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PROCEDURAL COERCION IN PROCEEDINGS AGAINST MINORS

Knežević Saša
Full Professor, Faculty of Law, University of Niš
sknez1963@gmail.com

Luković Aleksandar
PhD Student, Faculty of Law, University of Niš
a.lukovic@koridorisrbije.rs

Abstract

In criminal law, minor offenders fall into a special category of criminal offenders. Due to their biological, psychological and social immaturity, they are unable to fully understand the importance of social norms, which may trigger their antisocial and delinquent behavior. For these reasons, in the majority of legal systems, minor offenders are subject to a different treatment than adult offenders. The social reaction to crime committed by minors needs to be specifically tailored, especially when it comes to application of coercive or repressive procedural measures. A juvenile delinquent may be preventively deprived of liberty by ordering detention, police retention and various types of compulsory temporary placement. Priority should be given to the wide scope of social and health protection measures aimed at limiting the their personal freedoms, removing them from harmful environment, monitoring their conduct, providing assistance by relevant social services, or placing them in relevant institutions. International standards referring to protection of children and minors, contained in important human rights conventions, provide that incarceration of minors should be applied only as the last resort measure, aimed at ensuring the presence of minors in criminal proceedings.

Keywords: *minor offenders, coersive/repressive procedural measures, detention, police retention, compulsory temporary placement*

1. Introductory remarks

The criminal law protection of social values presupposes the legally established possibility of competent state authorities to apply repressive measures. The legitimacy of those coercive measures stems from the legally binding judgment, unequivocally establishing the guilt of criminal offenders. However, the proper operation of the criminal law protection system also entails the need to apply coercive measures even before the the court decides on the merits of the criminal law request to punish the defendant. Therefore, the legally permissible possibility of limiting personal freedom, motivated by procedural reasons, is based on the conceptual matrix of the necessity to ensure the proper functioning of the judiciary. Detention and other forms of deprivation of liberty of suspects and defendants are aimed at achieving procedural goals but they also temporarily restrict the basic rights and freedoms of persons in criminal proceedings.

Juvenile offenders fall into a special category of criminal offenders. Due to specific processes underlying their biological and psychological development, they are unable to fully understand the importance of social norms, which may trigger their antisocial behavior and violation of criminal law norms.

Their delinquent conduct is not the result of a clearly generated criminal will but the result of a lack of psychological and social maturity. For these reasons, in the majority of legal systems, minor offenders are subject to a different treatment than adult offenders. The social reaction to crime committed by minors needs to be specifically tailored, especially when it comes to application of coercive or repressive procedural measures. A juvenile delinquent may be preventively deprived of liberty by ordering *detention*, police *retention* and various types of *compulsory temporary placement*.

2. International legal standards on deprivation of liberty of minors

International law standards referring to the protection of children and minors, contained in the most important rights conventions in the filed of human rights protection, provide that detention of minors should be used only in exceptional cases, as the last resort measure, aimed at ensuring the presence of minors in criminal proceedings.

The Convention on the Rights of the Child (1989) stipulates that "No child shall be unlawfully or arbitrarily deprived of liberty. The arrest, detention and imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time" (Art. 37 § 2 CRC). The provisions of this Convention respect the intentions of the most important international legal documents in the field of human rights protection (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, etc.), all of which plead for separating the measure of deprivation of liberty of minors from the general regime of application of these measures. Similarly, Article 13 of the UN *Standard Minimum Rules for the Administration of Juvenile Justice* (the Beijing Rules, 1985) promotes respect for the basic postulates of protection of juveniles deprived of liberty.

The need for a more comprehensive protection of juveniles deprived of liberty resulted in the adoption of the *UN Rules on the Protection of Juveniles Deprived of their Liberty* (1990). These Rules specify that minors can be deprived of their liberty only in accordance with the principles and procedures set forth in these Rules and in the UN Standard Minimum Rules on Juvenile Justice (the Beijing Rules). (Rule No.2) According to the Rules, deprivation of liberty means any form of detention or imprisonment or placement of a minor in a public or private custodial institution (which the person cannot leave at will) by order of a judicial, administrative or other public authority (Rule No. 11 b). It follows that the Rules refer not only to deprivation of liberty in criminal proceedings but also within the framework of social and health protection measures. The deprivation of liberty of minors must be carried out under conditions that ensure respect for the human rights of minors (Rule No. 12). Detained minors shall be presumend innocent and treated as such, and the proceedings against them must be expeditious (Rule No. 17). Detained minors have the right to a legal counsel, free legal assistance, and unhindered confidential communication with the defense attorney (Rule No. 18).

3. Police retention of minors

Under the Act on Juvenile Offenders and Criminal-law Protection of Minors of the Republic of Serbia (hereinafter: the Juvenile Justice Act), retention of minors deprived of liberty in police custody is not permitted (Article 61. JJ Act). However, comparative law systems envisage the possibility of police detention of minors.

Generally speaking, French legislation allows for police custody of minors over the age of 13. However, the legal changes of 9 September 2002 allow, albeit exceptionally, the possibility of ordering police custody for minors between the ages of 10 and 13! This is possible if minors of this age have committed or attempted to commit a criminal offense punishable by at least five years of imprisonment. In order to retain such a minor, the police officer must have the consent of the public prosecutor, a magistrate specializing in juvenile justice, or a juvenile court judge. The duration of this, *de facto*, police retention can

be a maximum of twelve hours. Under the French legislation, the parents of a retained minor (regardless of his/her age) have the right to be informed of the act of deprivation of liberty of the minor immediately after the minor's detention. However, the public prosecutor and the acting judge have the possibility to exceptionally prohibit the notification of parents about the minor's detention, which narrows the horizons of the proclaimed principle of protection of personal freedom! This restrictive approach to the protection of personal freedom in the French procedure against minors is, to some extent, mitigated by the presence of the right of minors detained in police custody to be defended by a legal professional (counsel). In addition, the police custody ordered for minors between the ages of 13 and 16 cannot be extended for the commission of a crime punishable by imprisonment of less than five years.In general, police custody of minors is under the supervision of the public prosecutor. At the same time, there are different forms of supervision over the work of the police when determining the detention of minors. Inspections specialized in supervising the work of police officers, which are authorized to order the detention of minors, are most often established at the public prosecutor's offices (Wyvekens, 2006:179).

According to Italian law, a minor can be arrested and detained in the pre-trial phase of the proceedings only if the committed criminal offense is punishable by a term of over 9 years of imprisonment. In addition, detention is possible for some other, exhaustively enumerated criminal offenses (rape, drug and narcotics-related offenses, illegal arms trade, robberies, etc.) (Article 23 § 1,D.P.R. 448-488). After the arrest, the police must immediately notify the public prosecutor, who can order the minor's placement in a juvenile detention center, or hand the juvenile over to his/her parents, pending a court decision. The public prosecutor must request a court decision on the justification of the arrest within 48 hours. The court can confirm or terminate the retention of minors.

Under Dutch positive law, a juvenile deprived of liberty can be retained by the police for a maximum of 6 hours. If the police believe that a longer retention of minors is necessary, they can request the public prosecutor to issue such a decision. Based on the decision of the public prosecutor, retention can last for a maximum of 3 days. Prolonging the preventive deprivation of liberty of minors is possible only on the basis of decision of the hearing judge, most often a special judge for minors.

The Croatian law envisages police retention as a form of preventive deprivation of liberty of minors. A judge for juvenile offender can order a retention measure for a juvenile for the duration of 24 hours (Art. 67 § 2 of the Juvenile Courts Act).

Under the North Macedonian law, the internal affairs authority can make a decision both on detention in police custody and retention measure. Retention of a minor is possible if he/she has committed a serious criminal offence (felony), or if a warrant has been issued, i.e./ or if he/she/is caught in the commission of/ has commited some other offence and there is a risk that the offense will be repeated or completed, or if he/she is caught in the commission of /has commited a criminal offense and the situation requires the application of protection measures, or if his/her identity cannot be established Police retention can last up to 12 hours. (Art. 109 of the Juvenile Justice Act).

4. Detention in criminal proceedings against minors

4.1. Detention of minors in the positive law of Serbia

Detention is the most difficult measure aimed at ensuring the defendant's presence in criminal proceedings. It is not a criminal sanction (punishment) against the defendant but a coercive measure with a clearly expressed procedural goal. Custody should be determined only if other measures could not ensure the presence of the defendant in the criminal proceedings, especially if it is a minor.

Under the Serbian Constitution (2006), detention, as a precautionary (security, protective) measure, can be ordered only when the court decides that it is necessary for conducting criminal proceedings (Art. 30 of the Constitution). The duration of detention is limited to six months, until the indictment enters into legal force, and if no indictment is filed by that time, the defendant must be released. After filing the indictment,

the court should reduce the duration of detention to the shortest necessary time (Art. 31 of the Constitution). The Constitution also provides for the protection of human rights in the process of deprivation of liberty (Art. 28), as well as the right to claim legal remedies against decisions on deprivation of liberty (Art. 27 § 3 of the Constitution of Serbia).

Detention of minors is a subsidiary measure aimed at ensuring the presence of a minor defendant in criminal proceedings, as it can be ordered by the court if procedural goals cannot be achieved by the measure of temporary placement of minors (Article 67 of the Juvenile Justice Act/ JJA). This type of deprivation of liberty of a minor defendant can, exceptionally, be determined by the decision of the judge for juvenile offenders, whereby the duration of detention is limited to one month.(Art 67 §3 of the JJ Act). Based on the decision of the judicial panel for juvenile offenders, the detention may be extended for additional two months, if there are justified reasons (Art. 67\ §4 of the JJ Act). Unlike the provisions in Chapter 29 of the Criminal Procedure Code of Serbia (which regulated criminal proceedings against minors before the adoption of the Juvenile Justice Act RS), the duration of custody of minors is, by the *lex specialis* in the field of juvenile delinquency, limits even after the completion of the preparatory procedure. Namely, from the date of submitting the proposal for imposing a criminal sanction, detention for a senior juvenile offender (aged 16-18) can last no longer than six months, and for a junior minor (aged 14-16) it cannot exeed four months (Art. 67 § 5 of the JJ Act). From the moment of imposing an educational measure of referral to an aducational and correctional facility and from imposing the sentence of juvenile prison, the duration of detention is limited to six months (Art. 67 § 6 of the JJ Act).

These positive law solutions on the custody of minors removed any doubts regarding the time limit of custody after the completion of the preparatory procedure, arising from the provisions of the previously valid Chapter 29 of the Criminal Procedure Code (CPC) RS. In addition, the explicitly prescribed obligation to monthly review the need for continued detention was a decisive turn towards full respect for international and constitutional standards on the human rights protection of detained minors. Regarding the legal grounds for ordering custody, the Juvenile Justice Act RS (Art. 67 § 1) provides for the corresponding application of the grounds envisaged in Article 142 § 2 of the CPC.

Under the Criminal Procedure Code RS, detention may be ordered:

a) if the person suspected of having committed a criminal offense is hiding or if his/her identity cannot be established, or if there are circumstances indicating a risk of escape;

b) if there are circumstances that indicate that the defendant will destroy, hide, alter or falsify evidence or traces of a criminal offense, or if special circumstances indicate that the defendant will obstruct the proceedings by exerting influence on the witnesses, accomplices or concealers (the risk of collusion);

c) if special circumstances indicate that the defendant will repeat the criminal act, or complete the attempted criminal act, or commit the criminal act he threatens to commit;

d) if the duly summoned defendant obviously avoids appearance at the main hearing:

e) if the criminal offense is punishable by a term of imprisonment of more than 10 years, and if it is justified due to the manner of commission or gravity of the consequences of the criminal offense, or a more severe punishment due to the manner of commission, consequences or other circumstances of the offense (Article 211 CPC).

Although the Juvenile Justice Act provisions do not provide for the corresponding application of the provisions of the Criminal Procedure Code concerning the appeal to the decision on detention and on the extension of detention, it can be considered that there is no justification for different treatment of detainees in regard to these circumstances.

A minor is detained separately from adult detainees. In case the judge for juvenile offenders assesses that isolation would be harmful for a minor, the judge has a discretionary authority to order that the minor be placed in custody together with an adult (Art. 68 §1 of the JJ Act). A juvenile judge has the same rights

towards a minor as an investigating judge has towards a detained defendant under investigation in regular criminal proceedings. However, given the qualitatively different approach to the criminal responsibility of minors, a judge for juveniles must take special care about the personality characteristics and the needs of each minor (Art. 68 § 2 of the JJ Act).

4.2. Detention of minors in comparative law

Deprivation of liberty of minors for procedural reasons is envisaged in all major legal systems, despite the expansion of the concept of restorative justice. Of course, attempts are being made to humanize the regime of juvenile detention, which is designated as the so-called pre-trial and trial phase of the procedure.

In addition to retention in police custody, the French juvenile criminal law also envisages the possibility of ordering detention within the framework of formal criminal proceedings against minors, especially in the so-called pre-trial phase of the proceedings. Detention imposed on a minor who is suspected of committing a criminal offense which is punishable by a term of imprisonment of three or more years is carried out in a prison environment. However, in accordance with changes instituted in 2002, juveniles accused of minor crimes can be detained in "closed educational centers", whereby any failure to fulfill these obligations may be sanctioned by detention in prison. (Wyvekens, 2006:173-186).

According to Dutch law, after a minor is retained in police custody, the preventive deprivation of liberty in the pre-trial phase of the procedure can last no longer than 100 days. The first ten days after the end of the police retention is determined by the public prosecutor, while the duration of preventive deprivation of liberty in the pre-trial phase (the three-month detention period) is based on the decision of the juvenile court. Under Dutch law, the maximum duration of detention for a minor is one year for minors aged 12-16, or two years for minors aged 16-18. (Youth Justice in the Nederland, 3)

In Italian law, detention of minors is an exceptional security measure for minors. This measure is determined when there is a risk of escape, a risk of destruction of evidence, a risk of recidivism or continuation of an attempted serious criminal offense (Art. 23. para. 3 DPR 448-88). The duration of detention is limited, ranging from one month to 2 years for minors aged 14-16, and from a month and a half to 3 years for minors aged 16-18. (DPR 448)

In German law, preventive deprivation of liberty of minors is prescribed in the provisions of the German *Jugendstrafverfahren* (JGG), a *lex specialis* focusing on social response to juvenile offenders. Under this Act, juveniles can be sentenced to pre-trial detention in exceptional circumstances. This type of preventive deprivation of liberty is a subsidiary measure of procedural coercion, which is imposed only if the same goal cannot be achieved by the application of an order on the upbringing of minors or other measures (§ 72, para. 1 JGG). Pre-trial detention due to the risk of flight can only be ordered against minors under the age of 16 if they have escaped the proceedings or escaped from the institution, or if they do not have a permanent residence and stay in the jurisdictional area of the German courts. Juveniles serve pre-trial detention in special institutions or in special departments of prison institutions (§ 93).

The law of England and Wales envisages the mandatory detention of minors who are tried for murder, which is imposed for an unlimited time! This form of detention was prescribed by the Children and Youth Act of 1953 (amended in 1963), and it is ordered at the discretion of the Crown (Detained during Her Majesty's pleasure). The duration of detention, however, depends on the assessment of the State Secretary in the Ministry of Internal Affairs! He has the discretion to refer the case to the Parole Board. If the Board's decision is positive, the Secretary of State has the discretion to determine the conditional release of minors (Article 35, para. 2 of the Criminal Justice Act). The amendment to the Criminal Code of 1997 prescribed the exclusive jurisdiction of the Board for deciding on conditional release of minors (Article 28 of the Criminal Code). In 1999, the European Court of Human Rights (ECtHR) ruled on the compatibility of retention at the discretion of the Crown, prescribed by English positive law. The Court concluded that this

type of detention of minors does not contradict the prohibition of subjecting the defendant to torture and other forms of torture, but that it is not in accordance with the right to a fair trial (Article 6 of the European Convention on Human Rights).

The Croatian legislation also provides for the restriction of the personal freedom of minors for procedural purposes. Thus, in accordance with the decisions of the juvenile judge and the juvenile panel, a juvenile may be detained for a maximum period of three months (Art. 73 of the Juvenile Courts Act RC).

In North Macedonia, preventive deprivation of liberty of minors is also based on a court decision. A juvenile judge may order custody of a juvenile for one month, but the juvenile panel may extend the duration of custody for additional two months (Article 110 of the Juvenile Justice Act RNM).

4.3. Temporary accommodation of minors

In addition to detention in police custody, the Juvenile Justice Act (JJ Act) of the Republic of Serbia envisages a temporary placement of minors in relevant institutions as another type of deprivation of liberty of minors. In criminal proceedings against minors, during the pre-trial (preparatory) proceedings, the judge for juvenile offenders may issue a decision on the temporary placement of the minor in a shelter, educational or correctional institution, or may order that a minor be placed under the supervision of a guardianship authority or placed in another family. This limitation of the defendant's freedom is possible if it is necessary to separate the minor from the environment in which he lived, or for the purpose of providing assistance, supervision, protection or accommodation of the minor (Art. 66 § 1 of the JJ Act).

The measure of temporary placement of minors is not a criminal sanction, and it does not imply the obligation to examine the personality of the minor before it is awarded. The shortcoming of the legal regulations for the temporary placement of minors is reflected in the fact that the duration of this measure is not determined. Considering the obligation of all authorities participating in criminal proceedings involving minors to take immediate action, and bearing in mind that detention is a matter of restricting the minors' freedom of movement, the duration of this measure should be reduced to a minimum.

The decision on the temporary placement of minors can be disputed by filing an complaint, within the time limit of 24 hours from the adoption of the decision. It may be filed by the minor, parents, adoptive parents, guardian, defense attorney, and public prosecutor for juvenile offenders (Art. 66 § 2 of the JJ Act). The legal provisions does not specify who the appeal is submitted to and who decides on it. As the time limit for filing an appeal is 24 hours, the urgency of the procedure dictates that the juvenile panel of the first-instance court decides on the appeal (Perić, 2005: 166). Accommodation costs are paid in advance from budget funds, and are treated as costs of criminal proceedings (Art. 66 § 3 of the JJ Act).

Considering the restrictive nature of this measure in terms of restricting minors' personal freedomfunds andtion arises as to whether the time spent in a shelter, educational or correctional institution is included in the duration of educational measures of an institutional type and in the sentence of juvenile prison (in line with the provisions of Art. 63 of the Serbian Criminal Code). According to one point of view (Perić, 2005: 166), the answer to this question is affirmative because temporary accomodation of minors is one type of deprivation of liberty, and like any other deprivation of liberty, it is included in the duration of criminal sanctions imposed on minors (as envisaged in Art. 67 § 2 JJ Act). Some scholars emphasize that this measure is primarily aimed at achieving social and pedagogical goals, but it is also part of the procedural mechanism for achieving some preventive and security goals that are achieved by ordering detention. Thus, a minor who is temporarily placed in an institution is less likely to escape or commit a new crime. For these reasons, time spent serving this measure should be included in the duration of criminal sanctions against minors (Јосиповић, 1998: 399). According to another point of view presented in the theory of criminal procedure law, the measure of temporary placement/accommodation of minors does not have the character of a measure of deprivation of liberty and, therefore, it cannot be included in the duration of criminal sanctions against minors (Лазаревић, Грубач, 2005: 129).

If we start from the fact that the general tendency in juvenile criminal law is to transform retributive justice into restorative justice, it seems logical that further development of the normative framework of the measure of temporary accommodation of minors will contribute to shaping it as a procedural measure of ensuring the presence of minors, which would largely reduce the use of detention in proceedings against minors (Радуловић, 2008: 190). In particular, this would be achieved by temporarily placing a minor in another family or under the supervision of the guardianship authority. Generally, it would be in line with the tendencies to reduce the execution of measures of procedural coercion in the non-prison environment, which have been observed in comparative law.

This type of restriction of libary may be also applied to an older minor (aged 16-18), under the conditions stipulated in Article. 51 § 3 JJ Act, and in the case of the connection between the criminal acts of the minor and the adult defendant. It follows from the legal norm (Art. 67 § 1 JJ Act) that the measure of temporary accommodation of minors is the primary means of restricting the personal freedom of minors because detention may be ordered if the purpose for which detention is ordered cannot be achieved by this measure. This legal wording opens up the following dilemma: in cases of the need to apply measures of procedural coercion, whether the judge for juvenile offenders should first determine the measure of temporary accommodation of minors, and then order detention of the minor only if this measure does not achieve the desired goal. We are of the opinion that there are two types of restrictions on personal freedom, which have completely different *ratio legis*. While detention primarily achieves procedural goals, temporary placement of minors in a shelter, educational or similar institution, or placement under the supervision of a guardianship authority or in another family achieves extra-procedural goals (separation from the previous environment, provision of assistance, supervision, protection or accommodation of minors). Therefore, it would be pointless to condition the application of a measure aimed at achieving procedural goals with the prior application of a measure that achieves extra-procedural goals!

The German *Jugendstrafverfahren* (JGG) envisages the possibility of determining the measure of temporary placement of minors in a suitable home, if this is justified in terms of the minor's development and protection from committing further criminal acts (§ 71, para. 2 JGG). It is a temporary measure related to the minor's upbringing, which is determined by the judge's order. The court may also determine the measure of minor's placement for the purpose of observation (§ 73 JGG), whose aim is to facilitate the conduct of expert examinations on the mental development of minors. After hearing the defense counsel and experts, the judge may issue a conclusion. The measure is implemented in relevant mental-health institutions, and it can last six weeks. An appeal may be filed against the court's decision, which is decided by an urgent procedure.

The Croatian normative framework of the measure of temporary placement of minors in an appropriate institution or under the supervision of the guardianship authority seems to be aimed at achieving the unequivocally expressed social and pedagogical goals (protection from jeopardizing minors' development) and procedural goals (preventing recidivism and repetition of a criminal act). Such a conclusion may be drawn from the wording of the legal provision in Article 72 of the Juvenile Courts Act RC because these goals are expressly emphasized in terms of implementation of the measure of temporary placement of minors! This may be an additional argument in favour of transforming the physiognomy of this measure and affirming its procedural role. This measure is also envisaged in North Macedonian legislation (Art. 108 of the Juvenile Justice Act).

Final remarks

Juvenile perpetrators may exceptionally be subjected to measures of procedural coercion. The aim of these measures is to ensure the presence of minors in criminal proceedings, but also to protect minors from further committing criminal acts through appropriate educational influence.

Preventive deprivation of liberty of minors, especially in the pretrial stages of the procedure, must be the result of a court decision. The possibility of determining the police retention of minors does not contribute to the achievement of the postulate of a higher level of protection of minors. If this measure exists in legal systems, it is necessary to ensure judicial control of the execution of this measure of procedural coercion. Detention of minors should be a subsidiary measure of procedural coercion against minors. The Primacy must have measures from a wide repertoire of social and health protection mechanisms for this category of offenders.

The application of custody to minors can be reduced by greater affirmation of the measure of temporary placement of underaged persons. By expanding the normative milieu of this measure, the principles of restorative justice would be affirmed to a greater extent. Primarily, this refers to the temporary placement of minors in another family or placing them under the supervision of guardianship authorities. In this way, the principle of applying procedural coercion to juveniles outside the prison environment would be strengthened, which is required by international standards, as well as by the intentions represented in comparative law.

BIBLIOGRAPHY

Josipović, Ivo (1998). Uhićenje i pritvor, Zagreb, Targa, 1998 ;

Лазаревић, Љ., Грубач М. (2005). Коментар Закона о малолетним учиниоцима кривичних дела и кривичноправној заштити малолетних лица, Београд, 2005;

Перић, О. (2005). *Коментар Закона о малолетним учиниоцима кривичних дела и кривичноправној заштити малолетних лица,* Београд, 2005;

Радуловић, Д. (2008). Притвор и друга лишења слободе малољетних учинилаца кривичних дела, Зборник радова са међународног научног скупа *Кривичноправна питања малолетничке делинквенције,* Српско удружење за кривичноправну теорију и праксу, Београд, 21-22. 03. 2008;

Wyvekens, A (2016). The French Juvenile Justice System, in: *International Handbook of Juvenile Justice.* eds.J.Junger-Tas, S.H.Decker, Springer, 2016 (pp.173-186); ffhalshs-00458770f

Legal documents*;*

The Convention on the Rights of the Child, UN General Assembly Resolution 44/25, 20 November 1989; https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child;

The *UN Standard Minimum Rules for the Administration of Juvenile Justice* (the Beijing Rules), UN General Assembly A/RES/40/33, 20 November 1995; https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile;

The *UN Rules on the Protection of Juveniles Deprived of their Liberty* , UN General Assembly Resolution 45/113, 14 December 1990; https://resourcecentre.savethechildren.net/pdf/United-Nations-Rules-for-the-protection-of-juveniles-deprived-of-their-liberty.docx/;

The Constitution of the Republic of Serbia, *Official Gazette of the Republic of Serbia",* Nos. 98/2006 and 115/2021, http://www.parlament.gov.rs/upload/documents/Constitution_%20of_Serbia_pdf.pdf

The Criminal Procedure Code, *Official Gazette RS,* Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019; https://mpravde.gov.rs/files/CRIMINAL%20PROCEDURE%20CODE%20%202019.pdf

Zakono o maloletnim učiniocima krivičnih dela i o krivičnopravnoj zaštiti maloletnih lica Republike Srbije (Act on Juvenile Offenders and Criminal-law Protection of Minors of the Republic of Serbia (hereinafter: the Juvenile Justice Act, JJ Act), *Službeni glasnik* RS, b.85/2005 ;

DPR n. 448 del 22 septembre del 1988 „Approvazione delle dispozioni sul processo penale a carico di imputati minorenni" e dal Decreto Legislativo n. 272 del 28 luglio 1989, https//www.altalex.com

Jugendgerichtsgesetz (JGG)-In der Fassung vom 11. Dezember 1974 (BGBI. I. S. 3427), das zuletzt durch Artikel 7 des Gesetzes vom 29. Juli 2009 (BGBl. I S. 2280) geändert worden ist; www.gesetze-im-internet.de;Criminal Justice and Public Order Act, 1994, www.legislation.gov.uk;

Youth Justice in the Nederlands, https://www.researchgate.net/publication/291550668_Youth_Justice_in_the_Netherlands

Zakon o sudovima za mladež , NN, br.126_19 Law on Youth Courts, https//zakon.Hr;

(Law of Justice for Children), www.pravda.gov.mk;

Judicial practice (case law)

ECtHR judgment: *V. v. the United Kingdom* of 16 December 1999, appl. no. *24888/97.*