanctioning.
- 2) Measures of increased supervision: increased supervision by parents, adoptive parent or guardian, increased supervision in foster family, increased supervision by guardianship authority, increased supervision with daily attendance in relevant reformatory and educational institution for juveniles.
- 3) Institutional corrective measures: referral to reformatory institution, referral to correctional facility, referral to special institution for medical treatment and training.

When selecting the corrective measure, the court takes under deliberation following circumstances: the age and maturity of the juvenile, other aspects of his/her character and the degree of deviation in social behavior, gravity of the offence, motives for committing the offence, living circumstances and environment of the juvenile, his/her behavior following the perpetration of the offence, particularly whether he/she prevented or attempted to prevent occurrence of damaging results, compensated or attempted to compensate for the damage caused, whether the juvenile has any prior criminal or misdemeanor conviction, as well as all other relevant circumstances regarding imposition of such measure that would best serve to achieve the purpose of corrective measures (ZOMUKD, Art. 12). The guilt of juveniles is not mentioned, rather the legislator decided to take into an account the personality of juveniles, as a circumstance that should be considered, bearing in mind the already mentioned specificities of biopsychological and social development that are characteristic of the juvenile age group (Randelović, 2018, pp. 250–251).

When imposing corrective measures of increased supervision and institutional corrective measures, the court determines only the type of a measure, but not its duration, because it cannot know in advance how much time is needed to achieve their purpose. To achieve the purpose of corrective measures more effectively, the court is given an opportunity to be active in monitoring the results and success achieved in the application of these measures and to depending on this suspend their further application (Jovašević, 2006, p. 1080). For the same reasons, the court can change its earlier decision on corrective measures - "reversibility" of corrective measures (Jovašević & Kostić, 2012, p. 404). If after the sentencing (ordering a special requirement measure, increased supervision measure or institutional measure), circumstances arise that were not present or were not known at the time of the sentencing and which would significantly affect the choice of a corrective measure, or if the order cannot be enforced due to refusal of the juvenile or his parents, adoptive parent or guardian to comply with the ordered measure or instructions of the enforcing authority, or if other circumstances arise determined by the law which would have a bearing on the sentencing the court may suspend enforcement or substitute the ordered measure by another measure of the same kind (ZOMUKD, Art. 24 para. 1).

These corrective measures can be replaced by other measures, which can better serve to achieve the purpose of the corrective measures, or the imposed measure can be suspended from further execution, in accordance with the achieved success in correction, but with the following limitations: 1) enforcement of the measure of referral to a reformatory institution cannot be suspended prior to expiry of a six month period, but until expiry of this period it may be substituted by the measure of increased supervision with daily attendance in relevant juvenile corrective and educational institution, committal of juvenile to a correctional facility or special institution for medical treatment and training, 2) enforcement of the measure of a committal to a correctional facility may not be suspended prior to expiry of a six month period, and until the aforesaid period expires it may be substituted by referral of a juvenile to a reformatory institution or special institution for medical treatment and training (ZOMUKD, Art. 24). After the expiry of the period of six months, the corrective measures of referral to a reformatory institution

and referral to a correctional facility can, based on the achieved success in correction, be replaced by another corrective measure, without restrictions, except for a court admonition (Soković, 2009, p. 94).

Under the conditions stipulated by the law, it is also possible to re-evaluate the imposed corrective measures (ZOMUKD, Art. 25). Thus, if more than six months have passed since the effective date of the sentencing ordering any alternative sanctioning measure or increased supervision measure, or if more than one year has passed since the effective date of the sentencing ordering an institutional corrective measure, and enforcement thereof has not commenced, the court shall reconsider the need to enforce the ordered measure. The court may decide to enforce, not to enforce or substitute the previously ordered measure by another measure.

Juvenile prison sentence may be imposed only on an older juvenile who committed a criminal offence punishable by imprisonment of over five years, if due to high degree of guilt, nature, and gravity of the offence a corrective measure would not be appropriate (ZOMUKD, Art. 28). It is the only type of sentence in the system of juvenile criminal sanctions as well as a special sentence that consists of depriving an older juvenile perpetrator of a serious criminal offense of his freedom of movement for a period specified in the court decision and placing him/her in a specific institution (Stojanović & Perić, 1996, pp. 51–55). The general minimum sentence of juvenile imprisonment prescribed by the law is six months, while the general maximum is determined in two ways. The rule is that it should not be imposed for more than five years. However, for criminal offenses for which the law prescribes a prison sentence of twenty years or life imprisonment, or in the case of a combination of at least two criminal offenses for which a prison sentence of more than ten years is prescribed, juvenile imprisonment can be imposed for ten years. The court determines the length of juvenile prison sentence within the constraints set forth under the law and on one hand keep in mind the purpose of juvenile prison sentence and on the other hand, it is obliged to take into account two groups of circumstances: 1) having regard to all circumstances affecting the length of the sentence such as the degree of guilt, severity of injury or endangerment of protected property and 2) certain circumstances that must be especially taken into account, which

include: the maturity of the juvenile and the time required for his correctional and for acquiring vocational skills (Škulić, 2011, p. 306).

Within the general purpose of criminal sanctions (CC, Art. 4 para. 2), the purpose of corrective measures and juvenile prison is to influence the development and strengthening of the personal responsibility of juveniles, along with his/her upbringing and the proper development of his/her personality through supervision, providing protection and assistance, as well as providing general and vocational training, in order to ensure the juvenile's reintegration into the society. Additionally, the purpose of juvenile detention is to administer intensified influence on the juvenile offender not to commit criminal offences in the future, and as deterrent to other juveniles not to commit criminal offences (ZOMUKD, art. 10). The provisions of this article indicate significant specificities of the purpose of corrective measures and juvenile prison in relation to the purpose of criminal sanctions applied to adult offenders. Therefore, the main aim of implementing criminal sanctions against juveniles is the development and strengthening of personal responsibility of juveniles, as well as the correctional and proper development of their personality. This shows that the purpose consists primarily of special prevention, that is in influencing a juvenile who has already committed a criminal offense. Apart from this common purpose, the purpose of juvenile prison is also general prevention, as well as increased action in the sphere of special prevention (Stojanović, 2019, p. 395).

Juvenile offenders may be sentenced to security measures, except for the prohibition of making calls, business activities or duties (CC, Art. 79), if they were sentenced to a corrective measure or a juvenile prison. There are certain deviations from this basic rule. Namely, the security measures of compulsory treatment of alcoholics (CC, Art. 84) and compulsory treatment of drug addicts (CC, Art. 83) cannot be imposed along with warning and guidance measures. On the other hand, there is an optional possibility to impose the security measure of mandatory psychiatric treatment and care in a health institution (CC, Art. 81) independently (Veković, 2017, pp. 364–365).

3. Institutional corrective measures

The intention of ZOMUKD is to achieve the goals of corrective measures, if possible, without the accompanying stigmatization of juveniles and the traumatic consequences of applying the instruments of criminal repression (Knežević, 2010, p. 61). This is precisely why measures of an extra-institutional nature take precedence in implementation. However, if a clear criminal intent is shown in the perpetration of a criminal offence, also an extraordinary upbringing neglect of a juvenile is present, social reaction is most often manifested through the imposition of continuous institutional treatment (Matijašević & Dragojlović, 2013, p. 86).

The strictest type of corrective measures are institutional measures - measures of institutional treatment (Petrović, Jovašević & Ferhatović, 2006, p. 371–394). They are imposed when it is necessary to implement more permanent corrective measures, medical treatment, and training on a juvenile, with his/her complete separation from the current environment, in order to exert augmented influence on the juveniles. They possess evident elements of retributivism –because they imply deprivation of freedom of movement and forced imposition of a certain program of treatment in a special institution (Soković & Bejatović, 2009, p. 86). Institutional measures are imposed as a last resort and may last, within the limits set forth under the law only as long as necessary to achieve the purpose of the corrective measures (ZOMUKD, art. 11). The need to impose institutional measures exists when it comes to juvenile offenders who have been so neglected in upbringing that the measures of increased supervision towards them are not effective enough means to achieve their resocialization (Jovašević, 2011, p. 115).

3.1. Referral to a reformatory institution

Referral to a reformatory institution, as the lightest institutional correctional measure, is imposed when a juvenile needs to be separated from the current environment and the assistance along with permanent supervision by qualified personnel must be provided (ZOMUKD, art. 20). Upbringing neglect and behavioral problems of juveniles are such that separation alone is not enough. For him/her, it is even more im-

portant to exert an increased influence through the help and constant supervision of qualified personnel, which cannot be achieved without referral to a specialized institution (Soković, 2009, p. 86). These are institutions of a general type or juvenile correctional facilities, where juveniles who have not committed a criminal offense, but who have certain behavioral disorders, such as upbringing neglect, pre-delinquent behavior and the like, are also committed (Radoman, 2021, p. 269). This institution should provide accommodation and provide for corrective, health, educational, sports and other developmental needs of minors. It is believed that a residence in such institution, with the constant supervision of qualified personnel, will have a positive effect on juvenile offenders (Mirić, 2021, p. 454).

The corrective measure of referral to a reformatory institution is relatively indefinite. When sentencing, the court does not determine the duration of the stay in the reformatory institution but decides on it later primarily based on the success achieved in behavioral reformation. This measure can last minimally six months to a maximum of two years, and every six months the court will reconsider whether grounds for suspension of enforcement of this measure or its substitution with another corrective measure exist. (ZOMUKD, art. 20). A juvenile referred to a reformatory institution may stay there until turning twenty-one years of age.

In practice, there are problems in the application of this measure (regarding the choice of the institution, the costs, and the unorganized use of free time of juveniles during the summer months), because everything came down to two reformatory institutions, namely the Institute for Education of Children and Youth in Belgrade and the Correctional Institution Niš (Simonović, 2012, p. 302).

3.2. Referral to a Correctional Facility

The corrective measure of referral to a correctional facility is the strictest type of correctional measures that juvenile offenders can be sentenced to and borders on the sentence of juvenile prison. This measure is imposed by the court on the juvenile who in addition to separation from the current environment, should also be subject to increased supervision measures and special professional corrective programs.

Therefore, in addition to separating the juvenile from the environment in which he/she lives, the goal of implementing this institutional measure is also subjecting him/her to a permanent process of correction in institutions that are specially designed, equipped and fitted out for this purpose (Lazarević & Grubač, 2005, p. 58).

In deliberating whether to impose this measure the Court particularly considers previous lifestyle of the juvenile, degree of behavioral disorder, gravity and nature of the committed criminal offence and previous criminal or misdemeanor records of the juvenile (ZOMUKD, art. 21 para. 2). The stated circumstances can be divided into two groups - one is of a subjective nature and refers to the personality of the juvenile, and the other is of an objective nature and is in regard to the committed criminal offence and has a double goal - to provide a complete picture of the juvenile and the committed criminal offence itself (Nikolić & Joksić, 2011, p. 166–168). Namely, the court must have relevant data on the circumstances of a subjective nature, i.e., documents on the juvenile's earlier life, data on the degree of his behavioral disorder, as well as on the circumstances regarding whether he has already been a subject to some kind of procedure that resulted in the imposition of a criminal or misdemeanor sanction (Skakavac, 2012, p. 153). Regarding the objective circumstances, i.e., the committed criminal offence, the law refers not only to the severity of the act, as is the case with corrective measures, but also to the nature of the act. Thus, criminal offences against life and body indicate that the socialization of juveniles has advanced in a negative direction, and that it is necessary to react in an appropriate, institutional manner. There is no doubt that recidivism is a circumstance that can result in the juvenile being sent to a correctional facility (Knežević, 2010, p. 66).

As with the institutional corrective measure of referral to a reformatory institution, the prescribed time duration has a relative character. The juvenile remains in the reformatory institution minimally six months to a maximum of four years. The court does not determine its duration when passing a sentence but decides on it afterwards. Accordingly, every six months the court reconsiders whether grounds for suspension of enforcement of this measure or its substitution with another corrective measure exist (ZOMUKD, art. 21 para. 3). A juvenile may remain in a correctional facility until twenty-three years of age.

The institution of probation was provided by the legislator in the same way for referral to a reformatory institution and for referral to a corrective facility. The conditions under which, if they are cumulatively met, probation can be applied relate to the passage of time and the achieved success in correction. Hence, the court may release on probation a juvenile who has spent a minimum of six months in a reformatory institution or corrective facility if according to success achieved in correction it may be reasonably expected that he will refrain from committing criminal offences in the future and will conform to good behavior in his future environment (ZOMUKD, art. 22 para. 1). During the period of probation, the court may order an increased supervision measure with possible inclusion of one or more appropriate special liabilities. Probation may have a maximum duration until expiry of the term of referral to reformatory institution or corrective facility if the court has not previously suspended enforcement of the corrective measure or substituted it by another.

Revocation of probation is always optional and is based on bad behavior or failure to comply with obligations, with certain measure of increased supervision. If the juvenile commits new criminal offence while on probation or if the ordered increased supervision measure does not achieve its objective or if the juvenile fails to fulfill appropriate special liabilities ordered along with the increased supervision measure, the court may revoke probation. The law also prescribes that time spent on probation is not accounted for as time of statutory duration of the ordered corrective measure (ZOMUKD, art. 22 para. 4).

3.3. Referral to a Special institution for Medical Treatment and Training

Criminal offences can also be committed by juveniles with certain disabilities that have the characteristic of psychophysical disorders. Therefore, the corrective treatment of these juveniles must be specific. Bearing in mind this fact, as well as the need to consistently implement the principle of individualization of the treatment of juvenile delinquents, our juvenile criminal legislation provides for the institutional corrective measure of referral to a special institution for treatment and training

(Knežević, 2010, p. 67). Therefore, this corrective measure is imposed on juveniles with impaired psycho-physical development (deaf, blind, deaf-mute, mentally defective, etc.) or with psychological disorders - mental illnesses, neurosis, etc. (Bogojević, 2013, p. 55).

There are two basic ways of imposing this institutional corrective measure:

- 1) Optional - Instead of referral to a reformatory institution or corrective facility.
- 2) Mandatory - instead of mandatory psychiatric treatment and confinement to a health institution.

In the first case, the Court has facultative possibility to commit the juvenile with physical or mental disability to a special institution for medical treatment and training instead of referral to a reformatory institution or corrective facility (ZOMUKD, art. 23 para. 1). In the second case, when the juvenile is to be sentenced to the security measure of mandatory psychiatric treatment and confinement to a health institution, this institutional corrective measure is mandatory if confinement and treatment of a juvenile may be provided in a special institution for medical treatment and training and thus achieve the purpose of this security measure (ZOMUKD, art. 23 para. 2).

The duration of the institutional measure of referral to a special institution for medical treatment and training depends on whether this measure was imposed instead of other institutional corrective measures or instead of a security measure. Accordingly, if this corrective measure was imposed instead of the institutional measure of referral to a reformatory institution and referral to a corrective facility, the juvenile may remain in the institution for medical treatment and training for a maximum of three years, and the court shall reconsider the grounds for suspension of this measure or its substitution by another measure every six months (ZOMUKD, art. 23 para. 3). The minimum time length of residence in this institution is six months, since this is the minimum legal duration of corrective measures, instead of which the measure of referral to a special institution for medical treatment and training is imposed (Soković, 2009, p. 90). If this measure is ordered instead of a security measure, the juvenile remains in the special institution for medical

treatment and training as long as necessary, with the understanding that upon turning twenty-one years of age enforcement of the measure continues in an institution for enforcement of the security measure of mandatory treatment and confinement to a health institution (ZOMUKD, art. 23 para. 4). This is a logical consequence of the fact that the institutional measure of referral to an institution for medical treatment and training, as a substitute for a security measure of a medical nature, shares its fate in terms of duration (Knežević, 2010, p. 68).

A special problem in implementation is the impossibility of carrying out the corrective measure of referral to a special institution for medical treatment and training, bearing in mind the nonexistence of such an institution in the Republic of Serbia. The nonexistence of such institution prevents efficient execution (and thus prevents sentencing) of this corrective measure and, in conjunction with the nonexistence of a special department for juveniles within the Special Prison Hospital, makes this category of juveniles systemically invisible (Karić i et al., 2021, p. 39).

4. Application of institutional corrective measures in case law

In this paper, we have analyzed the types and measures of criminal sanctions imposed on juveniles in the Republic of Serbia in the period from 2010 to 2020, based on official statistical indicators of the Statistical Office of the Republic of Serbia (Statistical Office of the Republic of Serbia, no. 547/2012, p. 43–51; Statistical Office of the Republic of Serbia, no. 559/2012, p. 45–53; Statistical Office of the Republic of Serbia, no. 577/2013, p. 49–57; Statistical Office of the Republic of Serbia, no. 589/2014, p. 49–57; Statistical Office of the Republic of Serbia, no. 604/2015, p. 45–53; Statistical Office of the Republic of Serbia, no. 618/2016, p. 45–53; Statistical Office of the Republic of Serbia, no. 630/2017, p. 45–53; Statistical Office of the Republic of Serbia, no. 641/2018, p. 45–53; Statistical Office of the Republic of Serbia, no. 654/2019, p. 45–53; Statistical Office of the Republic of Serbia, no. 666/2020, p. 45–53 and Statistical Office of the Republic of Serbia, no. 678/2021, p. 45–53).

This analysis is divided into several sections:

- a) Imposed criminal sanctions against juveniles according to the type of criminal sanctions (Table 1);
- b) Representation of imposed institutional corrective measures in relation to measures of warning and guidance along with measures of increased supervision (Table 2);
- c) Imposed institutional corrective measures according to the category of younger and older juveniles (Table 3) and
- d) Imposed institutional measures according to the type of institutional corrective measures (Table 4).

Table 1. Imposed criminal sanctions against juveniles between 2010-2020

Year	Total of juveniles	Corrective measures	%	Juvenile prison sentence	%
2010	1640	1635	99,70	5	0,30
2011	2290	2277	99,43	13	0,57
2012	2302	2300	99,91	2	0,09
2013	2648	2640	99,70	8	0,30
2014	2034	2028	99,70	6	0,30
2015	1926	1917	99,53	9	0,47
2016	2032	2023	99,56	9	0,44
2017	1633	1626	99,60	7	0,40
2018	1548	1540	99,50	8	0,50
2019	1676	1672	99,80	4	0,20
2020	1239	1236	99,76	3	0,24

Based on the data in Table 1, we can conclude the following:

- The total number of imposed criminal sanctions against juvenile offenders shows an unequal distribution over the observed period. Beginning in 2010, when 1,640 criminal sanctions were imposed, an upward trend can be observed in the following seven years (2011, 2012, 2013, 2014, 2015 and 2016), followed by a decline in the last four years of the observed period (2017, 2018, 2019 and 2020) and

- The primary form of response to juvenile delinquency is corrective measures, the number of which exceeds 99%, while juvenile prison sentences are imposed in less than 1% of cases.

Table 2. Imposed institutional corrective measures in relation to warning and guidance measures and measures of increased supervision between 2010-2020

Year	Total of corrective measures	Measures of warning and guidance	Measures of increased supervision	Institutional corrective measures
2010	1635	747	829	59
2011	2277	1014	1159	104
2012	2300	995	1200	105
2013	2640	1122	1377	141
2014	2028	1004	935	89
2015	1917	980	863	74
2016	2023	1045	877	101
2017	1626	850	701	75
2018	1540	717	756	67
2019	1672	785	787	100
2020	1236	769	427	40

Based on the data listed in Table 2 for the observed period, we can conclude:

- that in relation to other corrective measures, institutional corrective measures are imposed the least often.
- that warning and guidance measures and measures of increased supervision are primarily imposed on juvenile offenders, as well as that this number is many times higher compared to institutional corrective measures and
- that the number of imposed institutional corrective measures shows unequal distribution. Namely, in 2010. 59 of them were imposed, and in the following years, we notice their growth compared to 2010. nonetheless in 2020. that number dropped to 40, which also represents the smallest number of imposed institutional corrective measures. The highest number was imposed in 2013 amounting to 141.

Table 3. Imposed institutional corrective measures according to the category of younger and older juveniles between 2010–2020

Year	Total of institutional corrective measures	Younger juveniles	Adult juveniles
2010	59	34	25
2011	104	60	44
2012	105	52	53
2013	141	64	77
2014	89	35	54
2015	74	38	36
2016	101	50	51
2017	75	36	39
2018	67	41	26
2019	100	52	48
2020	40	21	19

Based on the data listed in Table 3 for the observed period, we can conclude:

- out of the total number of imposed measures, institutional corrective measures are more often imposed on younger than older juveniles.
- the least number of institutional corrective measures were imposed on younger juveniles in the period of 2020 - 21, and the most in 2013 a total of 64.
- the lowest number of institutional disciplinary measures imposed on older juveniles was in 2020 and amounted to 19, while the highest number was recorded in 2013 as many as 77, which also represents the year when more institutional disciplinary measures were imposed on older juveniles than on younger ones, but also the year with the most imposed corrective measures of an institutional character in general.

Table 4. Imposed institutional corrective measures by type: referral to a reformatory institution, referral to a corrective facility, referral to a special institution for medical treatment and training between 2010–2020.

Year	Total of institutional corrective measure	Referral to a reformatory institution	Referral to a correctional facility	Referral to a special institution for treatment and training
2010	59	11	47	1
2011	104	35	68	1
2012	105	33	72	-
2013	141	51	88	2
2014	89	24	60	5
2015	74	16	57	1
2016	101	33	64	4
2017	75	19	55	1
2018	67	13	51	3
2019	100	19	78	3
2020	40	11	25	4

Based on the data listed in Table 4 for the observed period, we can conclude:

- out of the total number of imposed institutional corrective measures in the observed period, juveniles are most often sentenced to the most severe type - referral to a corrective facility, followed by referral to a reformatory institution, while referral to a special institution for medical treatment and training is the least common.
- the fewest imposed corrective measures of referral to a reformatory institution, 11 of them, were during 2010 and 2020, while the most were imposed in 2013 – 51.
- the lowest number of referrals to a correctional facility was in 2020 - 25, and the highest in 2013 (88), when the highest number of referrals to a reformatory institution was imposed as well, and

- referral to a special institution for medical treatment and training is very rare. This measure was not imposed on anyone in 2012, and for the entire observed period, it reaches a maximum of five imposed in 2014.

5. Conclusion

In the system of criminal sanctions against juvenile offenders, correction is the rule, and punishment is the exception. Therefore, juvenile criminal law is increasingly turning to the measures of a non-institutional character in the execution of criminal sanctions against juveniles. Nevertheless, institutional corrective measures represent a significant factor in the fight against juvenile delinquency.

Analyzing the case law in the Republic of Serbia, we can conclude that the unequal distribution of the total number of criminal sanctions imposed on juvenile offenders indicates that the rate of juvenile crime varies from year to year, and that there has been a noticeable downward trend in recent years. The primary form of response to juvenile delinquency is corrective measures of an extra-institutional nature, while the unequal distribution of the number of imposed institutional corrective measures leads to the conclusion that institutional corrective measures, as the most severe type of corrective measures, are imposed in the smallest number and as a last resort before the juvenile is sentenced to juvenile detention, and are therefore of limited duration with an emphasis on the role of appropriate specialized institutions. It is interesting that these measures are imposed more often on younger juveniles, which leaves room for further research in this area.

Juveniles are most often given the strictest type of institutional corrective measures - referral to a corrective facility, while the fact that there are problems in the application of institutional measures of referral to a reformatory institution and referral to a special institution for medical treatment and training can be cited as a possible drawback of this type of corrective measures.

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ZAVODSKE VASPITNE MERE U SISTEMU MALOLETNIČKIH KRIVIČNIH SANKCIJA

REZIME: Autor u radu ukazuje na specifičnosti zavodskih vaspitnih mera sa materijalnog aspekta. Iako primat u primeni imaju vaspitne mere vaninstitucionalnog karaktera, maloletnicima, prema kojima treba preduzeti trajnije mere vaspitanja, lečenja i osposobljavanja uz njihovo potpuno odvajanje od dotadašnje sredine radi vršenja pojačanog uticaja na takve maloletnike, sud izriče vaspitne mere zavodskog karaktera. Prema pozitivnom zakonodavstvu, razlikujemo tri takve mere: upućivanje u vaspitnu ustanovu, upućivanje u vaspitno-popravni dom i upućivanje u posebnu ustanovu za lečenje i osposobljavanje. Takođe, u radu su prikazani rezultati istraživanja o primeni zavodskih vaspitnih mera u sudskoj praksi Republike Srbije za period od 2010. do 2020. godine.