

THE CRIMINAL LAW FRAMEWORK AND JUDICIAL SENTENCING OF ROBBERY AND ARMED ROBBERY

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Abstract

The research examines the manner in which perpetrators of the criminal offences of robbery and armed robbery are sanctioned under the provisions of the Macedonian Criminal Code. These offences protect property as their legal interest and are characterised by a combination of two elements: the appropriation of another person's movable property and the use of force or threats in order to achieve that objective. The temporal scope of the research covers the period from 2017 to 2024 and aims to determine the types of sanctions imposed on perpetrators of the aforementioned offences, as well as whether the sentencing policy applied by the courts is consistent with the provisions of the Criminal Code. The findings indicate, in general terms, a relatively lenient sentencing policy of Macedonian courts towards perpetrators of robbery and armed robbery. In the majority of cases, convicted offenders were sentenced to terms of imprisonment below the statutory minimum. The research also reveals a significant use of alternative sanctions, particularly suspended sentences, as well as instances in which security measures were imposed without the simultaneous imposition of a criminal penalty. The study demonstrates a significant discrepancy between the sanctions prescribed by law and those effectively imposed by the courts. Accordingly, recommendations are proposed for adjusting judicial sentencing policy, taking into account the principles of legality and the individualisation of punishment. The research employs analytical and empirical methods and relies primarily on official statistics provided by the State Statistical Office.

Keywords: *Criminal offences, convicted persons, property, sanctioning, Macedonian criminal law*

1. Introduction

Crimes against property constitute one of the oldest and most prevalent categories of criminal offending across contemporary legal systems. Their defining characteristic lies in the infringement or endangerment of property rights, which are recognised as fundamental human rights and safeguarded by both domestic and international legal instruments (Rahmatov, 2025). Owing to their widespread occurrence and diverse manifestations, property offences exert a significant impact upon economic stability, social security, and the general perception of legal protection within society (Soares, Guimarães, de Carvalho, & de Sousa, 2024). In this respect, offences against property do not merely amount to individual violations of the rights of injured parties, but also constitute a serious social concern requiring continuous normative and institutional attention (Child & Ormerod, 2019).

Within the framework of property offences, the legislator distinguishes between non-violent and violent forms of criminal conduct. Whereas certain offences, such as theft or fraud, are typically committed without the direct use of force, other forms involve elements of physical or psychological violence against the victim (Borovskikh & Shmygina, 2023). Such offences are regarded as particularly serious, since they simultaneously infringe both the property and personal rights of citizens. Violent property crime extends beyond the sphere of material damage and gives rise to long-term consequences affecting the sense of security, public confidence in institutions, and overall public safety (Burrell, 2022).

Robbery and armed robbery constitute typical examples of violent property crime and occupy a central position within the system of offences against property (Mathews, 2002). Their specific nature derives from the fact that the unlawful appropriation of another person's movable property is accompanied by the use of force or a serious threat to the life or bodily integrity of the injured party. These offences underscore the social harmfulness of property crime, as victims are confronted not only with material loss, but also with an immediate risk to their physical and psychological integrity. For this reason, robbery and armed robbery must be sanctioned more severely in comparison with other property offences (Knežić & Jovanović, 2003).

Although at first glance robbery and armed robbery appear similar, their legal distinction is of fundamental importance for the correct application of criminal law (Dickinson, Topalli, & Wright, 2023). The differences between these two offences are reflected in the timing, intensity, and function of the use of force or threat, as well as in the perpetrator's subjective relationship to the offence. In judicial practice, this distinction frequently gives rise to dilemmas and inconsistencies in legal qualification, which may have a direct impact on the type and severity of the imposed sanctions. Consequently, the issue of sanctioning perpetrators of robbery and armed robbery is inseparably linked to their precise legal classification (Isakov, 2022).

In North Macedonia, robbery and armed robbery are criminalised under the Criminal Code as serious offences against property, for which stringent penalty

ranges are prescribed. However, the statutory regulation of sanctions is not the sole factor determining the effectiveness of penal policy. Of fundamental importance is the manner in which courts apply these provisions in concrete cases, as well as whether the imposed penalties are proportionate to the gravity of the offence, the degree of culpability, and the personality of the offender. The issue of fairness, consistency, and the deterrent effect of sentencing remains continuously relevant and warrants thorough scholarly analysis.

In this context, a study was conducted on the sentencing of perpetrators of robbery and armed robbery in North Macedonia for the period from 2017 to 2024. The selected time frame enables an examination of longer-term trends in judicial practice, as well as an analysis of possible shifts in sentencing approaches influenced by legislative amendments, judicial policy, and broader social circumstances. The research encompasses an analysis of the imposed penalties, their type and severity, as well as the frequency of the application of custodial and alternative sanctions.

The study seeks to determine whether there is consistency in sentencing, whether the penal policy achieves its objectives of general and special prevention, and whether there are deviations that may indicate a need for its adjustment.

The aim of this research is to provide a comprehensive overview and critical assessment of the sentencing of robbery and armed robbery within the Macedonian criminal justice system, in order to contribute to a better understanding of the effectiveness of the existing penal policy. Based on the obtained results, the study seeks to offer a foundation for further scholarly discussion and practical recommendations aimed at enhancing legal certainty, improving victim protection, and ensuring the effective combat against property crime.

2. Methodology

Within the framework of the research, several scientific methods have been applied in order to ensure a comprehensive, systematic, and scientifically grounded approach to the analysis of the effectiveness of sanctioning the criminal offences of robbery and armed robbery.

The combination of different methodological approaches enables the identification and examination of both the theoretical and practical challenges involved in the implementation of penal policy relating to the sanctioning of the aforementioned criminal offences.

Through the analytical method, a systematic analysis of the normative framework governing the criminal offences examined in the study is conducted. The constituent elements of the criminal offences as set out in the Criminal Code of the Republic of North Macedonia are analysed by determining the punishable conduct and the sanctions prescribed by law.

The empirical method is applied through an analysis of official statistical data and judicial practice in the Republic of North Macedonia. This approach makes it

possible to identify specific trends in the sanctioning of the aforementioned criminal offences. The analysis of empirical data further enables a connection to be drawn between the theoretical framework and the practical outcomes of judicial activity.

The data sources used in this research include national legislation, judicial practice, and empirical data obtained from the State Statistical Office, the official national statistical authority. With regard to judicial practice, the research analyzes 17 court judgments originating from the four appellate regions concerning the criminal offences covered by the research. The combination of these sources enables a comprehensive assessment of both the legal and practical dimensions of the research subject.

3. Normative approach

The offences of robbery and armed robbery are classified within the group of offences against property under the Macedonian CC.¹ Compared to theft and aggravated theft, these offences are characterised by a higher degree of criminal danger, as well as a stronger resolve on the part of the perpetrator to commit the offence through the use of threat or violence, with the aim of unlawfully appropriating another person's property.

Thus, in accordance with the CC, the basic form of the offence of robbery is committed by a person who, through the use of force or a threat of an immediate attack upon the life or body of another, unlawfully takes away another person's movable property with the intention of unlawfully appropriating it. The essence of the said provision lies in the fact that the perpetrator first employs force or threat against the victim and subsequently takes possession of the movable property, which constitutes the object of his unlawful conduct. For such unlawful behaviour, the CC prescribes a custodial sentence of not less than five years.

The law also provides for privileged and aggravated forms of the offence of robbery, along with corresponding sanctions for their commission.

Thus, where the value of the appropriated item is lower, and the perpetrator intended to unlawfully appropriate property of such value, the prescribed penalty is imprisonment of one to five years. In this context, "lower value" is understood as a value corresponding to one-half of the officially published average monthly salary in the state at the time the offence was committed.

¹ Кривичен законик (Criminal Code) Службен весник на Република Македонија бр. (Official Gazette of the Republic of Macedonia No.) 37/1996, 80/1999; 48/2001; 4/2002; 16/2002; 43/2003; 19/2004; 40/2004; 81/2005; 50/2006; 60/2006; 73/2006; 87/2007; 7/2008; 139/2008; 114/2009; 51/2011; 51/2011; 135/2011; 185/2011; 142/2012; 143/2012; 166/2012; 55/2013; 82/2013; 14/2014; 27/2014; 28/2014; 41/2014; 41/2014; 115/2014; 132/2014; 160/2014; 199/2014; 196/2015; 226/2015; 97/2017; 170/2017; 248/2018; Службен весник на Република Северна Македонија бр. (Official Gazette of the Republic of Macedonia No.) 36/2023; 188/2023;

On the other hand, where the value of the appropriated property is of significant magnitude, or where the offence is committed out of hatred, the offender shall be punished with imprisonment of not less than eight years. It is necessary to explain the criteria underlying such gradation. Accordingly, "significant magnitude" refers to a value corresponding to 250 average monthly salaries in the state at the time of commission of the offence. Furthermore, a hate crime is understood as a criminal offence against a natural or legal person, as well as persons or property connected to them, which is committed wholly or partly on the basis of a real or perceived (assumed) characteristic or association of the victim relating to race, skin colour, nationality, ethnic origin, religion or belief, mental or physical disability, sex, gender identity, sexual orientation, or political belief.

Where, in the commission of the offence, grievous bodily harm is intentionally inflicted upon another person, or where the offence is committed as part of a group or gang, or where a firearm or dangerous instrument is used, or where, during the commission of the offence in a bank, exchange office, post office, or other public place, the life or bodily integrity of two or more persons is endangered, the offender shall be punished with imprisonment of not less than ten years.

The most serious form of the offence is prescribed where, in the course of its commission, a person is intentionally deprived of life. In such cases, the offender shall be punished with imprisonment of not less than ten years or with life imprisonment.

The second offence covered by the research is armed robbery. In accordance with the law, its basic form is committed by a person who, having been caught in the act of theft, uses force or threatens an immediate attack upon the life or body of another with the intention of retaining the stolen property. In this offence, the act of theft precedes the use of force or threat, which represents the reverse sequence compared to robbery. For the basic form of this criminal offence, a custodial sentence of not less than five years is prescribed.

The same privileged and aggravated forms of the offence prescribed for robbery are also provided for armed robbery.

Thus, where the value of the appropriated property is lower and the perpetrator intended to unlawfully appropriate property of such value, the prescribed penalty is imprisonment of one to five years.

Conversely, where the value of the stolen property is of significant magnitude or the offence is committed out of hatred, the offender shall be punished with imprisonment of not less than eight years.

Likewise, the two most serious forms of the offence are as follows:

- where, in the commission of the offence, grievous bodily harm is intentionally inflicted upon a person, or where the offence of armed robbery is committed as part of a group or gang, or where a firearm or dangerous instrument is used, or where, during the commission of the offence in a bank, exchange office, post office, or other public place, the life or bodily integrity of two or more persons is

endangered, the offender shall be punished with imprisonment of not less than ten years;

- where, in the course of the commission of the offence, a person is intentionally deprived of life, the offender shall be punished with imprisonment of not less than ten years or with life imprisonment.

4. Discussion

Proceeding from the fact that the aim of the research is to determine the societal response, as reflected in final and binding court judgments delivered by the courts in North Macedonia, towards perpetrators of the criminal offences of robbery and armed robbery, the following section will provide a comprehensive overview of sentencing policy for the period 2017–2024.

4.1. Robbery

In 2017, 39 individuals were convicted of the offence of robbery, of whom 35 were men and four were women. The convicted persons were sentenced to 32 custodial sentences and seven alternative measures.²

Of the imposed penalties, the largest number of convicted persons received sentences below the statutory minimum, most commonly being sanctioned with imprisonment ranging from three to five years.³

Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
3	7	9	7	1	4	1

Figure 1. Imposed sentences on convicted persons for the offence of robbery in 2017

² Државен завод за статистика (2025). (State Statistical Office). Осудени полнолетни лица според видот на кривичното дело, видот на изречената санкција и полот, по години (Convicted adult persons by type of criminal offence, type of imposed sanction, and gender, by year)

https://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat_Sudstvo_ObvinetiOsudeniStoriteli/275_SK2_Mk_T13_ml.px/table/tableViewLayout2/ last accessed 04.01.2026

³ Државен завод за статистика (2025). (State Statistical Office). Осудени полнолетни лица според видот на кривичното дело и изречените главни казни - затвор и парична казна, по години (Convicted adult persons by type of criminal offence and imposed principal penalties – imprisonment and fine, by year)

https://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat_Sudstvo_ObvinetiOsudeniStoriteli/300_SK2_Mk_T14_ml.px/table/tableViewLayout2/ last accessed 06.01.2026

All seven alternative measures took the form of suspended sentences, serving as a warning coupled with the threat of the execution of a determined custodial sentence. No convicted person was imposed an alternative measure involving community supervision, which falls within the competence of the probation service.⁴

In 2018, the number of persons convicted of the offence of robbery increased to 46, of whom 43 were men and three were women. In terms of sanctions, the majority were custodial sentences, amounting to 39, alongside seven alternative measures.

As regards the imposed custodial sentences, the majority again consisted of imprisonment ranging from three to five years.

Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
5	5	10	3	5	7	4

Figure 2. Imposed sentences on convicted persons for the offence of robbery in 2018

Nearly 75% of the imposed custodial sentences were below the statutory minimum. Notably, seven convicted persons were sentenced to imprisonment ranging from six months to one year, while four offenders received sentences of up to six months. Such a sentencing practice raises questions regarding the effectiveness of sanctions and the prospects for offender rehabilitation, particularly in light of the short duration of the custodial penalties imposed.

With regard to alternative measures, the data mirror those from the previous year, namely that all seven convicted persons were imposed suspended sentences with a determined custodial penalty. The issue is twofold. First, in relation to the offence of robbery, given its seriousness and the degree of harm to protected legal interests, there is limited scope for imposing alternative measures. Second, where alternative measures are nevertheless applied, the question arises as to why they do not include measures involving community supervision, such as community service or a suspended sentence with protective supervision.

In 2019, 31 individuals were convicted by the courts for the offence of robbery, of whom 30 were men and one was a woman. All convicted persons were

⁴ Државен завод за статистика (2025). (State Statistical Office). Осудени полнолетни лица според видот на кривичното дело и видот на изречените алтернативни мерки, по години (Convicted adult persons by type of criminal offence and type of imposed alternative measures, by year)
https://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat_Sudstvo_ObvinetiOsudeniStoriteli/325_SK2_Mk_T15_ml.px/table/tableViewLayout2/ last accessed 06.01.2026

imposed custodial sentences, most commonly within the range of three to five years of imprisonment.

Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
1	6	11	4	2	3	4

Figure 3. Imposed sentences on convicted persons for the offence of robbery in 2019

The same practice is observed as in previous years, whereby the majority of convicted persons are sentenced to imprisonment of less than five years, with particularly problematic being custodial sentences of up to one year, i.e. short-term imprisonment.

In the following year, 2020, 28 individuals were convicted of the offence of robbery, all of whom were male. Custodial sentences were imposed on 25 convicted persons, while three were subject to alternative measures. In terms of imprisonment, a stricter sentencing policy is observed, as it was most frequently imposed in the range of five to ten years.

Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year
1	11	5	7	-	1

Figure 4. Imposed sentences on convicted persons for the offence of robbery in 2020

The alternative sentencing policy continues to rely exclusively on suspended sentences. Accordingly, all three convicted persons were imposed suspended sentences with a determined custodial penalty. Courts in 2020 likewise did not impose any alternative measures involving community supervision.

In 2021, compared to the previous year, the number of persons convicted of robbery doubled, reaching 53. Of these, 50 were men and three were women. In terms of sanctions, 44 convicted persons were imposed custodial sentences, while nine were subject to alternative measures.

Life imprisonment	Imprisonment of 20 years	Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
1	-	4	7	13	10	3	4	1

Figure 5. Imposed sentences on convicted persons for the offence of robbery in 2021

Forty-three convicted persons were imposed custodial sentences, most commonly ranging from three to five years, as well as from two to three years. It is noteworthy that one offender was sentenced to life imprisonment.

According to the law, a fine is not prescribed for the offence of robbery, however, in 2021 the courts imposed a fine on one convicted person in the amount of 10,000 to 30,000 denars.

With regard to alternative measures, there are no changes, as all nine alternative sanctions took the form of suspended sentences. In this context, it should be noted that the Probation Service of North Macedonia was established in law in 2016..

In 2022, a total of 46 individuals were convicted, all of whom were male. Custodial sentences were imposed on 40 convicted persons, while six were subject to alternative measures.

Imprisonment of 20 years	Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
1	1	13	11	11	1	1	1

Figure 6. Imposed sentences on convicted persons for the offence of robbery in 2022

The most frequently imposed custodial sentence was imprisonment ranging from five to ten years, which is in line with the statutory sanction. However, taken overall, more than 60% of imprisonment sentences were below six years, with particularly problematic being custodial sentences of up to one year.

With regard to alternative measures, all convictions concerned suspended sentences, reflecting the continuation of a practice that is far from achieving the objectives of penal policy based on supervision within the community environment.

In 2023, 44 individuals were convicted of the offence of robbery, of whom 42 were men and two were women. The majority, namely 40 convicted persons, were imposed custodial sentences, while four offenders were subject to alternative measures.

Imprisonment of 20 years	Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year
1	5	17	11	3	1	2

Figure 7. Imposed sentences on convicted persons for the offence of robbery in 2023

A more stringent sentencing policy is characteristic of this period, as nearly 60% of custodial sentences exceed five years, alongside a reduction in the number of offenders sentenced to up to one year of imprisonment.

The alternative sentencing policy remains unchanged, continuing to rely on suspended sentences. In fact, all four convicted persons were imposed suspended sentences with a determined custodial penalty, a measure which falls outside the scope of the activities of the Probation Service.

The final year covered by the research is 2024, during which 53 individuals were convicted of the offence of robbery, of whom 52 were men and one was a woman. Custodial sentences were imposed on 46 convicted persons, five were subject to alternative measures, while two offenders were imposed a security measure without the imposition of a sentence.

Imprisonment was imposed on 45 convicted persons, most commonly within the range of five to ten years; however, approximately 55% of the offenders received custodial sentences below five years.

Imprisonment of 20 years	Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
1	5	14	10	9	2	3	1

Figure 8. Imposed sentences on convicted persons for the offence of robbery in 2024

One convicted person was imposed a fine, although it is not prescribed by law for the offence of robbery, in an amount exceeding 30,000 denars.

Two offenders were imposed security measures, which are not prescribed as sanctions for the offence of robbery and are aimed at eliminating conditions or circumstances that may influence the offender to commit future criminal acts, in essence, these measures are predominantly of a medical nature.

With regard to alternative measures, a positive shift can be observed. Of the five alternative measures imposed, three convicted persons were subject to suspended sentences, while two offenders were imposed suspended sentences with protective supervision.

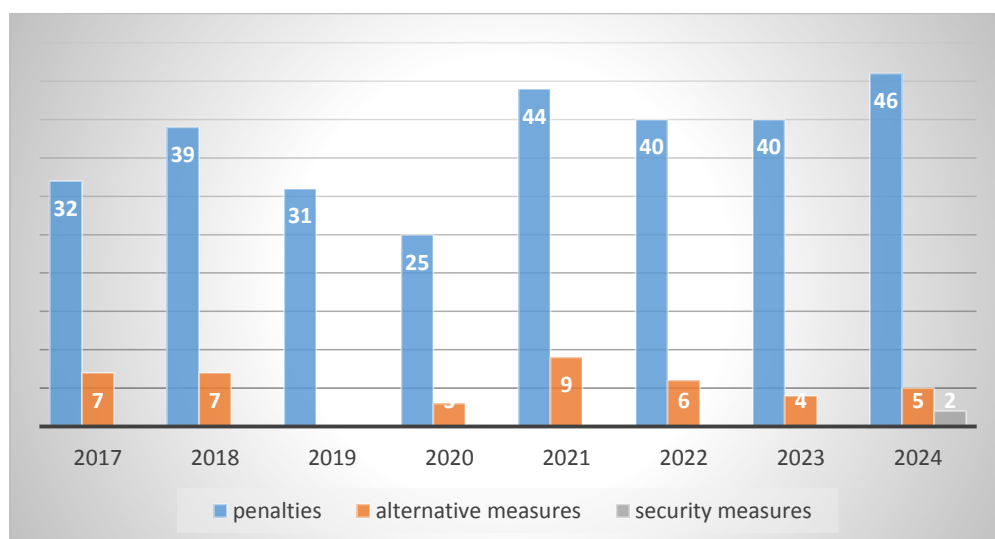


Figure 9. Sanctions imposed on convicted persons for the offence of robbery, 2017–2024

With regard to gender structure, it may be concluded that robbery is predominantly a male offence. Out of a total of 340 persons convicted of robbery, 326 were men, while 14 were women.

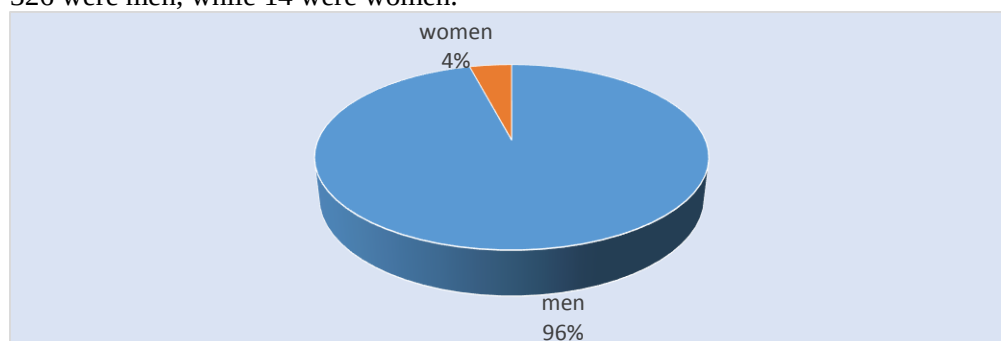


Figure 10. Gender structure of persons convicted of the offence of robbery, 2017–2024

4.2. Armed robbery

In the case of armed robbery, the offender's criminal persistence is particularly evident in his determination to unlawfully retain another person's movable property after being caught in the act of committing the offence. In essence, up to the moment of being apprehended, the conduct of the offender has the character of theft or aggravated theft; however, after that point, if the offender uses force or threatens to do so in order to retain the stolen property, his actions fulfil the legal elements of the offence of armed robbery (O'Donnell & Morrison, 1997).

According to the research data, in 2017 the courts in North Macedonia convicted eight individuals of the offence of armed robbery, all of whom were male, and imposed seven custodial sentences and one alternative measure.⁵

Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
1	3	2	-	-	-	1

Figure 11. Imposed sentences on persons convicted of the offence of armed robbery in 2017

In principle, the imposed custodial sentences are consistent with the objectives of penal policy, with the exception of the sentence of up to six months' imprisonment, as well as the alternative measure imposed in the form of a suspended sentence with a determined custodial penalty.

In 2018, the number of convicted persons increased to 12, all of whom were male. Custodial sentences were imposed on eight convicted persons, while four were subject to alternative measures.

Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
1	-	2	-	1	1	2

Figure 12. Imposed sentences on persons convicted of the offence of armed robbery in 2018

⁵ Државен завод за статистика (2025). (State Statistical Office). Осудени полнолетни лица според видот на кривичното дело, видот на изречената санкција и полот, по години (Convicted adult persons by type of criminal offence, type of imposed sanction, and gender, by year)

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What is particularly striking is the fact that the majority of custodial sentences were imposed below the statutory minimum.⁶ If this is further taken into account alongside the four alternative measures, all of which took the form of suspended sentences, it follows that the overall conclusion points to a relatively lenient sentencing policy for a serious criminal offence such as armed robbery.

When it comes to alternative measures, their imposition for armed robbery is generally debatable. On the other hand, the fact that only suspended sentences are imposed, with no application of measures involving community supervision through the activities of the Probation Service, represents an additional negative finding.⁷

In 2019, the number of convicted persons decreased to five, all of whom were male. Three of the convicted persons were imposed custodial sentences, while two were subject to alternative measures.

Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year
1	-	-	-	2

Figure 13. Imposed sentences on persons convicted of the offence of armed robbery in 2019

When it is taken into account that two convicted persons were imposed an alternative measure in the form of a suspended sentence, while two others were sentenced to imprisonment ranging from six months to one year, the conclusion regarding the relatively lenient sentencing policy of the courts in relation to a serious criminal offence such as armed robbery is reaffirmed.

In 2020, the data mirror those of the previous year, with five individuals convicted, all of whom were male. Three of the convicted persons were imposed

⁶ Државен завод за статистика (2025). (State Statistical Office). Осудени полнолетни лица според видот на кривичното дело и изречените главни казни - затвор и парична казна, по години (Convicted adult persons by type of criminal offence and imposed principal penalties – imprisonment and fine, by year) https://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat_Sudstvo_ObvinetiOsudeniStoriteli/300_SK2_Mk_T14_ml.px/table/tableViewLayout2/ last accessed 10.01.2026

⁷ Државен завод за статистика (2025). (State Statistical Office). Осудени полнолетни лица според видот на кривичното дело и видот на изречените алтернативни мерки, по години (Convicted adult persons by type of criminal offence and type of imposed alternative measures, by year) https://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat_Sudstvo_ObvinetiOsudeniStoriteli/325_SK2_Mk_T15_ml.px/table/tableViewLayout2/ last accessed 10.01.2026

custodial sentences, while two were subject to alternative measures. However, the continuation of a relatively lenient sentencing policy remains striking.

Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year
1	-	1	1

Figure 14. Imposed sentences on persons convicted of the offence of armed robbery in 2020

All imposed custodial sentences were below the statutory minimum, while suspended sentence was the only alternative measure applied. In general, there was no application of alternative measures involving supervision, such as community service or suspended sentence with protective supervision.

In 2021, seven individuals were convicted, including for the first time one female offender and six male offenders, and custodial sentences were imposed on the convicted persons.

Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
2	1	-	3	-	1

Figure 15. Imposed sentences on persons convicted of the offence of armed robbery in 2021

The majority of the imposed custodial sentences were below the statutory minimum. Notably, one offender was sentenced to imprisonment of up to six months, which appears to lack a logical connection with the achievement of the objectives of punishment in relation to a serious criminal offence such as armed robbery.

In 2022, five individuals were convicted of armed robbery, all of whom were male and sanctioned with custodial sentences. With regard to sentencing, an additional “lenient” trend in penal policy can be observed, reflected in the imposition of sentences below the statutory minimum, as well as particularly short custodial sentences.

Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
1	-	1	2	1

Figure 16. Imposed sentences on persons convicted of the offence of armed robbery in 2022

In 2023, the number of convicted persons increased to eight, comprising seven men and one woman. Six of the convicted persons were imposed custodial sentences, while two were subject to alternative measures.

Imprisonment 10-15 years	Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
1	-	3	1	-	-	1

Figure 17. Imposed sentences on persons convicted of the offence of armed robbery in 2023

In general, custodial sentences were predominantly imposed below the statutory minimum, while the alternative measures remained unchanged, consisting solely of suspended sentences with a determined custodial penalty.

In the final year covered by the research, 11 individuals were convicted of armed robbery, all of whom were male. Seven convicted persons were imposed custodial sentences, while four were subject to alternative measures.

With regard to sentencing, a further trend towards an even more lenient penal policy can be observed, marked by the predominance of short custodial sentences.

Imprisonment 5-10 years	Imprisonment 3-5 years	Imprisonment 2-3 years	Imprisonment 1-2 years	Imprisonment from 6 months to 1 year	Imprisonment up to 6 months
-	-	1	2	4	-

Figure 18. Imposed sentences on persons convicted of the offence of armed robbery in 2024

The alternative sentencing policy, for which in essence there is no room in relation to the offence of armed robbery, continues to be based solely on suspended sentences, without the application of any supervision-based measures. Accordingly, four convicted persons were imposed suspended sentences with a determined custodial penalty by the courts.

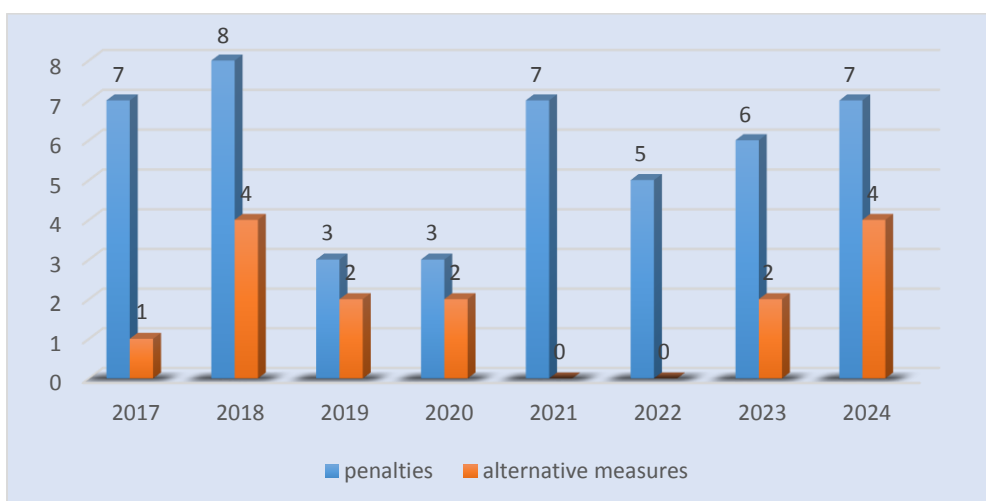


Figure 19. Sanctions imposed on persons convicted of the offence of armed robbery, 2017–2024

From the data on the gender structure of convicted persons, it follows that armed robbery is a typically male criminal offence. Thus, out of a total of 61 convicted persons, only two were female, or 3%, while the remaining 97% were male.

5. Judicial practice

With a view to obtaining a clearer insight into judicial practice, the research analysed 17 judgments selected at random (10 judgments concerning the criminal offence of robbery and seven judgments concerning the criminal offence of armed robbery), delivered by the larger courts within the four appellate jurisdictions during the period under examination.

Thus, from the four analysed judgments concerning robbery delivered by the Basic Criminal Court Skopje, it may be observed that:

- by the judgment,⁸ the offender was sentenced to a term of imprisonment of three years and six months for two robberies committed within a period of three days, the second of which fell under paragraph 4 of Article 237. The offender was a repeat offender and, at the time of the proceedings, was already serving a custodial sentence for another criminal offence. As mitigating circumstances, the court took into account the offender's age (18 years) and the fact that he had established a family.
- by the judgment,⁹ the offender was given a suspended sentence, the mitigating circumstances taken into consideration being that the offender had no previous convictions and that no other criminal proceedings were pending against him.

⁸ Judgment of the Basic Criminal Court Skopje, case no. K-209/15, dated 9 July 2018

⁹ Judgment of the Basic Criminal Court Skopje, case no. K-541/18, dated 3 April 2018

- by the judgment,¹⁰ the offender was given a suspended sentence, the court having taken into account as mitigating circumstances the offender's admission of guilt, the remorse expressed, the undertaking that he would refrain from committing further criminal offences in the future, as well as the fact that he was a young person.
- by a judgment delivered in 2023,¹¹ the offender convicted of the criminal offence of robbery was sentenced to a term of imprisonment of three years, the court placing particular emphasis on the offender's admission of guilt, his family circumstances - being the father of three children, his difficult financial situation, as well as the fact that he had no previous convictions.

From the judicial practice of the Basic Court Bitola, two judgments were analysed:

- by a judgment¹² the offender was sentenced to a term of imprisonment of four years, the offender having admitted guilt, expressed remorse, and given an undertaking that he would not commit any further criminal offence. The court took into account as mitigating circumstances the offender's unemployment and the fact that he is the father of two minor children.
- by a 2023 judgment,¹³ the offender convicted of robbery committed in the dwelling of an elderly person living alone was sentenced to a term of imprisonment of three years. The offender was a recidivist, unemployed, and the father of minor children.

From the judicial practice of the Basic Court Shtip, two judgments were analysed:

- by the judgment,¹⁴ the offender was given a suspended sentence for the criminal offence of robbery, the court having emphasised several mitigating circumstances, namely the offender's admission of guilt, expressed remorse, unemployment, the fact that he is the parent of four minor children, and that he had no previous convictions.
- Almost identical mitigating circumstances were also set out in a 2020 judgment¹⁵ by which the offender convicted of the criminal offence of robbery was likewise granted a suspended sentence.

From the fourth appellate jurisdiction, two judgments of the Basic Court Gostivar were analysed:

- by the judgment,¹⁶ the offender was sentenced to a term of imprisonment of ten months, the court having taken into account the offender's admission of guilt,

¹⁰ Judgment of the Basic Criminal Court Skopje, case no. K-1938/20, dated 2 July 2021

¹¹ Judgment of the Basic Criminal Court Skopje, case no. K-363/23, dated 28 February 2023

¹² Judgment of the Basic Court Bitola, case no. K-473/20, dated 29 September 2020

¹³ Judgment of the Basic Court Bitola, case no. K-290/22, dated 20 October 2023

¹⁴ Judgment of the Basic Court Shtip, case no. K-315/19, dated 26 April 2021

¹⁵ Judgment of the Basic Court Shtip, case no. K-364/19, dated 24 September 2020

¹⁶ Judgment of the Basic Court Gostivar, case no. K-523/23, dated 5 February 2024

expressed remorse, and unemployment. Although the offender was a repeat offender and had used physical force against the victim in the commission of the offence, these circumstances were also considered within the overall assessment of the case.

- by a 2023 judgment,¹⁷ the offender convicted of the criminal offence of robbery was sentenced to a term of imprisonment of three years, the court taking into account as mitigating circumstances the fact that the offender had no previous convictions and that he is the parent of minor children.

With regard to the criminal offence of armed robbery, four judgments from the Basic Criminal Court Skopje were analysed, namely:

- by a 2018 judgment,¹⁸ the offender convicted of the criminal offence of armed robbery was sentenced to a term of imprisonment of three years and six months. The offender pleaded guilty and expressed remorse, and was unemployed; however, he was also a repeat offender.
- almost identical characteristics were also present in a 2020 judgment,¹⁹ by which the offender was sentenced to a term of imprisonment of one year and ten months. The offender had admitted guilt, expressed remorse, and was unemployed; he was also a repeat offender and the parent of a minor child.
- in another 2018 judgment,²⁰ the offender, a young person and a special multiple repeat offender, was sentenced to a term of imprisonment of two years.
- by the judgment,²¹ the offender convicted of the criminal offence of armed robbery was sentenced to a term of imprisonment of five years, the court having taken into account as mitigating circumstances the offender's admission of guilt, expressed remorse, and the fact that he is a young person.

During the period under examination, no judgments were delivered by the Basic Court Bitola in respect of the criminal offence of armed robbery.

From the judicial practice of the Basic Court Shtip, two judgments were analysed:

- by the judgment,²² the offender was sentenced to a term of imprisonment of five months, the court having taken into account the offender's admission of guilt, expressed remorse, poor financial situation (unemployment), and the fact that he was a young person with no previous convictions.
- by a 2024 judgment,²³ the offender was sentenced to a term of imprisonment of one year, the court having emphasised the offender's admission of guilt and

¹⁷ Judgment of the Basic Court Gostivar, case no. K-581/21, dated 3 January 2023

¹⁸ Judgment of the Basic Criminal Court Skopje, case no. K-617/18, dated 13 April 2018

¹⁹ Judgment of the Basic Criminal Court Skopje, case no. K-330/20, dated 9 November 2020

²⁰ Judgment of the Basic Criminal Court Skopje, case no. K-394/18, dated 17 December 2018

²¹ Judgment of the Basic Criminal Court Skopje, case no. K-1754/22, dated 19 September 2022

²² Judgment of the Basic Court Shtip, case no. K-264/21, dated 1 June 2022

²³ Judgment of the Basic Court Shtip, case no. K-7/24, dated 22 October 2024

remorse, as well as his difficult financial situation, notwithstanding the fact that he was a repeat offender.

During the period under examination, the Basic Court Gostivar delivered one judgment²⁴ concerning the criminal offence of armed robbery, by which the offender was sentenced to a term of imprisonment of eight years. In the commission of the offence, a weapon was used and the victim's life was endangered. The offender was a repeat offender, a parent of five minor children, and had a higher education qualification.

Conclusion

Robbery and armed robbery are serious criminal offences in which the protected legal interest is property. They are characterised by the appropriation of another person's movable property combined with the use of force or threat thereof. The distinction between them lies in the timing of the use of force or threat, namely whether it is employed before the appropriation or after the appropriation of the movable property, for the purpose of retaining it.

Starting from the similarity in the manner of execution, Macedonian criminal legislation provides the same penalties for both offences, including for both the basic form of the offence and its qualified and privileged forms.

From the research, which focuses on the manner of sanctioning offenders for the criminal offences of robbery and armed robbery by Macedonian courts for the period 2017-2024, it follows that, in essence, a relatively lenient sentencing policy is applied, particularly in respect of armed robbery. Custodial sentences below the statutory minimum are frequently imposed, with short-term sentences of up to one year being especially problematic. In such circumstances, it is difficult to achieve the aims of punishment, including the attainment of justice, as well as general and special prevention. In the case of short custodial sentences, there are scarcely any conditions for the implementation of treatment measures in respect of the offender, while at the same time there is a risk of "criminal contagion".

The sentencing policy for these criminal offences cannot rely on alternative measures. This gives rise to an even more significant issue, namely the predominance of suspended sentences - an alternative measure that does not entail supervision by the Probation Service. This raises the question as to why the courts, when opting for an alternative sanction, have not imposed community service or a suspended sentence with protective supervision, given that, in their execution, the convicted person remains at liberty within the community but under the supervision of the Probation Service.

It is surprising that, in respect of two offenders convicted of robbery, a security measure was imposed without the imposition of a custodial sentence. Such

²⁴ Judgment of the Basic Court Gostivar, case no. K-311/23, dated 26 July 2023

an approach to sanctioning serious criminal offences is difficult to accept from the perspective of the protection of legally protected interests and values.

For both criminal offences, the convicted offenders are predominantly male, while the representation of female offenders is minimal, accounting for approximately 3-4% of the total number of convicted persons.

Judicial practice confirms the findings regarding a “lenient” sentencing policy, frequently imposing penalties below the statutory minimum; however, it also reveals differing approaches adopted by courts from different appellate jurisdictions in cases with similar factual circumstances.

In order to achieve the objectives of punishment, it is necessary for Macedonian courts to adopt a stricter sentencing policy towards perpetrators of the criminal offences of robbery and armed robbery, primarily within the limits prescribed by law. It is, of course, acknowledged that not all cases are identical and that some offenders should be punished more leniently through the application of statutory provisions on mitigation of punishment, however, this should not constitute the rule, but rather the exception.

The application of alternative measures, most commonly in the form of suspended sentences, and even security measures, in respect of perpetrators of these criminal offences is difficult to justify and is contrary to the aims of punishment and the reduction of recidivism.

The research demonstrates a “lenient” sentencing policy adopted by the courts towards perpetrators of both criminal offences, and such a sentencing policy is contrary to the achievement of both general and special prevention.

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