ORIGINAL SCIENTIFIC PAPER

RECEIVED: 24. 4. 2026.
ACCEPTED: 19. 5. 2026.

UDC: 343.1:343.537(497.11)
COBISS.SR-ID 198411017
doi: https://doi.org/10.61837/mbuir040126056m

INDIVIDUALS ARRESTED FOR PROPERTY CRIMES: FROM SUSPICION AND INDICTMENT TO JUDGMENT AND IMPRISONMENT IN SERBIA

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Abstract: *This study presents findings derived from a synthesis of theoretical and empirical insights into crime and the efficacy of criminal policy in Serbia. It explores theoretical approaches to the conceptualization of "crime", a term universally recognized yet theoretically ambiguous regarding its generic boundaries and scientific definition. The study provides an analysis of the theory of crime alongside an empirical evaluation of data firmly grounded in research. The paper serves as a convergence of two distinct perspectives on the same research subject: crime and the institutional reaction to it. It integrates global theoretical research with empirical findings in Serbia, tracing the procedural trajectory from arrest and suspicion, through indictment and judgment, to imprisonment for property crimes. The synthesis of these variables provides a comprehensive representation of the complex interactions between criminal activity and law enforcement efforts.*

Keywords: *arrested individuals, property crime, suspects, defendants, judgment, prison, Serbia*

1. INTRODUCTION

In common perception, criminal law is often synonymous with the concepts of a criminal offense, the perpetrator, the victim, and the pursuit of justice. This paper follows this line of inquiry, attempting to establish a correlation of effectiveness by analyzing indicators from official records of committed crimes. By correlating police reports (criminal charges), prosecutorial indictments, and court judgments, the study aims to demonstrate the relationship between public perception and institutional reality. The research investigates the correlation between these legal concepts through the empirical data on suspects, defendants, and convicted persons for property crimes, as defined in Chapter 21 of the Criminal Code of the Republic of Serbia, spanning the period from 2014 to 2024 [1].

2. METHODOLOGY AND MATERIALS

The methodological approach and research materials integrate scientific and empirical findings related to the subject of the study: the arrest, suspicion, indictment, and conviction of persons for criminal offenses in the field of property crime on the territory of Serbia. To conduct the formulation of a new conclusion from the obtained set of theoretical-empirical stances from the research conducted through the application of scientific methods and instruments, which emerge from the topic of the paper, the methodological framework has three pillars of support for its results. The first point of support is material of a theoretical-scientific character regarding crime. The second point of support is theoretical material created by researching existing laws in Serbia in the fields of detection, arrest, indictment, sentencing, and prison sentences for criminal offenses of property crime. The third point of support is empirical material from existing records in which data are stored on the number of filed criminal reports, indictments, sentences, and persons convicted to prison sentences for property offenses in Serbia.

Proceeding from indicators, statements in the form of written norms, in the description and scientific explanation of the subject of research in this paper, the basic analytical and synthetic methods of cognition and research, such as analysis, synthesis, classification, concretization, generalization, and the inductive-deductive method, were applied. From the corpus of general scientific methods, the historical, hypothetical-deductive, and statistical methods were applied. From the group of methods for data collection, the method of document content analysis was used, primarily its technique of qualitative document content analysis, with statistical analysis. Besides the context unit, the analysis employed the counting (treatment) unit and the classification unit, through which the document contents were coded and classified into the basic analytical categories. This enabled an assessment of the causal and functional relationships among filed criminal reports for property crimes, the establishment of suspicion based on those reports, the filing of indictments, and the imposition of prison sentences through final court judgments [2, p. 58; 3, pp. 18-19].

3. CONCEPTUAL AND CATEGORICAL FRAMEWORK

The conceptual and categorical framework of the research is based on the fundamental legal concepts and procedural institutions defined in the provisions of the Code of Criminal Procedure, Article 2, Paragraph 1, Items 1, 2, 3, 4, where the legislator provides definitions of the following institutes: "a suspect is a person against whom, due to the existence of grounds for suspicion that they have committed a criminal offense, a competent state authority in pre-investigative proceedings has undertaken an action prescribed by this Code and a person against whom an investigation is being conducted; a defendant is a person against whom an indictment has been filed that has not yet been confirmed, or against whom an abbreviated indictment, a private lawsuit, or a proposal for the imposition of a security measure of mandatory psychiatric treatment has been submitted, and the main trial or hearing for the imposition of a criminal sanction has not yet been scheduled, or rather, a term that serves as a general name for a suspect, defendant, accused, and convicted person; the accused is a person against whom an indictment has been confirmed and a person for whom, regarding an abbreviated indictment, private lawsuit, or proposal for the imposition of a security measure of mandatory psychiatric treatment, a main trial or hearing for the imposition of a criminal sanction in summary criminal proceedings has been scheduled; a convicted person is a person for whom it has been determined by a final court decision that they are the perpetrator of a criminal offense or an unlawful act defined in the law as a criminal offense, unless, based on the provisions of the Criminal Code, they are considered unconvicted" [4].

In Article 2, Item 23, the Legislator prescribes that deprivation of liberty implies:

arrest... which, in accordance with this Code, is included in detention [4]. In the Law on Police, Article 30, Paragraph 3, Item 4, it is prescribed that police duties are.... the arrest of perpetrators of criminal offenses... [5]. According to the provisions of the Law on the Execution of Criminal Sanctions, "a person serving a prison sentence (convict) is a person to whom a final court judgment has imposed a criminal sanction of deprivation of liberty, which they serve in a penal-correctional institution" [6]. One of the elements of the categorical apparatus in the research—the subject of the research—is also the prison, which can be defined by saying that it is an institution for the execution of criminal sanctions or a place where court judgments are implemented, (including prison sentences, house arrest, and alternative sanctions, and in accordance with legal norms that define the rights of the convicted)—that is, the execution of criminal sanctions represents the implementation of court judgments in practice [6].

Defining the concept of a prison based on existing theoretical approaches presents certain challenges, as the literature offers numerous and often differing perspectives on its definition, from the idea that a prison is many things, to the idea that a prison is a building, and being in prison is a state of captivity, confinement, and deprivation [7, p. 3; 8, p. 49]. For the famous writer Michel Foucault, "prison is an idea—an exhaustive disciplinary apparatus" [9, p. 42; 10, p. 1137]. For the author Ruth Wilson Gilmore, "prison is a partial geographical solution to political-economic crises, organized by the state, which is itself in crisis" [11, p. 26; 10, p. 1138]. Prison is an institution that, as Angela Davis describes, "has a warehouse of ideas and practices" [12, p. 49; 10, p. 1139]. This includes acting as the "last social service" [13, p. 574; 10, p. 1140] and a place of punishment [14, p. 42; 10, p. 1141]. One of the writers, poet and lawyer Dwayne Betts, writes about prison in the following way: "Most importantly, for those who are and were incarcerated, prison can be much more: Prison is the sinner's bouquet, the house of the torn and the tattered" [15, p. 26; 11, 10, p. 1138].

4. RESEARCH RESULTS

4.1. The Concept of Crime in Theory

Within the existing body of theoretical literature on crime, Julian Roberts and Loretta Stalans argue that: "dealing with one of the most popular questions of today—crime and the way we interpret it—reveal a disparity between public perception of crime and the reality of crime statistics" [16, p. 160]. There is no doubt, as Louri finds, "that crime and punishment are certainly contested topics" [17, p. 134]. It appears to the public, as authors Julian Roberts and Loretta Stalans observe, "that crime is everywhere, from boardrooms to the nation's bedrooms, in people's homes and on their television screens" [16, p. 2].

Some authors in the theory of crime believe "that crime is primarily approached as a normal and socialized risk and as a technical problem" [18, p. 4]. Renowned authors Feeley and Simon believe "that the criminal offense is stripped of its moral connotations, in a view close to Durkheim's perspective on crime, where crime is an inevitable and accepted phenomenon. Delinquency is viewed as a normal risk, of the same kind as other risks covered by social insurance, such as illness or unemployment" [19, p. 178]. This "normality" finds its source in the conception of "crime-as-accident," where crime is a risk whose occurrence must be as predictable as possible and whose negative impacts must be minimized [18, p. 5].

Traditionally, researchers such as Simon and Feeley, who analyzed the causes of crime, "insisted on either its voluntary or its structural character" [20, p. 76]. To act upon crime, the former sought to modify the factors influencing the individual calculus of the perpetrator, while other researchers believed that, since the causes of crime could be found outside the criminal process, it is precisely these external causes that must be addressed.

According to Simon and Feeley, the "new penology" functions outside these two traditional understandings. In the new penology, "crime is not approached structurally, as it focuses on the committed act without reference to external context; nor is it approached voluntarily, as it does not deal with individual behavior but rather with the management of groups" [21, p. 338]. From the aforementioned, it can be concluded that crime "is considered less of an individual or social problem and more of a technical problem whose effects are more important than its causes. Crime is understood as a 'statistical probability' rather than an illicit punishable act, while simultaneously, the goal of the penal process is not to respond to individual deviance or social problems, but to regulate levels of deviance, to minimize the occurrence and negative consequences of crime, and thereby make crime tolerable through systemic management" [22, p. 452]. As stated above, the new penology presents crime as a normal risk whose occurrence must be predicted and its negative impacts reduced to a minimum [23, p. 842].

In their research, authors find that "theories of crime can be divided into those that attempt to explain the development of criminal offenders and those that attempt to explain the development of criminal events. Theories and research on offenders have dominated the development of criminology" [8, p. 5; 24, p. 476]. On the other hand, currently present knowledge in the literature shows that "most research on crime and crime prevention is focused on why certain types of people commit crime and what we can do about them" [25, p. 231]. It is only recently that "serious attention has begun to be paid to explaining the crime, rather than the criminality of the people involved in crime" [26, p. 98].

A number of authors, such as Weisburd, Maher, Sherman, Buerger, Cohn, and Petrosino, hold the view that, "although theories of crime are often viewed as competing explanations for the crime problem, we consider it useful to start with the idea that explanations of offenders and events are complementary, rather than competing" [27, p. 52].

It is pointed out in theory "that, even if we had a good explanation for the development of offenders, we would still need a good explanation for criminal events" [28, p. 366]. Specifically, "we would want a theory that could tell us why offenders choose certain targets—why some targets are attractive and others repulsive" [8, p. 4]. However, "to date, theories on the development of crime do not provide a firm basis for such predictions, and there is little consensus on what such a theory would look like in the future" [29, p. 8].

Before presenting the empirical findings, let us present two approaches which we consider to most vividly reflect the concept of crime theoretically. One approach is based on the premise that crime constitutes a public wrong [30, p. 162], while the second approach proceeds from the premise that crime is a special type of legal wrong [17, p. 139].

4.2. Property Crime: The Concept in Theory

One of the primary questions to resolve is the definition of property, given that the subject of this research is property crime. We will address this first through the available literature and subsequently through the legislative acts of Serbia, as the empirical research is conducted within its territory. To consider the concept of property, we will draw upon the perspectives of authors such as Bell and Parchomovsky, who state in their work *A Theory of Property* that: "...despite its importance, the law of property has evaded both a consistent definition and a unified conceptual framework. Indeed, modern property scholarship has completely fragmented the field. On one hand, instrumentalists view property as nothing more than default contractual rules. On the other, conceptualists proclaim the primacy of *in rem* rights and specifically privileged rights such as the rights to exclude, use, and transfer. Other legal scholars view property as a 'bundle of sticks' capable of taking any form" [31, p. 531]. These authors propose "a unified theory of property based on the insight that property law is organized around the creation and defense of the value inherent in stable ownership, indicating that the value of stable ownership renders coherent the disjointed theories that currently plague property scholarship and provides useful conceptual, descriptive, and normative implications" [31, p. 536]. They further state that "any coherent and comprehensive theory of property must focus on four legal questions: (1) What things are protected by property law; (2) against whom; (3) with what rights; and (4) by what enforcement mechanism, focusing on the value inherent in stable ownership and demonstrating how property law recognizes and helps create stable relationships between persons and assets, thereby enabling owners to extract utility that would otherwise be unavailable to them" [31, p. 538]. In concluding their findings, Bell and Parchomovsky find "that in addition to theoretical coherence, their approach provides conceptual simplicity and clarity by rendering the 'bundle of sticks' metaphor obsolete, replacing it with the view that property rights are a means of defending the value of stable ownership in the interest of the asset. Furthermore, they note that their value-oriented approach possesses both descriptive and normative power" [31, p. 582].

If one consults the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program, "property crime includes multiple offenses protecting property, from thefts and burglaries to other forms of criminal activities that attack, seize, damage, or endanger property, with the following elements: unlawful taking of property, unlawful entry into a structure to commit a crime, any intentional or malicious burning or attempt to burn property. These property offenses are characterized by the unlawful taking of movable property without the use of force or threats of force against the victim [32].

According to our local author, Professor Ignjatović, in his 2007 book *Criminology*, "property criminality includes all those acts directed against property in which the perpetrator seeks through the act to obtain a benefit for themselves or another, or to cause damage to someone" [33, p. 150]. Authors Vesna Nikolić-Ristanović and Slobodanka Konstantinović-Vilić, state in their textbook *Criminology*, that "property criminality generally refers to criminal acts directed toward the unlawful appropriation or damaging of another's object or right, or the acquisition of unlawful property benefit in another manner" [34, p. 165]. The same authors, Vesna Nikolić-Ristanović and Slobodanka Konstantinović-Vilić, also note that "thus, in most countries, the concept of property criminality encompasses: various types of theft, including burglary and other types of aggravated theft, as well as the theft of vehicles and items from vehicles, embezzlement, fraud, damage to another's property, extortion, unauthorized use of another's vehicle, and blackmail" [34, ibid, 165].

Based on the aforementioned, it can be concluded that property crime is a category of criminal activity directed against the property rights of individuals. It can be divided into what is theoretically termed "classic" property crime, referring to the appropriation of another's object or property without the use of violence, where the injured party has no contact with the perpetrator during the criminal event—thereby lacking the elements that would transform the act, such as simple theft, into what is called privileged or aggravated criminality (for example, transitioning into aggravated theft or other forms). One classification can be based on whether physical force was used to take the object or property from a person or to retain an object or property already taken. Alternatively, another classification of property crime finds its basis in the actions of the perpetrator who engages in a criminal contact that is unrecognized by the victim; here, without the use of force, the perpetrator uses speech to create a state (through various methods) that leads the person holding or owning the property to a decision to hand it over to the perpetrator, without the knowledge that at the moment of handover, a criminal offense has been committed to their detriment.

4.3. Empirical Findings

The following data summarizes the research findings for the period 2014–2024.

Table 1: Annual Overview of Property Crime Statistics

Year	Suspects	Indicted	Convicted
2014	50,303	13,868	1,236
2015	58,741	13,299	11,301
2016	44,000	13,017	11,302
2017	40,443	11,846	10,307
2018	40,595	10,050	8,807
2019	38,713	8,879	7,877
2020	29,788	7,440	6,519
2021	34,761	7,705	6,708
2022	39,202	7,351	6,356
2023	33,474	7,173	6,231
2024	31,873	6,403	5,551
Total	**441,893**	**107,034**	**92,195**

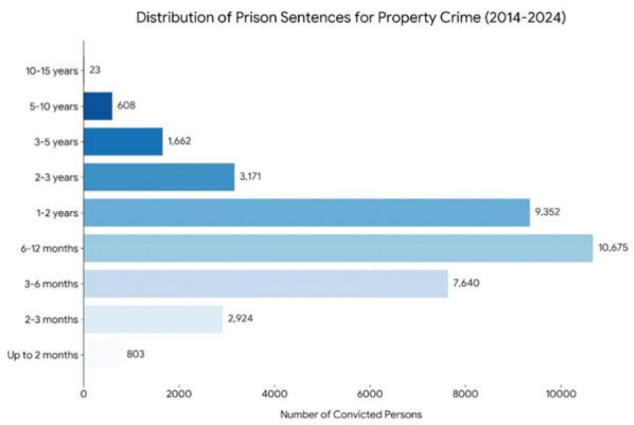
Procedural Stage	Total Number	Percentage (of Reported)
Reported Suspects	441,893	100%
Indicted / Formally Charged	107,034	24.2%
Convicted Persons	92,195	20.8%
Incarceration (Prison Sentences)	36,858	8.3%

Research Sample: Overview of the relationship between suspects, indictments, and convictions for property crime by year in Serbia (2014–2024)

Table 2: Ratio of Property Crime to Total Crime (2014-2024)

Research Period 2014–2024	Suspects	Indicted	Convicted
	Total	Property	Total
Raw Figures	959,693	441,893	386,640
Share (%)	100%	46.04%	100%

Research Sample: Ratio of Property Crime Suspects, Indictments, and Convictions relative to Total Figures in Serbia (2014–2024)



Source: Created by the authors

Chart 1. Length of prison sentences for crimes against property

5. ANALYSIS AND DISCUSSION

As Professor Ignjatović states, "providing a typology of property criminality that respects criminological criteria represents a simple task only at first glance" [33, p. 150]. Based on the research findings presented in this paper, the following conclusions can be drawn.: those reported for committing criminal offenses in the field of property criminality constitute 46.04% of the total number of perpetrators in the investigated period within the territory of Serbia (959,653:441,893). The correlation between the number of persons reported for property crime and the number of persons indicted in Serbia reveals the following (441,893:107,034): a rate of 24.22%, which is not even one-third of the number of reported persons. Furthermore, the result obtained regarding the ratio of filed

Table 3. Distribution of Imprisonment Sentences for Property Crime by Duration

Research Period: 2014–2024	10-15 years	5–10 years	3–5 years	2–3 years	1–2 years	6–12 months	3–6 months	2–3 months	Up to 2 months
Total	23	608	1,662	3,171	9,352	10,675	7,640	2,924	803

Research Sample: Number of persons sentenced to imprisonment for property crime in Serbia, categorized by the length of the sentence (2014–2024)

Table 4: Summary of Procedural Outcomes

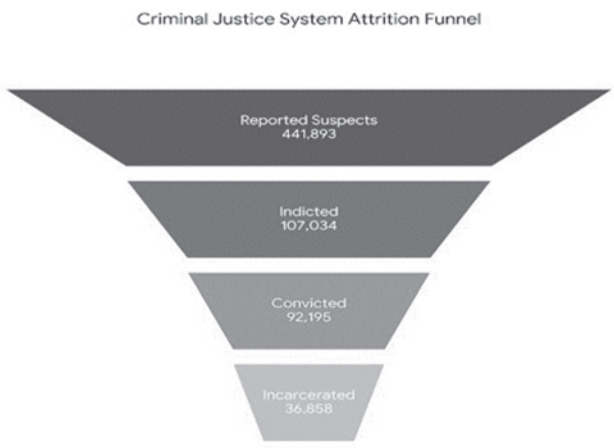
Research Period: 2014–2024	Suspects	Indictments	Convictions	Incarceration
Total	441,893	107,034	92,195	36,858

Research Sample: Ratio of Suspects, Indictments, Convictions, and Incarceration Sentences for Property Crime in Serbia (2014–2024) reports for property crimes to the number of indicted perpetrators yields a correlation of (441,893:92,195), or 20.86%, representing only one-fifth of convicted persons relative to the total number of reported perpetrators. Moreover, a further negative correlation in the research results indicates that the ratio between the number of indicted and the number of convicted persons (107,034:92,195) stands at 86.13%.

The results show another negative correlation: the ratio of people sentenced for property crimes to the number of those sentenced specifically to a prison term is in a correlation of (36,858:92,195), which constitutes 39.97%. According to the findings, it can be concluded that of the total number of persons reported for property crimes—correlation (36,858:441,893)—the number of those sentenced to prison constitutes 08.34%. From the findings, it can be concluded that the number of persons sentenced to prison for a duration of 10–15 years is 30; 608 persons were sentenced to prison for 5–10 years; and of the total number of those sentenced to prison for a duration of 3–5 years, 1,662 persons were sentenced. Among the total number of persons sentenced to imprisonment, the largest proportion consists of those sentenced to terms of 1–2 years, totaling 10,272 individuals, followed by persons sentenced to 6–12 months, totaling 10,033; the next place on the scale according to the number of prison sentences issued is held by individuals sentenced to a duration of 3–6 months, totaling 7,640; while those sentenced to a total prison term of 2–3 months equal 2,940 followed by those sentenced to a duration of up to 2 months, totaling 803 persons.

Of the number of persons sentenced to deprivation of liberty served in prison institutions, females were convicted for property crimes in 10,048 cases, constituting 27.26% of the total number of convicts. Significantly, the research findings indicate that, from 2017 onwards, females experienced a notable increase in their share of convictions for property crimes in each subsequent year. It is also significant that the research finding shows that out of the total number of convictions, in 5,378 cases, the sanction was imposed for an *attempted* property crime, which constitutes 14.59%. From the stated findings, the following quota of convicted persons can be derived: 92,195/100,000 = a quota of 92 convicted persons in the field of property crime. This also indicates the quota of persons sentenced to a prison term of deprivation of liberty: 36,858/1,000,000 = a quota of 36 in the field of property crime.

Significant to the research is the finding of "crime attrition" [33, p. 78], presented by Professor Ignjatović in his 2007 textbook *Criminology*, which, according to his view, "can be presented in the form of a funnel" [33, ibid, 78]:



Source: Created by the authors in 2026, based on research results from the following sources: ISSN-0354-3641; Bulletins 603, 617, 629, 643, 655, 665, 677, 689, 702, 714, 725. Tables 1, 2, 3, 4. [35].

Illustration No. 1. Data based on research regarding the attrition of property crime in the territory of Serbia for the period 2014–2024.

According to the findings derived from the research results, crime attrition in Serbia during the investigated period from 2014 to 2024 stands at a level of (441,893:92,195 = 79.15%) of the total number of persons reported for property crimes, which is an exceptionally high percentage-at the level of four-fifths. Of the total number of adult citizens (441,893:5,100,000), the number of reported perpetrators for property crimes constitutes 08.66% of the total number of adult citizens in Serbia, and of the total population of Serbia (441,893:6,586,476), it constitutes 06.70% of reported perpetrators.

6. CONCLUSION

The results obtained from the research material developed for this study raise concerns regarding the effectiveness of the criminal justice process. They indicate that certain factors within the procedures involving the police, prosecution, and courts prevent the conclusion that this process effectively contributes to the prevention of property crime. On the contrary, the findings provide a sufficient empirical basis for drawing the opposite conclusion: the participants within this process and the process itself function in a manner that generates property criminality within the territory of Serbia.

The relationship remains incomprehensible: while a significant portion of the total population in Serbia participates in the commission of property-related criminal offenses, this fact is not reflected in the state's criminal and social policies. If a comparative parameter is introduced at this point, it becomes evident that the total number of persons reported for committing criminal offenses within the overall crime structure in Serbia represents a significant share of the adult population (exceeding 8 percent). This further intensifies the concern, particularly given the absence of visible measures aimed at strengthening criminal policy responses. During the observed period, criminal records were opened for 959,653 individuals based on reports filed for criminal offenses within the overall crime statistics, representing approximately one-fifth of the population of Serbia. Specifically, regarding property crime, 441,893 individuals have a criminal record based on reports of having committed an offense in the field of property criminality—representing one-tenth (1/10) of the population—which is alarming.

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УХАПШЕНИ ЗА ИМОВИНСКИ КРИМИНАЛ - ОД ОСУМЊИЧЕЊА И ОПТУЖНИЦЕ ПРЕКО ПРЕСУДЕ ДО ЗАТВОРА У СРБИЈИ

Резиме: *Истраживање ће изложити налазе из синтезе и увида у теорију и емпирију криминала и успеха или неуспеха криминалне политике у Србији-овај рад то одражава. Он нуди приступе у теорији о поимању криминала, свима познатог термина, али ником тако теоријски јасан да би могао да га одреди и омеђи генерички, да дефиниција буде прихватљива за науку. Резултат ове студије је анализа теорије о појму криминал и емпиријска анализа резултата, која је чврсто утемељена у истраживању. Укратко, рад је стециште две вододелнице једног истог предмета истраживања: криминала и реакције на њега. Рад склапа теоријска истраживања у светском научном фонду знања о криминалу и емпиријске налазе у Србији од хапшења и осумњичења, преко оптужнице и пресуде до затвора за имовински криминал. Синтеза ових варијабли слика најбољу слику коју познајемо о сложеним начинима на које криминал и борбе против њега међусобно делују.*

Кључне речи: *ухапшени, имовински криминал, осумњичени, оптужени, пресуда, затвор, Србија*