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JUVENILE DELINQUENCY AS A SOCIAL AND LEGAL CHALLENGE

Abstract:

Juvenile delinquency represents a complex social phenomenon arising from numerous and interrelated factors – familial, economic, educational, and cultural. Although primarily a social issue, it inevitably requires an appropriate legal response. The aim of this paper is to analyze the phenomenology and etiology of juvenile criminal behavior, as well as to present the criminal-legal status of minors in the Republic of Serbia, with reference to statistical indicators and contemporary theoretical models. Special attention is devoted to identifying key risk factors and circumstances contributing to the emergence of deviant behavioral patterns among youth, including the presence of social-pathological phenomena and the impact of contemporary social changes.

Keywords: juvenile delinquency; etiology; phenomenology; criminal-legal status of minors.

1. INTRODUCTION

Juvenile delinquency is one of the most challenging and complex problems of modern society. The phenomenon of young people committing criminal offenses during their developmental stage has profound consequences for both the minors themselves and society as a whole. This issue is not merely of a criminal-law nature, but requires a multidisciplinary approach encompassing social, psychological, and legal aspects. As a significant sociological and legal challenge, juvenile delinquency manifests itself through unlawful and unacceptable acts committed by minors, stemming from complex developmental disorders affecting young people during adolescence, but which can also appear in children under the age of fourteen. The increase in juvenile delinquency affects community safety and represents a challenge for all relevant institutions – from the family and school to judicial bodies and social services. Moreover, this phenomenon reflects deeper social disorders and problems present in the environment in which minors grow up.

Juvenile delinquency is a complex and multidimensional social phenomenon, whose manifestations and prevalence differ depending on the social and cultural context of individual countries. Nevertheless, certain global and universal similarities can be observed within its basic structure. In addition to having a pronounced criminological, legal, social, and economic dimension, juvenile delinquency also encompasses important aspects of family functioning, pedagogical influence, and broader social relations, indicating its interdisciplinary nature.¹

The causes of juvenile delinquency are diverse and often intricately intertwined, including factors such as family, social exclusion, peer influence, economic inequality, the influence of other socio-pathological phenomena, and the lack of adequate support in the process of socialization. This complexity requires a systemic and multidisciplinary approach to prevention and resolution, as well as an adequate legal framework adapted to the particularities of juvenile age.

From both a legal and social perspective, the importance of coordination and cooperation between various segments of society can be observed in order to ensure effective protection and resocialization of young people in conflict with the law.

2. CONCEPT AND PHENOMENOLOGY OF JUVENILE DELINQUENCY

In professional and scholarly literature, in addition to the term *juvenile crime*, numerous other expressions are used to designate this type of socially unacceptable behavior, such as *juvenile delinquency*, *juvenile offending*, *asocial and antisocial behavior of minors*, *hooliganism*, and so on. However, in contemporary criminological and criminal-law literature, the most prevalent and accepted terms are *juvenile delinquency* and *juvenile crime*. Closely related to these terminological distinctions is the issue of defining the concept of juvenile crime, i.e., delinquency. Even at the conceptual level, differences in approach and scope can be observed. The term *juvenile crime* is usually used in a narrower sense, limiting itself to criminal acts for which minors can be held responsible in accordance with applicable legal provisions. In contrast, the term *juvenile delinquency* encompasses a broader spectrum of behaviors, including misdemeanors, unlawful acts, and other forms of asocial or deviant conduct that have not yet reached the threshold of criminal liability.²

The phenomenology of juvenile delinquency involves examining the forms, frequency, and dynamics of delinquent behavior among minors, along with analyzing specific characteristics that distinguish this phenomenon from adult crime. Statistical data and empirical studies indicate that the most common criminal offenses committed by minors are those against property, followed by offenses against human health, and offenses against life and limb, as well as misdemeanors related to disturbing public order and peace. It has been observed that male minors commit criminal offenses far more frequently than their female peers, while younger minors (aged 14 to 16) are more inclined toward negligent acts and behavior influenced by group dynamics, whereas older minors (aged 16 to 18) more often display signs of planned and organized conduct.

1 Jugović, A. (2012). Maloletnički kriminal u savremenom društvu: obeležja, uzroci i efektivni programi socijalne intervencije. In: Kron, L. (Ed.), *Delikt, kazna i mogućnosti socijalne profilakse* (p. 258). Beograd: Institut za sociološka i kriminološka istraživanja.

2 Nikolić-Ristanović, V. (2012). Kriminalitet maloletnika ili maloletnička delinkvencija: pojmovno određenje i njegov značaj. *Revija za kriminologiju i krivično pravo*, (1-2), pp. 184.

Supporting these observations on the structure and characteristics of juvenile delinquency are data from the Statistical Office of the Republic of Serbia. The following section of the paper presents a table with an overview of criminal sanctions imposed on minors from 2020 to 2024, classified by the type of criminal offense, as well as by the gender and age of the offenders. These data enable a deeper understanding of the patterns present in delinquent behavior, as well as the identification of possible trends and differences in the representation of certain groups within the structure of sanctioned minors.

Table 1: Minors - pronounced criminal sanctions, according to the criminal acts, 2020-2024.³

Criminal offences	2020		2021		2022		2023		2024	
	Num	%	Num	%	Num	%	Num	%	Num	%
Total	1239	100	1383	100	1213	100	1454	100	1375	100
Against life and limb	151	12,2	181	13,1	178	14,7	210	14,4	195	14,2
Against freedoms and rights of citizens and people	52	4,2	45	3,3	53	4,4	74	5,1	106	7,7
Against sexual freedom	17	1,4	25	1,8	18	1,5	41	2,8	30	2,2
Against health of people	259	20,9	229	16,6	211	17,4	259	17,8	238	17,3
Against Commerce	6	0,5	2	0,1	3	0,2	12	0,8	11	0,8
Against Property	543	43,8	635	45,9	506	41,7	583	40,1	480	34,9
Against the safety of public traffic	15	1,2	32	2,3	31	2,6	25	1,7	46	3,3
Against public order and peace	121	9,8	133	9,6	145	12	153	10,5	155	11,3
Other	75	6,1	101	7,3	68	5,6	97	6,7	114	8,3

The presented data in the table show the overall movement in the number of criminal sanctions imposed on minors in the period 2020–2024, with classification by type of criminal offense. The total number of cases varied, with the lowest recorded being 1,213 (2022) and the highest 1,454 (2023). The most represented category in all years were offenses against property, although their share shows a declining trend — from 43.8% (2020) to 34.9% (2024). Offenses against life and limb show a slight increase, from 12.2% in 2020 to about 14.2% in 2024, while offenses against the freedoms and rights of man and citizen record a more significant relative increase, from 4.2% to 7.7%. Offenses against human health have remained stable in percentage share, whereas offenses against the safety of public traffic have shown fluctuations, with a noticeable jump to 3.3% in the last year. In the “other criminal offenses” category, there is also a recorded increase in share from 6.1% to 8.3%.

³ Statistical Office of the Republic of Serbia (2025). *Juvenail criminal offenders, 2024* (June 24, 2025) from: <https://stat.gov.rs/oblasti/pravosudje/>

Tabela 2: Minors - pronounced criminal sanctions, according to the age and sex, 2020-2024.⁴

Criminal offences		2020		2021		2022		2023		2024	
		Num	%	Num	%	Num	%	Num	%	Num	%
Total		1239	100	1383	100	1213	100	1454	100	1375	100
	Female	106	100	121	100	119	100	141	100	157	100
14 years old	Total	188	15,2	224	16,2	188	15,5	242	16,6	265	19,3
	Female	24	22,6	29	24	22	18,5	34	24,1	47	29,9
15 years old	Total	286	23,1	303	21,9	285	23,5	347	23,9	317	23,1
	Female	25	23,6	29	24	32	26,9	31	22	41	26,1
16 years old	Total	392	31,6	408	29,5	349	28,8	431	29,6	376	27,3
	Female	26	24,5	36	29,8	37	31,1	34	24,1	36	22,9
17 years old	Total	373	30,1	448	32,4	391	32,2	434	29,8	417	30,3
	Female	31	29,2	27	22,3	28	23,5	42	29,8	33	21

The presented table analyzes data according to the age and gender of the offenders. The most represented are minors aged 16 and 17, who together account for approximately 58–62% of all cases annually. The share of offenders aged 14 is increasing, particularly in 2024 when it reached 19.3%, which may indicate a trend of earlier involvement of younger minors in criminal activities. Among girls, the share in the total number of convictions remains significantly lower compared to boys, but a slight increase is noticeable, especially in the youngest category (14 years), where the percentage rose from 22.6% to almost 30% during the observed period.

The data indicate certain changes in the structure of juvenile crime, primarily the reduction in the share of property-related offenses, alongside a relative increase in offenses against life and limb and offenses against the freedoms and rights of man and citizen. At the same time, there is a concerning rise in the participation of the youngest age groups, which could have long-term negative consequences for social security and the workload of the justice system. These trends emphasize the need for preventive measures aimed at younger populations, as well as targeted resocialization programs to reduce the likelihood of recidivism.

⁴ *Ibid.*

3. ETIOLOGICAL ASPECTS OF JUVENILE DELINQUENCY

Minors are in a crucial stage of life development, during which the foundations of socialization are formed, and a transition occurs from a phase of immaturity to one of assuming responsibility. The psychological state in this period has a decisive influence on their future life course. This is a stage of intense physiological and psychological changes, accompanied by a mismatch between these two processes, complex and variable emotional reactions, and insufficiently developed life attitudes and value systems. Such developmental specificity often leads to pronounced instability in the psychological functioning of young people.

Understanding these developmental characteristics is essential for correctly identifying factors that increase the risk of deviant behavior. These very factors shape the environment in which young people grow and influence their choices and behavioral patterns, and identifying them enables the planning of targeted prevention measures.⁵

Factors contributing to the occurrence of juvenile delinquency are usually classified as exogenous (external) and endogenous (internal). Among the external, socio-cultural factors, the most notable are the family environment, the education system, the way free time is spent, the influence of the media and peer groups, as well as geographic, climatic, socio-political, economic, and cultural conditions. These also include wars, natural disasters, poverty, unemployment, religiosity, urbanization, and migration. Internal factors encompass personal characteristics of the individual, including intelligence, hereditary predispositions, emotional patterns, motives, inclinations, habits, levels of responsibility and tolerance, as well as the presence of mental disorders. In practice, minors are often simultaneously exposed to the influence of several interwoven criminogenic factors, which further increase the risk of delinquent behavior.⁶

In order to better understand how these factors shape criminal behavior, it is useful to observe them through the lens of contemporary theoretical approaches. These allow for the linking of different factors into coherent models that explain how and why certain young individuals develop antisocial behavioral patterns. One of the most influential models in this regard is the dual taxonomy model.

Contemporary theoretical models addressing etiological factors of juvenile delinquency, with the dual taxonomy being particularly noteworthy, attempt to explain different developmental paths of antisocial behavior. This model distinguishes two basic types: life-course-persistent antisocial behavior and adolescence-limited antisocial behavior. The first type results from the early influence of adverse biological, family, and social factors, such as difficult temperament, deficits in verbal abilities and self-control, often reinforced by unstable family structure, low socioeconomic status, neglect, abuse, and inadequate parenting practices. Such children exhibit pronounced maladaptive traits, leading to persistent social rejection and failure in various areas of life. In contrast, adolescence-limited antisocial behavior appears in young people with a relatively normal developmental trajectory and generally stable family environment. It is most often linked to the desire for independence and social status, as well as imitation of peers who engage in delinquent behavior. Since there are no deep structural and family risks, these individuals

⁵ Hao, Y. (2024). The Causes and Countermeasures of Juvenile Delinquency Motivation. *Journal of Education, Humanities and Social Sciences*, 40, p. 81.

⁶ Macanović, N., Grbić Pavlović, N., Kuprešanin J. (2016). *Maloljetnička delinkvencija – prevencija i resocijalizacija*. Banja Luka: Udruženje nastavnika i saradnika Univerziteta u Banjoj Luci, Evropski defendologija centar Banja Luka, p. 37.

usually abandon antisocial patterns once they recognize the negative consequences and return to prosocial values.⁷

In addition to providing a theoretical framework, these models also highlight the need for deeper analysis of psychological factors, as they often mediate between external circumstances and the final behavior of young people. Their role can be decisive in understanding how risk conditions translate into delinquent patterns. They often act as intermediaries between external circumstances and the specific forms of behavior of young people, influencing the way in which they interpret, assess, and respond to their environment. For this reason, psychological aspects require special attention.

Psychological factors represent the key and underlying causes of juvenile delinquency, as criminal behavior arises under their influence, with the acts themselves being their external manifestation. Research mainly focuses on pathological personality traits, negative emotions, abnormal needs, and motives, which provide the basis for understanding and preventing this phenomenon. Among these, incorrect cognitive patterns hold a special place, with values being the central part of personal attitudes and beliefs. They guide an individual's moral assessments and decisions, and can be seen as a kind of "main switch" that shapes and modifies other psychological aspects of personality.⁸

Considering psychological factors leads to the broader social context in which young people's behavior is shaped. The way society treats young people can act as a protective factor, but also as a trigger for deviant behavior. It is therefore important to analyze the social circumstances that contribute to the development of criminal patterns.

Unjust treatment by society often serves as an incentive for the development of delinquent behavior. Young people, faced with pronounced social inequalities, often react negatively, which can contribute to deviant behavioral patterns. Numerous studies show that juvenile offenders have often been exposed to various forms of abuse – physical, sexual, psychological, or a combination thereof – which leaves lasting and profound consequences on their development.⁹ The prevalence of violence against children, both within and outside the family,¹⁰ is a significant risk factor that can contribute to the development of deviant behavioral patterns and increase the likelihood of involvement in juvenile delinquency.

In this regard, the presence of socio-pathological phenomena in the minor or their family members significantly increases the risk of displaying delinquent behavior. Phenomena such as drug and alcohol abuse, prostitution, internet addiction, gambling, suicidal behavior, and other forms of social deviance create an environment devoid of adequate models of socialization and support. Such an environment weakens the

7 Dovićanić, S., Maljković, M. (2024). Etiologija trajnog i adolescencijom limitiranog antisocijalnog ponašanja. In: Kovačević, M. & Čopić, S. (Ed.), *Delinkvencija dece i maloletnika: prevencija i društvena reakcija* (p. 155). Beograd: Univerzitet u Beogradu, Fakultet za specijalnu edukaciju i rehabilitaciju.

8 Zhuoma, L. (2024). The Importance of Preventing Juvenile Delinquency. *Economics, Law and Policy*, 7(3), p. 163-164.

9 Jain, P. (2023). *Juvenile Delinquency - a Biological, a Psychological & a Sociological Approach* (June 27, 2025). Available at SSRN: <https://ssrn.com/abstract=4391713> or <http://dx.doi.org/10.2139/ssrn.4391713>, p. 8.

10 Petrović, M. (2023). Etiologija i fenomenologija nasilja nad decom. *Pravo – teorija i praksa*, 40(2), p. 94.

mechanisms of social control and encourages the adoption of antisocial patterns of thinking and behavior, which can result in their reinforcement and repetition. For this reason, studying the influence of socio-pathological phenomena is an essential component in forming effective and integrated strategies for the prevention of juvenile delinquency.¹¹

It is also important to emphasize the role of contemporary social changes in etiology. Digitalization and the growing influence of social networks have led to the emergence of new forms of peer violence, access to risky content, and easier communication with potentially deviant groups. Thus, classic risk factors are expanding into new, digital dimensions that require special analysis and adapted prevention strategies.

Additionally, the cultural context has a significant impact on the structure and dynamics of juvenile delinquency. Social norms, values, and tolerance toward certain forms of behavior can determine not only the frequency of particular offenses but also the way the system responds to them. In some environments, certain forms of violent or risky behavior may be socially acceptable or even encouraged, making timely intervention more difficult.

The analysis of the etiological aspects of juvenile delinquency shows that it is a multifactorial and complex phenomenon, in which internal and external factors intertwine and mutually reinforce each other. Understanding this process requires a comprehensive, multidisciplinary approach based on continuous monitoring of social changes and the adaptation of preventive measures to new challenges.

4. CRIMINAL-LEGAL STATUS OF THE MINORS

Models of criminal-legal response to minors encompass criminal proceedings, substantive criminal law applicable to minors, and certain aspects of juvenile enforcement law. These elements are interconnected, but differences among the models are primarily observed in the types and specificities of procedures applied to minors. Although it is not always straightforward to classify them into distinct patterns, in doctrine, procedures can be grouped into typical models based on the similarity of dominant procedural principles and rules. In comparative law, the most frequently distinguished models are: 1) the protective model, 2) the judicial model, 3) the modified judicial model, 4) the participatory model, 5) the delinquency control model, and 6) the corporate model.¹²

Understanding different models of handling juvenile offenders is of key importance, as the choice of model largely determines the approach to sanctioning and rehabilitation of minors. In modern systems, emphasis is increasingly placed on preventive and educational aspects, although there are differences in the degree to which these values are integrated into the judicial framework of individual countries.

Procedures for minors in Serbia are based on a judicial orientation, as they are fundamentally conceived as criminal proceedings with typical procedural phases, two main parties, and a court decision regarding the criminal act (*causa criminalis*). Nevertheless, it is a special criminal procedure, significantly modified compared to the general one, aimed

11 Subotin, M., Odalović, T. (2016). Socijalnopatološke pojave u porodici i njihov uticaj na delinkventno ponašanje maloletnika. *Pravo – teorija i praksa*, 33(10-12), p. 53.

12 Škulić, M. (2015). Reforma maloletničkog krivičnog prava u Srbiji. In: Stevanović, I. (Ed.), *Maloletnici kao učinioci i žrtve krivičnih dela i prekršaja*, (p. 41). Beograd: Institut za kriminološka i sociološka istraživanja

at protecting minors and ensuring a more favorable procedural position. Modifications are reflected in the role of guardianship authorities, broader application of the principle of opportunity, shorter detention periods, special terminology, and other procedural adaptations. Based on these characteristics, the Serbian model can be identified as a modified judicial model, combining elements of judicial and protective approaches.¹³

Of particular importance is an adequate legal framework that enables the practical application of these models and provides uniform rules harmonizing substantive, procedural, and enforcement aspects of the criminal-legal system, thereby achieving a balance between protecting society and safeguarding the rights of the child.

Handling juvenile offenders in Serbia is based on a special legal framework, which includes a set of statutory provisions aimed at protecting their rights, fulfilling the educational function, and ensuring appropriate criminal-legal responses. Legal regulation of procedures concerning juvenile offenders in Serbia primarily includes the Law on Juvenile Offenders and Criminal-Legal Protection of Minors, as well as relevant provisions of the Criminal Code, the Code of Criminal Procedure, the Law on Enforcement of Criminal Sanctions, and the Law on Misdemeanors. Together, these provisions form the normative framework governing the criminal-legal status of minors, from procedural phases, through sentencing, to the execution of imposed decisions.

The Law on Juvenile Offenders and Criminal-Legal Protection of Minors contains provisions applicable to juvenile offenders regarding substantive criminal law, the authorities applying it, criminal proceedings, and the execution of criminal sanctions for these offenders. This law also includes special provisions for the protection of children and minors as victims in criminal proceedings.¹⁴

A minor is a person who, at the time of committing a criminal offense, is between fourteen and eighteen years old, with a younger minor considered to be aged fourteen to sixteen, and an older minor aged sixteen to eighteen. A young adult is a person who, at the time of committing the criminal offense, was eighteen years old but has not reached twenty-one at the time of trial.¹⁵

Minors may be subject to educational measures, juvenile detention, and security measures. These sanctions primarily have a therapeutic rather than a repressive character, except for juvenile detention and institutional educational measures, which, due to restrictions on freedom of movement, inherently include elements of repression. Juvenile detention is prescribed as an exceptional measure and may be imposed exclusively on older minors, i.e., those aged sixteen to eighteen at the time of committing the offense.¹⁶ Age classification of minors plays a significant role in applying criminal-legal measures, allowing a differentiated approach in accordance with the psychophysical maturity of the offender. This ensures proportionality between the severity of the offense and the imposed measure, as well as the potential for successful rehabilitation.

13 *Ibid.*, p. 46.

14 Zakon o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica („Sl. glasnik RS“, br. 85/2005), čl. 1

15 *Ibid.*, čl. 3

16 Živković, N. M. (2020). Krivična neodgovornost dece – zločin bez kazne i moguća rešenja. *Strani pravni život*, 3, p. 156.

If a person under fourteen commits a criminal offense, misdemeanor, or economic offense, they cannot bear criminal, misdemeanor, or any other legal responsibility. No proceedings may be initiated, no sanction imposed, nor any other measure applied, as such persons are legally considered children.

In professional public, opinions exist that lowering the age of criminal responsibility for certain serious offenses, particularly those involving violence, should be considered. According to this view, for children aged twelve to fourteen, a rebuttable presumption of (non)responsibility could be introduced, with each case individually assessing the offender's psychophysical maturity. This would allow for the formal issuance of a sentence and stricter sanctions than existing social measures, which, according to proponents, would have significant special and general preventive effects while contributing to justice for both victims and society as a whole. Although such an approach may be perceived as stricter, its supporters argue it represents a response to increasingly frequent cases of severe juvenile violence and serves as a clear deterrent against committing the most serious offenses. Emphasis is placed on citizen safety and the need for society to send an unequivocal message regarding the inadmissibility of such acts, with each decision based on an individual assessment of the minor. However, it should not be overlooked that such a solution has been criticized for potential abuse and because the Convention on the Rights of the Child implicitly requires that the established level of criminal non-responsibility not be lowered.¹⁷ Moreover, it raises the issue of possible legal uncertainty, as maturity assessment would depend on the subjective evaluation of experts and judges.

This dilemma opens a broader question regarding the justification for raising or lowering the age of criminal responsibility, with arguments in professional and legislative circles intertwining considerations of child rights protection, societal security needs, and the efficiency of the criminal-legal system. Discussion of this issue requires a balanced approach that, while respecting international standards, ensures an adequate response to increasingly pronounced forms of juvenile delinquency.

CONCLUSION

Analysis of the phenomenology of juvenile delinquency confirms that it is a complex and multidimensional social phenomenon, whose manifestations depend on cultural, economic, and institutional contexts, as well as universal developmental characteristics of youth. Statistical data indicate a predominance of property offenses, an increase in crimes against life and body, and a concerning trend of younger minors engaging in criminal activity. These findings point to the need to view the problem within a broader social context rather than solely through the lens of committed offenses.

At the same time, it is clear that delinquent behavior is influenced by a complex combination of external and internal factors – from family dynamics and peer pressure to individual psychological characteristics and the presence of social-pathological phenomena. Contemporary theoretical models, such as the dual taxonomy, provide a valuable framework for understanding different developmental pathways of antisocial behavior, which is particularly important for creating targeted preventive strategies.

¹⁷ *Ibid.*, p. 161.

In the Republic of Serbia, the criminal-legal status of minors is regulated by a special legislative framework based on a modified judicial model, which seeks to balance the protection of society with the protection of child rights. Special procedural and substantive provisions enable a more favorable position for minors compared to adult offenders, while simultaneously posing challenges in terms of the effectiveness of prevention and rehabilitation.

Effective suppression of juvenile delinquency requires an integrated approach encompassing early identification of risk factors, strengthening family and school prevention, development of social skills among youth, and consistent application of educational measures and alternative sanctions. It is essential to ensure ongoing cooperation among the judiciary, educational institutions, social services, police, healthcare system, and civil sector, with continuous evaluation and adaptation of measures to contemporary challenges, including those in the digital environment. Only through such coordinated and comprehensive action is it possible to reduce juvenile delinquency in the long term and create conditions for healthy youth development in accordance with societal values and norms.



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MALOLETNIČKA DELINKVENCIJA KAO DRUŠTVENI I PRAVNI IZAZOV

Apstrakt:

Maloletnička delinkvencija predstavlja kompleksnu društvenu pojavu koja se javlja kao rezultat brojnih i međusobno povezanih faktora – porodičnih, ekonomskih, obrazovnih i kulturoloških. Iako je u osnovi socijalni fenomen, ona neizbežno zahteva i adekvatan pravni odgovor. Cilj ovog rada je da se analizira fenomenologija i etiologija maloletničkog prestupničkog ponašanja, kao i da se prikaže krivičnopravni položaj maloletnika u Republici Srbiji, uz osvrt na statističke pokazatelje i savremene teorijske modele. Posebna pažnja posvećena je identifikaciji ključnih faktora rizika i okolnosti koje doprinose pojavi devijantnih obrazaca ponašanja kod mladih, uključujući prisustvo socijalnopatoloških pojava i uticaj savremenih društvenih promena.

Ključne reči: *maloletnička delinkvencija; etiologija; fenomenologija; krivičnopravni položaj maloletnika.*

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