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SHQYRTIMI HISTORIK I DISPOZITAVE NDËSHKUESE-PENALE PËR DELIKUENCËN E TË MITURVE NË REPUBLIKËN E MAQEDONISË SË VERIUT

ИСТОРИСКИ ОСВРТ НА КАЗНЕНО-ПРАВНИТЕ ОДРЕДБИ ЗА МАЛОЛЕТНИЧКАТА ДЕЛИКВЕНЦИЈА ВО РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА

HISTORICAL REVIEW OF THE CRIMINAL AND LEGAL PROVISIONS FOR THE JUVENILE CRIME IN THE REPUBLIC OF NORTH MACEDONIA

Abstract

The topic of this paper is the historical review of criminal law provisions in the area of delinquency committed by children. In the paper we will first review several laws such as the Code of Hammurabi, Roman Law, Hellenic Law, we will explain how those laws regulated the illegal behavior of children, all in order to give an overview and comparison, as it was then, and how it is now. With the help of that explanation, certain conclusions will emerge, directions that will be for the improvement of the regulation that refers to the children but also the legislation in general.

Criminal legal treatment of children has always had its own specifics that are completely different from the treatment of adults as

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perpetrators of crimes. This need is justified by the emotional, psychophysical and mental stage of the child's development and the relationship between age and maturity, as well as the discrepancy between the desires, opportunities, needs and expectations of the young person. The need for the preparation of this paper was imposed because it refers to children, and the criminal law for children was separated in a special law. The new approaches in the action were initially accepted in the Law on Juvenile Justice, which was applied from 2009 to 1st December 2013, and according to the positive legislation, with small changes, they also exist in the Law on Juvenile Justice.[2]

Keywords: *children, juvenile delinquency, educational measures, imprisonment, sanctions.*

INTRODUCTION

Modern legislation seeks to create special legislation for juveniles and to create special courts for juveniles. Similar tendencies are observed in transition countries where the leading concept in the criminal justice system was the treatment of juveniles as "juvenile delinquents" and the fact that children throughout history have been punished in a similar way as adults.

Children have not always enjoyed a special criminal justice status as is the case today in criminal justice systems. The age of the perpetrator was the main reason for imposing a mild criminal sanction and certainly influenced the determination of the degree of criminal responsibility, with the first laws containing certain data for lesser punishment and treatment of children regardless of whether they appear as perpetrators or are victims of crime. Analogous to the above, we should emphasize the doctrine "doli incapax" which serves to determine persons who do not have criminal responsibility, i.e. in this case the children.

There are three different classifications based on how children are punished. The first is the complete authority of the father over the child, it is a matter of paternal authority, characteristic of Hellenic law and Rome, the second is the power of religion and its provisions in relation to punishment in the Middle Ages, and the third is the modern way of

[2] Official Gazette of RM, No.148 from 29.10.2013 (Law on Justice for Children) amended on 25.07.2019 and supplemented and amended on 27.12.2019

punishment inherent today.[3] Given the historical development of sanctions against children, starting even from the Code of Hammurabi, we should emphasize that sanctions are not provided for all types of crimes, but only for those that are most common.

The lack of sources specifically for punishment, as well as juvenile delinquency in general, really complicates the process of studying their status throughout history. However, in some places they are separated as separate categories, so the preamble of the Law of Hammurabi states that the weaker members of the community need protection in the name of justice imposed by the gods.[4]

The law does not recognize the term child offenders, but part of the professional public believes that the court still set certain principles for specific cases or specific crimes in order to assess whether the perpetrator was criminally responsible. Milovikj believes that there should have been a criterion for assessing the degree of maturity or immaturity of the person, but there is no such provision in the law, issues in this area were probably regulated according to the rules of customary law.[5]

The understanding that a child is a "minor delinquent" is a feature of ancient Greek law, and Roman law, which is the basis of today's European legal systems, and it contains many well-preserved sources on the basis of which the position of children in criminal justice can be analyzed. Thus in Roman law in the eighth table of the Law of XII Tables, a distinction is made between: the prepubertal period called Impubres and the period of puberty or adolescence known as Puberes minors, hence we can conclude that there was some classification in terms of degree of maturity. In the seventh table there are two more provisions which provide for milder punishment of children compared to adult perpetrators for the same crime. For example, for the crime of stealing fruits from another's land if committed by an adult, one of the provided punishments is the death penalty, while if the same crime is committed by a child in that case punishment is provided on the basis of free choice of the penalty by the masters or compensation in double

[3] Şimşek Murat, „İslâm Hukuku ve Pozitif Hukuk Açısından Çocukta Ceza Ehliyeti“, [online] available in: http://www.academia.edu/2346069/İslâm_Hukuku_ve_Pozitif_Hukuk_Açısından_Çocukta_Ceza_Ehliyeti_-_Murat_Şimşek , 30.01.2019, 00:09

[4] The Code of Hammurabi, [online] available on: http://www.general-intelligence.com/library/hr.pdf , 12.12.2018, 19:23

[5] Milović, Đorđe, „Krivično pravo Hamurabijevog zakonika“, Zbornik Pravnog fakulteta, Zagreb, 1970, page 254.

amount. Despite the lack of legal sources, we can conclude that the position of the child as a perpetrator differs from adult perpetrators.

It should be noted that within the Justinian codification we can talk about the age of the perpetrator when imposing sanctions, so according to the Code a triple classification is made, as follows:

- Impuberes (children up to 7 years who are not subject to criminal liability);
- Infante proximi (children from 7 to 10 years who are subject to criminal liability) and
- Puberes minors or Puberati proximi (children up to 14 years of age who are also subject to criminal liability, but must not be sentenced to death and one of the important moments is that at the age of 14 the period of adolescence ends).

In Roman law, the age of the perpetrator was especially important in pronouncing more serious violations due to the maxim "militia supllet aetatem"i.e. that criminal malice increases with age, and hence the maxim itself allows the punishment of children within the Middle Ages.[6]

1. HISTORICAL DEVELOPMENT

The criminal law provisions of the Republic of North Macedonia regarding the criminal-legal treatment of juveniles inherited the solutions from the former Yugoslav criminal legislation, which in turn developed in several stages.

The Criminal Code - General part of 1947 treated the perpetrators aged 14-18 as minors, divided into two categories:

- criminally responsible (they are sentenced, except for death) and;
- criminally irresponsible (they are imposed educational measures).

The 1951 Penalty Codex retained this concept, starting from a differentiated approach based on the division of juveniles under 14-16 and older at 16-18. The elders were considered criminally liable and could be sentenced for criminal offenses punishable with more than five years in prison (except for the death penalty and the restriction of civil rights and prohibition of performing an occupation). Younger juveniles could be punished under the condition of "reasonableness" only for criminal offenses for which a severe prison sentence of at least ten years

[6] Carić, Ante, „Problemi maloljetničkog sudstva“, Split: Savez društva defektologa Jugoslavije, 1971, page 22.

was prescribed, and disciplinary measures are applied. The 1959 Novel of the Penalty Codex revised, inspired by new trends, differentiating juveniles not according to their criminal responsibility or irresponsibility, based on the condition of "reasonableness", but according to the need to take measures of upbringing, care and supervision. Educational measures are basic sanctions for two categories of younger and older. The 1959 Novel introduced a new category, the category of juveniles, which includes perpetrators who are not older than 21 at the time of the trial and for whom, under certain conditions, educational measures prescribed for juveniles may be imposed. This concept has been retained in both the 1977 criminal law and the 1996 CCM. The CCM novelty of 2004 introduced only certain changes in the system of sanctions. The repertoire of penalties is expanded with the penalties of expulsion of a foreigner from the country and ban on driving a motor vehicle, which are imposed under the general conditions provided by the CC,

Alternative measures are envisaged as new sanctions are as follows:

- conditional termination of the criminal procedure and;
- community service.

These are necessary changes with which the juvenile criminal law joins the modern tendencies, without leaving its basic profile. he other is a matter of thorough reform, which in the long run should create a new model by adopting a special Law on Juvenile Justice, ie the Law on Child Justice..[7]

2. NEW CRIMINAL PROVISIONS CONCERNING JUVENILE CRIME

For a long time throughout the history of criminal law, juveniles have been punished in the same way as adults. After many years of requesting and pointing out to the expert public the need for new legal provisions for juveniles, because those juveniles can not and should not be treated like older delinquents, that those juveniles deserve different treatment are in a developmental psychophysical phase, finally work and the new Juvenile Justice Act (or Juvenile Justice Act) is already in use. The adoption of the Law on Juvenile Justice in R. Macedonia is an

[7] Law on Juvenile Justice published in the "Official Gazette of RM" no.87 from 12.07.2007 Skopje, on 29.10.2013 renamed into the Child Justice Act then amended to 25.07.2019 and supplemented and amended on 27.12.2019

important element of the reforms in the legal system, conditioned by the European integration process. "One of the reasons for delaying the adoption of the Law on Juvenile Justice (adopted on 04.07.2007) is the need for closer regulation of certain legal solutions with bylaws, especially when we talk about the population due to its significantly changed role of children and juvenile perpetrators of acts defined by law as criminal offenses and misdemeanors and the execution of educational and alternative measures and punishments".[8]

With the enactment of the Law on Juvenile Justice, it is considered that a big step forward has been made, with the gradual application of repressive punishments against juveniles being abandoned, and the sanctions applied to them received the epithet "educational measures", free from repression, in order to remove the factors that influenced the formation of criminal behavior as a model of behavior of the young person. The new legal solutions in the Law on Juvenile Justice are a result of the already performed critical analysis of the existing ones, in accordance with the international norms and standards and with the solutions of the European legislations. It could be said that this Law is in line with these achievements and that it has accepted and incorporated in itself the solutions that in a modern way determine the position and treatment of children and juveniles who have committed criminal offenses.

"The basic concepts from which the Law on Juvenile Justice starts are to include: children at risk, children in contact with the law, children in conflict with the law, age limit, turning, informal and formal court treatment, alternatives to the formal court procedure, alternatives to institutional treatment, a system of sanctions (restorative justice as a new guiding idea). The current position of children and juveniles in the Law on Juvenile Justice starts from the spirit and solutions of the Convention on the Rights of the Child." [9]

The Convention on the Rights of the Child introduces a completely new approach to this social phenomenon to apply measures to improve the situation, but also to supplement what is missing in their socialization. The new approach imposed on us by the Convention on the Rights of the Child is expressed in the following way: it creates clearly defined obligations for the societies, states, social communities in which they are born, live, develope, form and realize children and

[8] Article 1, Law on Juvenile Justice („Official Gazette of RM" no. 87/07)

[9] Convention on the Rights of the Child (http://www.newbalkanpolitics.org.mk/oldsite/hrrc/text/O%20N/prava%20na%20dete.htm).

juveniles as individuals, to create conditions in advance for their development which will mean the elimination or minimization of those social, criminogenic conditions that influence children and juveniles to choose crime and delinquency as a model of their behavior. It should be noted, however, that first came the rules for the protection of juveniles from deprivation of liberty known as the *Havana Rules,*[10] then the *Beijing Rules*[11], and *Riyhad Rules*[12] which play a major role in order for the juvenile not to become a delinquent or from a juvenile delinquent with various mechanisms create a healthy person that will be able to live normally.

"The Convention on the Rights of the Child, together with other documents adopted by the United Nations bodies, is a system of solutions that resolve the situation of children and juveniles in a new way and in new relationships, when they appear as perpetrators of criminal acts. and the competent authorities will take criminal proceedings.''[13]

In this way, these documents seek to radically change the approach to children and juveniles and the concept of their care, assistance, protection and control to act preventively in order to prevent their delinquent behavior. This type of approach is called the concept of "restorative justice". Restorative justice is the correction of a situation that has negatively arisen by committing a criminal offense, above all, with the direct participation and engagement of the perpetrator of the criminal offense, the one who caused it. "Restorative justice means rethinking the forms of institutional treatment of juveniles by expanding the engagement of the local community, on a narrower and broader level, by implementing projects to change and improve the living conditions and engagement of the young population[14]

Therefore, the Law on Juvenile Justice in its concept, according to the manner of determining the position of individual bodies, the categorization of children and juveniles to which it applies, the system

[10] UN (1990), Havana rules for the protection of juveniles deprived of their liberty, A/Pez.45/113

[11] UN (1985), Beijing Rules for Standard Minimum Rules for the Administration of Juvenile Justice, A/Pez 40/33

[12] UN (1990), Riyadh guidelines for the prevention of juvenile delinquency, A/Pez.45/112

[13] Juvenile Justice, collection of papers, Oliver Bachanovikj and others, Faculty of Security, 2009

[14] IBID

of sanctions and the bodies engaged in its application, provides for the establishment of special bodies in society that should monitor this phenomenon, with the Fund for Compensation of Minor Victims of the Law [15], thus, in essence, it creates preconditions for the Law on Juvenile Justice (i. .the Law on the Rights of the Child) to fulfill its function and to have a real impact, in creating conditions for proper development of children and successful removal of those general, special and individual factors that gain importance. of criminogenic factors. The law has been passed primarily in response to the demands of the modern position of minors and the highest norms and standards for their rights. However, although it was adopted in 2007, its implementation in practice has not yet been achieved, due to certain reasons such as: spatial technical conditions, number and training of staff in this area in the Centers for Social Work (especially in mediation, settlement and mediation), financial problems for securing lawyers, etc.[16]

3. MEASURES OF ASSISTANCE AND PROTECTION UNDER THE NEW REGULATION ON LEGAL JUVENILE DELIVERY

The new legal regulation emphasizes the educational measures, the measures to help protect the exclusion of draconian punishments for juveniles, etc. A sanction determined by the Law on Child Justice may not be applied to a child who at the time of committing the action, which is provided by law as a crime or misdemeanor, has not reached 14 years of age. Also, for a child at risk up to 14 years old and a child at risk over 14 years old, the measures provided by law for protection assistance are applied, which are of the best interest for the child and his/her upbringing and development. Assistance and protection measures are applied to a child at risk up to 14 years old and a child at risk over 14 years old only when the center for social work assesses that the state of risk reflects on the development of the child's personality and his/her proper upbringing.

Assistance and protection measures can be applied to the parents or guardian if they have neglected or abused the exercise of their rights or duties in relation to the protection of the person, rights and interests

[15] Article 141, Law on Juvenile Justice (Official Gazette of RM 87/07)

[16] On 29.10.2013 renamed into the Law on Child Justice „Official Gazette of RM“, no.148, amended on 25.07.2019 and supplemented and amended on 27.12.2019

of the child. Assistance and protection measures are measures determined by law in the field of education, health, social, family and other forms of protection.

Acting for the action of a child at risk up to 14 years, which is provided by law as a crime, for which a prison sentence of more than three years has been determined, as well as other persons for whom a procedure can be conducted before a court and for the action of a child at risk over 14 years, which is provided by law as a criminal offense punishable by imprisonment of up to three years or a fine, the Ministry of Interior shall notify the Center for Social Affairs (hereinafter: the center) and the competent public prosecutor. For other situations at risk, the Ministry of Interior, the school or other institution in which the child is cared for, as well as his/her parents, i.e. the guardians of the child inform the center.

4. GENERAL RULES ON SANCTIONS IMPOSED ON CHILDREN UNDER THE NEW LEGISLATION

For an action, which is provided by law as a crime or misdemeanor committed by children, the provisions of the Criminal Code, as well as the provisions of the Law on Misdemeanors and other laws that prescribe the actions provided by law as misdemeanors are appropriately applied.

Some of the sanctions against children are:

- Only educational measures can be imposed on a child aged 14-16 for an action that is provided by law as a crime;
- a child from 16-18 years of age for an action envisaged as a criminal offense may be sentenced to educational measures, and as an exception may be imposed a penalty or an alternative measure;
- a child aged 16-18 can be released from punishment under the general conditions set by the Criminal Code;
- to a child for an action that by law provided as a misdemeanor may be imposed misdemeanor sanctions determined by the Law on Justice for Children;
- a child is imposed security measures under the conditions set out in the Criminal Code and the Law on Justice for Children;
- Confiscation of property and objects obtained by actions provided by law as criminal offenses and misdemeanors of children is carried out in accordance with the general conditions established by the Criminal Code.

4.1. Punishment policy

Table 1. Types of penalties imposed on children for the period from 2008-2020

Year	Total criminal sanctions imposed	Disciplinary measures	Intensified surveillance measures	Institutional measures	Imprisonment for children
2008	715	118	561	25	11
2009	748	86	633	15	14
2010	547	107	409	22	9
2011	722	92	608	20	2
2012	556	57	471	21	7
2013	473	80	381	12	/
2014	461	63	370	25	3
2015	348	79	250	11	8
2016	468	50	404	10	4
2017	368	50	300	13	5
2018	330	46	265	16	4
2019	304	50	245	3	2
2020	350	103	236	10	1

From the data in Table 1 it is possible (for a period of 13 years) to get a picture of what (and what is the scope) sanctions for children in accordance with the positive legislation were imposed in the period covered by the analysis. We can conclude that the courts impose primarily the extra-institutional, i.e. educational measures of intensified supervision and disciplinary measures. This is understandable, if we take into account the fact that different categories of sanctions are provided depending on the age of the child and depending on the type of crime committed.

Table 2. Percentage participation of disciplinary measures, institutional measures and imprisonment for children, in the total number of imposed criminal sanctions.

Year	Total criminal sanctions imposed	Disciplinary measures	%	Institutional measures	%	Imprisonment for children	%
2008	715	118	16,5	25	3,5	11	1,5
2009	748	86	11,5	15	2	14	1,9
2010	547	107	19,5	22	4	9	1,5
2011	722	92	12,7	20	2,8	2	0,3

2012	556	57	10,3	21	3,8	7	1,25
2013	473	80	9,6	12	2,5	/	0
2014	461	63	13,7	25	5,2	3	0,6
2015	348	79	22,6	11	3,2	8	2,2
2016	468	50	10,6	10	2,2	4	0,8
2017	368	50	13,5	13	3,5	5	1,3
2018	330	46	13.9	16	4,8	4	1,2
2019	304	50	16,4	3	0,9	2	0,6
2020	350	103	29,4	10	2,8	1	0,2

Table 2 shows that the lowest percentage of the total number of imposed sanctions for children belongs to the prison sentence for children, and the highest percentage of sanctions in the total number of imposed sanctions are disciplinary measures, continuously for the entire analyzed period from 2008-2020. This is understandable, given the fact that prison for children is imposed in exceptional cases and only for children in conflict with the law who have reached 16 years of age.

5. PROCEDURE AGAINST CHILDREN

After the report for an action that is provided by law as a criminal act committed by a child over 14 years of age, for which a fine or imprisonment of up to three years has been determined, the competent public prosecutor may take the following actions:

- not to initiate a procedure before the court even though there is evidence that he/ she committed the action, if he/she considers that conducting a procedure is expedient considering the nature of the action provided by law for a crime and the circumstances under which it was committed;
- conditionally postpone the initiation of the procedure before the court for a period of six months, provided that within that period he/she does not commit another action that is provided by law as a criminal act and mentions the damage or otherwise corrects the harmful consequences caused by committing the crime, and
- not to initiate a procedure if, based on the report from the center, it is determined that an agreement has been reached between the child and his family and the injured party for restitution of property, compensation for damage or repair of harmful consequences of the crime

6. MEDIATION PROCEDURE

„Upon a report for an action provided by law as a criminal offense and punishable by imprisonment of up to five years, the competent public prosecutor, after prior information and written consent of the child and his/her legal representative, the defense counsel and the injured party may refer the parties to mediation“[17]

In case a court procedure is initiated, the competent court for children may, for reasons of expediency, and with the prior written consent of the child or his/her legal representative, the defense counsel and the injured party until the end of the main trial adopt a decision to terminate the procedure and to refer the parties to a mediation procedure.

The parties are obliged to submit the written consent to the public prosecutor or to the court for children within three days from the day when a mediation procedure is proposed. If the parties do not submit a written consent within the set deadline, the proposal for mediation is considered not accepted. Referral to mediation is excluded for actions that are provided by law as crimes against sexual morality and sexual freedom and gender-based forms of violence against women, in accordance with ratified international agreements. Within three days from the submitted written consent, the parties agree on a mediator from the Directory of Mediators in the competent court for children and inform the public prosecutor, i.e. the court for children. If the parties cannot reach an agreement with the public prosecutor, the court is obliged to appoint a mediator from the directory of mediators within three days and to inform the parties.

The deadline for completion of the mediation procedure is up to 45 days from the day of submitting the written consent to the competent authority. If the mediation procedure is not completed within this deadline, the case is returned to the public prosecutor, i.e. the court procedure is resumed.

A mediator is a legally capable natural person who helps the parties to reach an agreement, without the right to impose a solution to the dispute, in accordance with the principles of voluntariness, neutrallity and impartiality, confidentiality, public mediation, equality of the parties, availability of mediation information, efficiency and equity

[17] Official Gazette of RM, no.148 from 29.10.2013 (Law on Justice for Children) amended on 25.07.2019 and supplemented and amended on 27.12.2019

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The mediation procedure ends as follows:

- conditional termination of the criminal procedure and;
- community service;
- by concluding a written agreement by the mediator and the parties on the reached agreement on compensation for material damage and moral satisfaction;
- with a written statement of the mediator after the consultations with the parties that further attempts at mediation are not justified, on the day of submission of the statement and
- with the expiration of the deadline provided for completion of the mediation procedure.

7. CONCLUSION

Child crime is a negative phenomenon conditioned by a number of circumstances arising from the economic, socio-cultural, educationnal, social, health and other aspects of social life that negatively affect the life and development of the young person. It is therefore necessary to apply general and special prevention measures as often as possible.

It can be noted that from the Criminal Code of 1947, the Criminal Code of 1951, the Law on Juvenile Delinquency until the new Law on Child Justice in all aspects: terminological, conceptual, etc., RNM has made continuous progress. The trend that children have emerged from the shadow of adults is positive in the sense that the sanctions that were imposed in the past on adults as well as on children without taking into account the vulnerability, diversity and inability of the child to consciously assess living conditions. That trend of supplementing, amending and improving the laws that apply to children should continue, and at the same time it should be applied in practice. Society to create services whose main role will be to combat crime and delinquency, especially among children at risk. It should not be forgotten that the role of non-governmental organizations in terms of prevention of delinquency in children is also very important, in addition to non-governmental organizations, it can also apply to: social services, re-education services, counseling centers, youth clubs, etc.

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2. Prof. Dr. Gordan Kalajdziev

Used literature

1. Arnaudovski, Lj., (1983). Juvenile crime in SR Macedonia, NIO „Studentski zbor“, Skopje.

2. Angeleski, M., (2008). Criminal Methodology, First Edition, Skopje.

3. Arnaudovski, Lj., Gruevska-Drakulevski, A., 2013. Penology - first part, Faculty of Law "Iustinianus Primus" - Skopje.

4. Arnaudovski, Lj., (2007). Criminology, Skopje.

5. Batkovska Lj., (2013) “Criminal Psychology”- Ohrid.

6. Bošković, M., 2015. Kriminološki leksikon, drugo izmenjeno i dopunjeno izdanje, Matica srpska, Novi Sad.

7. Buzharovska, G. Nanev, L., Koshevaliska O., (2015).: Penalty proceedure against children at risk in conflict with the law, Faculty of Law Iustinianus Primus, UKIM.

8. Buzharovska, G. Nanev, L., Koshevaliska O., (2012).: International Juvenile Justice Documents, SPPMD.

9. Velkova, T, (2006). “Phenomenology of juvenile crime in the Republic of Macedonia in the period 1981-2000”, “2-ri Avgust S”, Shtip.

10. Walter, M., (2011). “Juvenile delinquency - systematic examination”, “Ars Lamina Doo”, Skopje.

11. Deanoska, T.A., (2014). “The trends of the crime against property in the Republic of Macedonia”.

12. Zhivanovikj, T., (1937). Fundamentals of Criminal Law of the Kingdom of Yugoslavia, General Part, Book 2, Belgrade, p.102.

13. Ignjatovikj Gj., (2000). “*Criminologuy*” NOMOS, Belgrade.

14. Jashovikj, Zh., (1998). “Criminology of juvenile delinquency, University”, “St. Cyril and Methodius”, Skopje.

15. Jashovikj, Zh., (1988). “Juvenile delinquency”, Skopje.

16. Knezhevikj S., (2010): Juvenile criminal law - material, procedural and executive, Faculty of Law in Nish, Nish, p.24.

17. Kambovski V.,(2006): Penalty law, General part, 2-ri Avgust Shtip, p. 804;

18. Koshevaliska, O., (2017): The juvenile penalty system in the context of the theoretical ambitions of mediation, Collection of papers in honor of Marjan Marjanovski, Faculty of Law Iustinianus Primus, UKIM, Skopje.

19. Kambovski V., (2005). “Organized crime” 2-ri Avgust Shtip.

20. Kambovski V., Tupancheski N., (2011). Penalty law - separate part, Skopje.

21. Камбовски, Владо, (2015). "Commentary on the Criminal Code of Macedonia", Skopje: Матица.

22. Kambovski Vlado, Velkova Tatjana, (2008). "Juvenile Justice", Skopje: 2- ri C- Avgust.

23. Pradel, Jean, (2009.) "Komparativno Krivično Pravo-Sankcije" (Droit pénal compare),

Beograd: Pravni fakultet univerziteta u Beogradu

24. Prins, (1982). „Criminal Behavior", London.

25. Čotič, Dušan, (1971). "Kriminalitet maloletnika sa posebnim osvrtom na recidivizam, Etiologija maloletničkog prestupništva, Beograd.

International documents

• Convention on the Rights of the Child, Adopted by the UN General Assembly. with resolution 44/25, from 20 November 1989 It entered into force on 2nd September 1990, in accordance with Article 49.

• Convention on the Rights of the Child, 20/10/1989.

• United Nations Rules for the Protection of Juveniles Deprived of their Liberts (Havana Rules), A/PEZ/45/113, 14.12.1990.

Laws

• Law on Juvenile Justice, (*„Official Gazette of RNM",* no. 87/07).

• Law on Child Justice *(„Official Gazette of RNM",* no.148/2013, amended on 25.07.2019 supplemented and amended on 27.12.2019 *).*

• Law on Child Protection, *Official Gazette* 150/15.

• Law on Misdemeanors, *Official Gazette* 08-3151/1

Internet pages

http://www.pravdiko.mk
http://www.stat.gov.mk
https://www.unicef.org
https://childrenandarmedconflict.un.org
https://www.childwelfare.gov