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ENFORCEMENT OF ALTERNATIVE MEASURES FOR JUVENILES: LEGAL, INSTITUTIONAL AND PRACTICAL ISSUES

in Sarajevo and Banja Luka

Part 1

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The non-governmental organization Criminal Policy Research Center aims at implementation, advocacy, and enhancement of academic research in the fields of criminal law, criminology, criminal policy, and similar disciplines, respectively. Furthermore, it seeks to establish the cooperation with other institutions, organizations and associations who have alike or similar programme objectives, and education and professional training in the area of criminal policy, respectively.

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THE ASSOCIATION CRIMINAL POLICY RESEARCH CENTER

This report titled „Enforcement of Alternative Measures for Juveniles: Legal, Institutional and Practical Issues“ is the result of the research carried out with the support and assistance by the Italian Development Cooperation Office under the project titled „Strengthening Juvenile Justice in Bosnia and Herzegovina“, over the period of May-October 2009, on the territories of the cities of Sarajevo and Banja Luka.

The survey would not have been conducted save for the support and assistance from numerous institutions in Bosnia and Herzegovina, and we owe special gratitude to: the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, Ministry of Education and Culture of the Republic of Srpska, Federal Ministry of Education, Ministry of Education and Science of the Sarajevo Canton, Education and Pedagogic Institute of the Sarajevo Canton, Cantonal Center for Social Work of Sarajevo, Center for Social Work of Banja Luka, Daycare Center for Juveniles of Banja Luka, Disciplinary Center for Juveniles of Sarajevo, Institute for Upbringing of Male Children and Youth „Hum“ Sarajevo, Primary Schools: Fatima Gunic and Skender Kulenovic (Sarajevo); Georgi Stojkov Rakovski and Branko Radicevic (Banja Luka), Secondary Schools: Economic School, Traffic Technical School, Medical School (Sarajevo); Economic School, and Agricultural School (Banja Luka).

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The association Criminal Policy Research Center (CPRC)

DIRECTORATE GENERAL FOR DEVELOPMENT COOPERATION

The protection and the promotion of the rights of children and adolescents represent the fundamental pillar of the international human rights system, as well as an integral part of the Italian foreign policy for development cooperation. Inspired by the principles enshrined in the UN Convention on the Rights of the Child and in the two Optional Protocols, the main objective of the Italian Cooperation is to contribute to the worldwide improvement of children's living conditions. Although the specific legislation on children's rights has already been ratified by almost all the countries of the world, millions of girls and boys are still suffering harassment and violence.

In recent years, the Italian Cooperation has included the protection and promotion of fundamental rights of children and adolescents among its strategic priorities, adopting the Convention on the Rights of the Child and elaborating security guidelines on the related issues, which are currently being updated according to the new international standards.

The Directorate General for Development Cooperation (DGCS) is currently undertaking initiatives in developing countries aimed at introducing or strengthening juvenile justice systems that might ensure an adequate treatment of juveniles, through the implementation of prevention activities and the adoption of measures alternative to imprisonment.

The purpose of the projects on "Juvenal Justice" so far implemented in different parts of the world, is twofold: on the one hand, they are oriented towards the institutional level, in order to ensure the creation of an efficient justice administration system and a legal framework for a better protection of a criminalized child; on the other, they are oriented towards the community level, with the aim of promoting a new culture of human rights based on the support and rehabilitation of children at risk and in conflict with the law.

These interventions are carried out through awareness-raising and prevention activities, the dissemination of cognitive tools, the creation of mechanisms for intersectoral and interdepartmental coordination, as well as through the training of social and judicial operators, both at the central and the local level.

The initiative "Strengthening of the Juvenal Justice in Bosnia and Herzegovina", realized in collaboration with several Italian institutions, lies within this framework and includes trainings for personnel operating in various sectors (police officers, judges, prosecutors, social workers, and journalists), creation of rehabilitation centres for juveniles in conflict with the law and the implementation of activities in support of the local basic services.

Being part of the communication and awareness-raising activities of the project, this research aims at analyzing the attitude of the public opinion towards the phenomenon of children in conflict with the law, with particular reference to the adoption of measures alternative to imprisonment.

The phenomenon of juvenal delinquency was analyzed through social research methods, which allowed to collect data and information, crucial for the development of future interventions aimed at strengthening juvenal justice in Bosnia and Herzegovina.

Elisabetta Belloni
Director General
Directorate General for Development Cooperation
Ministry of Foreign Affairs

THE MINISTRY OF HUMAN RIGHTS AND REFUGEES OF BOSNIA AND HERZEGOVINA

The study "Enforcement of Alternative Measures for Juveniles: Legal, Institutional and Practical Issues" in many ways represents a step forward and a valuable contribution to the development of the civil society's attitude towards the phenomenon of juvenal delinquency in Bosnia and Herzegovina, which is becoming more and more relevant among the youth. The application of alternative measures represents a new issue also for the criminal practices of the countries considered to be far more developed than Bosnia and Herzegovina. This is the reason why this kind of approach is deserving of the highest praise. The analysis of the situation in two urban areas such as Banja Luka and Sarajevo, as well as the subsequent study on the attitude of the civil society, both lay and professional, towards the effectiveness of alternative measures for juveniles in conflict with the law, is a serious step towards a comprehensive solution to the problem. As opposed to the traditional repressive treatment, which has evidently failed to provide any adequate results, we expect a better outcome from alternative approaches, at least as far as recidivism is concerned.

The results of this study should encourage us, both as citizens and professionals, since they clearly reveal that citizens are prepared to and interested in collaborating for the application of alternative measures for juveniles. The most important finding is that the absolute majority of students are willing to participate to these programs. We have established specific coordination bodies for the different categories of juveniles in Bosnia and Herzegovina. Nowadays, the country can count on a specific Code of Ethics that all the studies regarding children must attain to, the Strategy for the Prevention of Violence Against Children and the Strategy Against Juvenal Delinquency, while the coordination bodies for the implementation of the Strategy on Juveniles and Alternative Penalization Measures are finalizing a comprehensive and long-term strategy on juvenal delinquency.

All the abovementioned points let us hope that we have made significant steps forward. Today, our strategies find their own etiology in the pilot research on the communities and groups they refer to. With this approach, we are sending the message that serious initiatives are being undertaken in Bosnia and Herzegovina and that we are thinking about our future. Finally, is there any better confirmation of such an attitude, than the same decision of taking care of juveniles, including those who are showing pre-delinquent behavior and need help?

We are very grateful to the Embassy of Italy and the Cooperation Office in Sarajevo, for their support to this research through the project "Strengthening the Juvenal Justice System in Bosnia and Herzegovina", to the Criminal Policy Research Centre in Sarajevo and to the Coordination Body for the implementation of the Strategy Against Juvenal Delinquency in Bosnia and Herzegovina, that supports research projects considering them as tools for the successful management of the policy against juvenal delinquency.

The Minister of Human Rights and Refugees
Dr. Safet Halilović

WORKING GROUP ON MINORS' RIGHTS

The research „Enforcement of Alternative Measures for Juveniles: Legal, Institutional and Practical Issues“ is one of the activities realized within the Italian Cooperation project titled “Strengthening of the Juvenal Justice System in Bosnia and Herzegovina”, that was launched in February 2009 and is being implemented in 4 towns of Bosnia and Herzegovina: Sarajevo, Banja Luka, Dobož and Zenica.

The implementation of the project was made possible thanks to the collaboration and the support of numerous institutional partners at the State level (Ministry of Human Rights and Refugees, Ministry of Justice), as well as at the Entity and Cantonal ones (Ministries of Justice, Ministries of Education, Ministries of Internal Affairs, Ministries of Labor and Social Policies).

The general objectives of the project aim at responding to the need of improving the living conditions of youth in Bosnia and Herzegovina, in particular those of juveniles at risk and in conflict with the law. The overall goal is to protect their rights within and outside the judiciary procedure – contributing to a more positive attitude of the civil society towards the issues related to juveniles in conflict with the law – and to improve the quality of media reporting on this matter by enhancing information broadcast, in order to protect the juveniles' rights, with particular reference to those cases involving children and adolescents.

The project particularly contributed to develop the capacities of those institutions dealing with juveniles in conflict with the law (in both the pre- and post-judicial phases), to train the personnel operating in this sector (police officers, judges, prosecutors, social workers, and journalists) and to strengthen the local social services. The project activities were implemented according to the guidelines specified in the national Strategy for Fighting Juvenile Delinquency 2006 – 2010, with the support of the Coordination Body, which was established in 2008 with the specific purpose of supervising the implementation of the Strategy and is headed by the Ministry of Human Rights and Refugees.

The research – entrusted to the Criminal Policy Research Center, an Association that gathers criminologists from University of Sarajevo – responds to the need of improving the civil society's understanding of those phenomena regarding juveniles at risk and in conflict with the law. Particular attention was paid to the possibility of applying alternative measures for juveniles who commit crimes in Bosnia and Herzegovina. To that purpose, the study follows two different lines: one concerning the analysis of the institutional and normative context related to the treatment of crimes committed by juveniles and the other regarding the analysis of the civil society's, students' and social workers' attitude towards this issue.

The field research involved 1,600 interviewees, who were given a questionnaire aimed at evaluating the perception of crimes committed by juveniles, as well as the public attitude towards the possibility of introducing alternative measures.

This last element represents, in fact, the condition sine qua non in order to promote the adoption by the local institutions of alternative measures for juveniles at risk and in conflict with the law.

We hope this work will prove to be a useful tool for the further development of this field.

Working Group on Minors' Rights
Central Technical Unit (UTC)
Directorate General for Development Cooperation (DGCS)
Ministry of Foreign Affairs (MAE)

The Working Group on Minors' Rights is composed by: *Maria Chiara Venier, UTC Expert in Social Policies; Paola Viero, UTC Expert in Children Policies, Raimondo Maria Cocco, Alessandra Piermattei, Claudio Forgione, officials at the UTC, and Francesca Tramontana, trainee at the UTC.*

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FOREWORD

There has been increasing attention by the government of Bosnia and Herzegovina to juvenile justice reform in Bosnia and Herzegovina in the last year.

The study aims to contribute to strengthening of the juvenile justice system in Bosnia and Herzegovina, providing support in application of the "**Strategy to Combat Juvenile Delinquency in BiH (2006-2010)**". The survey was conducted in order to recognize the perception in the state about the problem of children in conflict with the law, and it was conducted through the questionnaires distributed to pupils, citizens, social workers and NGOs.

We hope that the present study will offer a basic dataset and tool to treat juvenile in conflict with the law outside the formal system of criminal justice at any stage (the police interrogation, the preliminary proceedings, through bail, redirection of case by the prosecutor or judge) diverting it to alternative models of work that ensure that juvenile offenders are reintegrated into society.

INTRODUCTION

Juvenile justice, as opposed to criminal justice, recognizes children who come into conflict with the law as victims. It takes into account the fact that children lack the maturity of adults (morally and cognitively, physically and emotionally). It recognizes the vulnerability of children to experimentation, victimization, and to becoming involved in crime and that the problems experienced in childhood or adolescence can have lifelong implications. The overwhelming majority of children coming into conflict with the law are victims of neglect, exploitation, and social and economic hardship. These children need and have a right to proper care, guidance, protection and the opportunity of social reintegration – needs on which the juvenile justice system should be based.

The number of juvenile perpetrators is increasing, the rate of recidivism is increasing, juveniles are increasingly violent in perpetration of crimes, frequently in commission of crimes they associate with adult perpetrators, etc. At the same time, the representatives of institutions explain such phenomenon by the fact that the capacities of penal and correctional institutions for juveniles are insufficient in order to respond to the growing problem of delinquency in a satisfactory way, thus implicating that building of new prison capacities would bring about a reduction rate of delinquency among juveniles. However, this neglects the results of numerous studies, indicating that prisons do not accomplish the purpose of penalization of juveniles (rehabilitation and reintegration), that prisons lead to recidivism and to establishment of the prison-release-prison cycle. In other words, it neglects the fact that the building of new prisons does not influence the reduction in the rate of delinquency among juveniles and that improved community security does not occur. On the contrary, studies show that prisons deteriorate the health, primarily the mental health condition of juveniles, that time spent in prison leads to increased use of drugs by juveniles (thus increasing the risk of contracting HIV/AIDS and other infectious diseases), that violence is an integral part of the time juveniles spend in jail.

The primary goals of alternative measures are not to reach solution of inexistence of the penal and correctional capacities, but to try to stop the evil cycle of prison-release-prison. Therefore, their essence is in enforcement of criminal sanctions within the community (rather than in isolation) in accordance with the purpose of penalization (rehabilitation and reintegration), thus creating a long-term effect on community protection and security. In addition, the experiences of some states (e.g. Sweden, Latvia, and Russia) indicate upon the fact that application of alternative measures against juveniles is a much more cost-effective solution in terms of economy than incarceration is.

The existing data in Bosnia and Herzegovina indicate upon the fact that alternative measures, although stipulated in criminal legislation, are seldom pronounced. The problems pointed out most frequently as the reason for rare application of these sanctions are the lack of legislation regulating pronouncement and enforcement of alternative measures in detail, and non-existence of appropriate infrastructure (institutions, programs, supervision). The application of alternative measures however does not only depend on the legal and institutional framework, but on the practice of the participants in the criminal justice system (police, prosecutors, judges) which needs to be based on understanding of the options for alternative measures to influence the behavior of juveniles and a conviction that this type of sanction fully completes the purpose of the sanctioning. In addition, as these are sanctions which

are as a rule enforced in the community environment, the application of alternative measures also depends on the positions of the community itself (that is, the public), in terms of pronouncement and enforcement of this type of criminal sanctions.

This study, undertaken with financing of Italian Government, endeavors to give a greater understanding of the perception of public opinion about the juvenile justice system's treatment in Bosnia and Herzegovina.

Greater knowledge and understanding is critical to developing appropriate interventions for prevention, protection and reintegration of children who are at risk or in conflict with the law. It is also essential for the development and promotion of alternative measures to the institutionalization of children in the juvenile justice system.

This paper presents the findings of research carried out over the period of May-October 2009, on the territories of the cities of Sarajevo and Banja Luka.

It highlights the present implementation of legal standards for the administration of juvenile justice as expressed both in national and international legislation and analyses public opinion about the implementation of the alternative measures in these two cities.

Finally, urgent recommendations are made to key stakeholders for the implementation of alternative measures in juvenile justice system.

RESEARCH OBJECTIVES

Study on issues related to implementation of alternative measures for juveniles includes research in several areas, with following objectives:

1. Analysis of legal and institutional treatment of juvenile delinquency:

- a. Legal analysis of forms and prescriptive regulation of sanctions for juvenile offenders, with special review of alternative measures;
- b. Evaluation of harmonization of Bosnian-Herzegovinian regulations with international standards in the field of alternative measures;
- c. Analysis of institutional capacities for implementation of alternative measures for juvenile offenders (infrastructure, human and financial capacities, and the like);

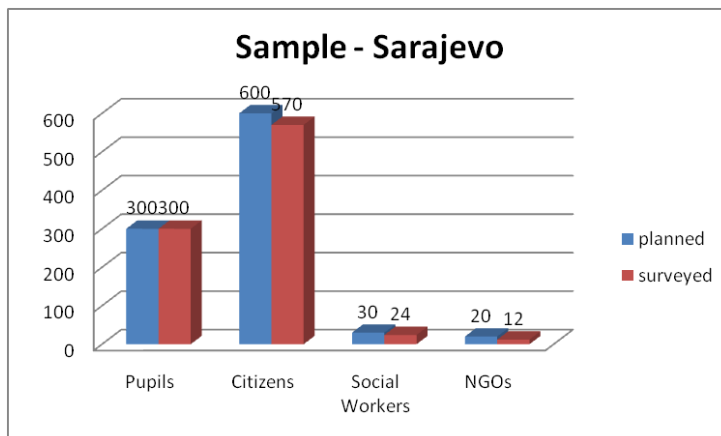
2. Analyses of attitudes of citizens, pupils, social workers and NGO employees:

- a. Approximation of the scope of juvenile delinquency in Bosnian-Herzegovinian society;
- b. Analysis of respondents' attitudes towards penalization in general (punitivity), with special regard to alternative measures and particularly to level of support to greater implementation of alternatives measures for juvenile offenders;
- c. Analysis of willingness of aforementioned categories in active support of more intense implementation of alternative measures, including attitudes on needs and responsibilities of the actors involved in act of delinquency committed by a juvenile;
- d. Analysis of convergences and divergences of attitudes of two largest Bosnian-Herzegovinian cities (Sarajevo and Banja Luka) on punitivity and acceptability of alternative measures for juvenile offenders.

RESEARCH METHODOLOGY

According to defined research objectives and its structure, a special part of research will relate to the analysis of the legal and institutional framework for the treatment of juvenile delinquents. Special attention will be focused on the provisions regarding the application and execution of alternative sanctions for this category of offenders. Positive provisions of the regulations will analyze the usual methods for the analysis of legislation and above all legal dogmatic and comparative legal methods. Such an approach to the critical analysis we will draw attention to the best solutions for the prevention and reduction of these crimes.

Alternative approach to juvenile penalization as an explicit method of treatment appeared as of 1967, when the US judiciary committee, having noted broad diversity in the conventional treatment of juveniles under the criminal system, concluded that this is a very inefficient system of response (Broner et al., 2005: 40). Namely, as the basis they took the fact that the rate of recidivism had not reduced in spite of the rigorous penal policy, but that it rather increased, and they proceeded with development of alternative methods, in order to attach significance to the very purpose of penalization in the US society. Alternatively, at a subsidiary level in the context of application of criminal sanctions, this would understand by all means a higher creativity, efficiency and effort on the part of the overall social community in order to attain the effects of the purpose of penalization inherent with the contemporary society.



The pilot study in Bosnia and Herzegovina plans to be implemented in Sarajevo and Banja Luka. These two cities are not only the largest urban centers, but also the most important economic, commercial, university and cultural centers in Bosnia and Herzegovina. Additionally, the most important state and entity institutions, diplomatic and consular missions and seats

of the majority of international organizations are located in these cities. Besides of above Sarajevo is the capital of Bosnia and Herzegovina and the entity of Federation of Bosnia and Herzegovina, while at the same time Banja Luka is the capital of Republic of Srpska. Due to the fact that the last census in Bosnia and Herzegovina was held in 1991, there are no precise demographic data for these two cities. However, official institutions¹ have published information on the assessment of the demographic situation in Sarajevo and Banja Luka. Thus, it is estimated that in 2008, there were less than 305,000 inhabitants in Sarajevo.² According to the data available for Sarajevo, the age distribution of the population was as follows: 15% of citizens aged up to 14 years, 68% of citizens were aged 15-64, and 17% of citizens were older than 65. According to the available sources, is assumed that in the

¹ Agency for Statistics of Bosnia and Herzegovina, Federal Office for Statistics, Republic Institute of Statistics of Republic of Srpska, Banja Luka City.

² Sarajevo, as a town, is composed of four municipalities: Stari Grad, Centar, Novo Sarajevo and Novi Grad.

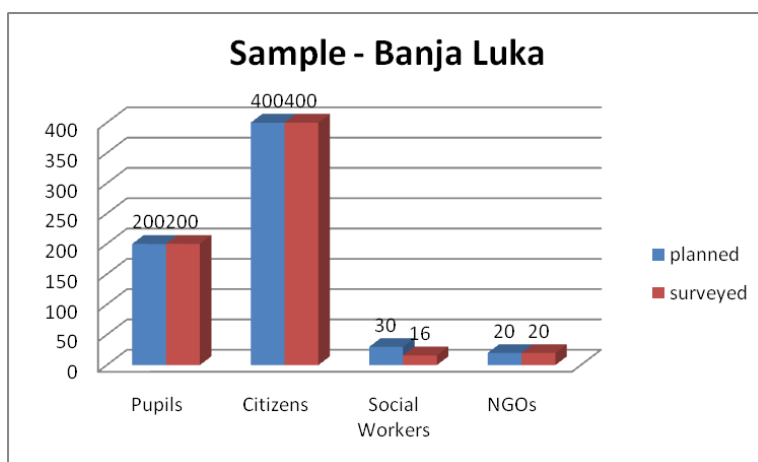
same period (i.e. 2008) between 220,000 and 250,000 inhabitants lived in Banja Luka. Unfortunately, more detailed demographic information for Banja Luka is not available. Additionally, it is estimated that total of around 35% of the population in Banja Luka are unemployed and around 25% of the population is employed. The analysis of data about pupil's population in these two cities reveals the following situation: in Sarajevo, in 2008, there were 25,254 registered primary school pupils and 19,273 secondary school students; in Banja Luka, on the other hand, in the same year, total of 16,960 of primary school pupils and 10,149 secondary school students. Given that the ratio of the estimated population in cities is between the observed 1.2 and 1.5, a number of primary and secondary schools between 1.4 and 1.9 in favor of Sarajevo, when planning the research sample we found a unique relationship of 1.5 in favor of the capital of Bosnia and Herzegovina. This ratio was therefore used for the sampling procedures related to the category of citizens and categories of students in these two cities. When it comes to the social workers and the NGO employees, whole population was surveyed, i.e. all social workers working on juvenile related issues in Sarajevo or Banja Luka and employees of all NGOs that responded to the Public Invitation of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina dated November 28, 2008, sent to all non-governmental organizations in Bosnia and Herzegovina which were interested in implementation of the Strategy to Combat Juvenile Delinquency in BiH (2006-2010).

In empirical part of this survey we shall try, through processing of primary data we reached through our own surveying instruments³, to approximate the adaptability of the local community and public opinion in the two largest cities in Bosnia and Herzegovina (Sarajevo and Banja Luka) to introduction of the new practice in penalization of juvenile delinquents. The case involves an analysis of conditions in the social communities of the two cities in Bosnia and Herzegovina in the context of the ability to apply or pronounce the so-called alternative measures against juveniles. Through development of specialized instruments (questionnaires) for specific categories of respondents, divided into the expert (social workers and non-governmental organizations) and lay (citizens and pupils of elementary and secondary schools) public, we shall try to answer the imposed goal, which can also be accepted as the project task, pertaining to the ability to apply alternative measures against the juvenile perpetrators in Bosnia and Herzegovina. However, in the very beginning, let us define the very sample of our survey.

Having in mind the issues related to alternative measures against juveniles, their nature, sense and purpose, we have opted to make a quota-based sample of population affected by the given problem in the two largest cities in Bosnia and Herzegovina: Sarajevo and Banja Luka. Our plan encompassed 1600 respondents, of which we managed to receive 1542 completed questionnaires, which is considered to be an exceptionally good response rate. Quotas were also used based on gender, age and geographic distribution as criteria in sampling.

³ For more details about the survey instrument see Survey instruments, below, page 9.

The very sample consisted of four subsamples, which, as we have already noted, are divided into the expert and lay public groups. The case involves social workers and employees of the non-governmental sector as the so-called expert public, and citizens and pupils of Sarajevo and Banja Luka, as the so-called lay public.



The citizens of city cores of Sarajevo and Banja Luka – they were selected based on a quota sample with application of the method of so-called snowballing. In the specific case, the poll-takers were tasked to ensure gender representation (50%-50% men and women) as well as a specific structure of age groups, which we divided into generations according

to the following schedule: 20-35, 36-50, 51-65, 65 and older. Each of the four categories included approximately some 25% of the sample, in order to jointly constitute a reasonable integral entity. Why such a procedure? The answer is simple. Alternative measures are a novelty on this territory and they come at the times when the citizens of Bosnia and Herzegovina in victimization studies show a high degree of fear of delinquency in general, that is to say, when they express distrust towards formal social control services in Bosnia and Herzegovina (Bojanić, Budimlić, Mujanović, & Datzer, 2007; Muratbegović, 2008). Therefore, we have opted to poll the citizens of all ages equally, having distributed them into the four mentioned categories. Thus we made a dispersion of responsibility of all generations towards this sensitive issue. We concluded that in this case it is more relevant to obtain the “intergenerational positions” in order to be able to compare and analyze them. Of course, we took into account the overall proportions of the populations of Sarajevo and Banja Luka, and the sample was planned accordingly. Additionally, given the fact that sample was purposive, it is fairly possible that the selection of respondents included in research were somewhat biased by the possible tendency of the respondents to find people with characteristics similar to theirs. This fact should be taken into consideration when examining the results.

Pupils were represented as „peer groups”, and are a very relevant portion of the sample for our survey. Namely, one of the alternative measures envisaged in the laws in many European countries is mandatory school attendance, and therefore it is very important to obtain the positions of peers on how such peers would be accepted at schools. The sample included randomly selected elementary and secondary schools in Sarajevo and Banja Luka. The sampling units were the schools themselves, and following this the pupils of the seventh and eighth graders were polled at each of them in the elementary schools of Sarajevo, that is to say, the eight and nine graders were polled in Banja Luka. This sample needs to be expanded by addition of the sample of the first and second graders of secondary schools in both cities, collected in the identical manner as in elementary schools. It is very important to note that specific classes were selected by ensuring the polling of all such classes which were present in the predetermined moment of the implementation of the survey. This method ensured the provision necessary for „randomness of the sample”.

On the other hand, the polling of social workers proved to be a very hard task. The case involved experts who professionally work on issues of juvenile delinquency, and their positions were of crucial significance for us. However, of the planned 60 respondents, we managed to poll 40. The annual leave period denied us the maximum response, but even 2/3 of the planned sample is sufficient for further detailed analyses.

For the needs of this survey, it was also necessary to select the sample of NGOs involved in youth issues in general, but also including the issues of juveniles who are „in conflict with the law“. In this case, we used the Public Invitation of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina dated November 28, 2008, sent to all non-governmental organizations in Bosnia and Herzegovina which were interested in implementation of the Strategy to Combat against Juvenile Delinquency in Bosnia and Herzegovina. In this way, we had a list of all those NGOs which by their profiles are involved in treatment of juveniles, but also those who have demonstrated interest in these issues. After we had received from the officials of the Ministry the list of NGOs who had responded to the Public Invitation, we sent out the poll-takers to the addresses of all organizations who had applied. In this way, we avoided classical sampling and tried to encompass the overall population of (the interested) employees in the non-governmental sector.

Data gathered by means of survey are inputted in separate datasets using category of respondent as criteria, and subsequently synthesized in a single dataset. For data entry and analysis was utilized software package SPSS, version 17.0 .

Upon inputting the data, the latter were subject to technical and logical control. The data are presented verbally, tabularly and graphically. The basic descriptive and inferential statistics are used.

SURVEY INSTRUMENTS

One of the research objectives is to analyse the attitudes of public (citizens, pupils, social workers and NGO employees) in Sarajevo and Banja Luka with regard to a number of issues that are directly or indirectly related to the effective implementation of the alternative measures for juvenile offenders. Due to the fact that these representatives of the public may be divided into lay public (citizens and pupils) and professional public (social workers and NGO employees), as well as to the different roles these four categories are likely to play in the process of the implementation of the alternative measures for juvenile offenders, four separate research instruments (questionnaires) have been prepared for the purpose of the survey.

Structurally, all four questionnaires contain a set of variables common for all categories of respondents. These include socio-demographic variables, perception of the juvenile delinquency, exposure to media (and the type of media), victimisation experiences, perceptions of the needs and responsibilities of the stakeholders in a crime, punitive attitudes (imprisonment vs. alternative measures), attitudes towards practical implementation of educational measures, and social distance to a juvenile offender. Additionally, the questionnaires contained a set of questions specific to each of the surveyed categories. The decision as to which specific questions are to be included for which category of respondents was pretty much determined by the essence of the alternative measures and the context of their implementation in practice. Since the implementation of the alternative measures requires a significant contribution and involvement of the community, the questions specifically included in the questionnaire for citizens were those related to the perception of the neighbourhood and its potential/readiness for the implementation of the alternative measures. Based on the same reasoning, the questions included in the questionnaire for pupils were those related to the perception of the school and its potential/readiness for the implementation of the alternative measures. The questionnaires designed for the representatives of the professional public, i.e. social workers and NGO employees, included a number of questions related to specialised education with regard to the level of completed education (in general), years of working experience with juveniles, specialised education related to children's human rights and the implementation of alternative measures for juveniles as well as actual experiences with the practical implementation of the alternative measures for juveniles.

Content wise, the core of the questionnaires are the variables related to both the respondents' punitive attitudes and their attitudes towards practical implementation of the alternative measures. The punitive attitudes are measured in relation to the educational recommendations and imprisonment as defined by the criminal legislation in Bosnia and Herzegovina.⁴ Attitudes towards practical implementation of the alternative measures, on the other hand, is intended to assess the respondents' attitudes towards a number of possible practical ways of implementation of the educational recommendations as prescribed by the law. Here, with the intention to check the pulse of the public in relation to some alternative measures based programmes developed and implemented abroad, but still not provided for by the legislation in Bosnia and Herzegovina, the attitudes towards practical implementation of alternative measures included some variables resembling the essence of the family group conferencing and community conferencing for juveniles.

With regard to the type of juvenile delinquency, the questionnaires could not possibly address all forms of delinquency juveniles do get involved in nowadays. There-

⁴See Corrective recommendation, page26.

fore, the decision has been made to focus the survey on the following five types of juvenile delinquency: physical violence (inflicting bodily injuries), shoplifting, vandalism, robbery, and computer related crime. These types of delinquency were included into the questionnaires mainly because computer, property and violence related delinquency are the types of delinquent behaviours juveniles in Bosnia and Herzegovina most frequently get involved in.⁵ For the purpose of the survey, the chosen types of delinquency were designed through a set of facts creating five separate, specific scenarios. It is important to note here that the scenarios were so designed that, based on the sentence prescribed by the law for the behaviour in question, the implementation of any of the alternative measures would not be allowed. This was done with the purpose of testing if the public would welcome the introduction of alternative measures for more serious forms of juvenile delinquency. Additionally, the respondents were asked if their personal attitude towards the practical implementation of the alternative measures would be different had the juvenile in question been a recidivist.⁶

⁵ See Budimić, Maljević, Muratbegović, International Self-Report Delinquency Study 2: National report - Bosnia and Herzegovina, in: Junger-Tas, J. et al (Eds). *Juvenile Delinquency in Europe and Beyond: Results of the Second International Self-Report Delinquency Study*, New York: Springer, 2009, pp. 341-358.

⁶ Assuming that respondents in primary schools might have difficulties in differentiating between primary delinquency and recidivism, the question on recidivism was not asked to pupils. Therefore, when considering respondents' attitudes towards recidivist juvenile delinquency, the results for the total sample were obtained not including subsample of pupils. Therefore, in the graphs presenting attitudes towards implementation of alternative measures in cases of recidivism, value "0" shall be indicated for this category of respondents.

LIMITATIONS OF THE STUDY

Presented study is theoretical and empirical and includes both analyses of international and domestic legal norms regulating alternative manners of dealing with delinquent behavior committed by juvenile and field survey of attitudes of diverse categories of community.

Theoretical part could certainly take into consideration institutional capacities in alternative treatment of juveniles in conflict with law. Although originally intended to be conducted, due to ample time schedule, this part of research had to be left for some other study.

Critical moment in empirical part was sampling. The study was, namely, quite ambitiously framed and included the survey of divergent classes of respondents, namely school pupils, "ordinary" citizens, NGO activists and social workers. Given the fact that empirical part of the study was carried out just before or during the summer months, summer holidays and breaks played a circumstantial role which significantly impacted the selection of snowball sample of citizens, and accidental sample of school pupils, respectively. It implicated non-probability sampling and the latter influenced the representativeness of the samples. Furthermore, contacted NGOs were the ones which applied to Public invitation of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina dated November 28, 2008, which were interested in implementation of the Strategy to Combat against Juvenile Delinquency in Bosnia and Herzegovina. Although reasonable approach, by this procedure organizations which did not apply to aforementioned Invitation were deprived of possibility to be included in sampling frame and eventually to be addressed in the course of the survey. Finally, notwithstanding with our primary concept of surveying all social workers operative in the area of city of Sarajevo, the attitudes from two thirds were actually gathered and analyzed.

LEGAL AND INSTITUTIONAL TREATMENT OF JUVENILE DELINQUENCY

The ratification of the UN Convention on the Rights of the Child⁷ by the Government of Bosnia and Herzegovina, introduced a new phase of juvenile justice system development in Bosnia and Herzegovina. The situation, however, is still complex. The harmonization of domestic legislation on juvenile delinquency, consisting of a few laws, should be analyzed. The special focus should be on international standards. The criminal law framework is made of Criminal Codes⁸ and Criminal Procedure Codes⁹ of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Republic of Srpska and Brčko District of Bosnia and Herzegovina. In addition, the legal framework in the Federation of Bosnia and Herzegovina includes by-laws on Basic Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, as well as the Law on Social Protection of Republic of Srpska. Valid legal instruments for response to juvenile delinquency include the *2006-2010 Strategy to Combat Juvenile Delinquency in Bosnia and Herzegovina*¹⁰ (hereinafter referred to as: the Strategy), the Action Plan for Implementation of the Strategy in Sarajevo Canton¹¹ and the *Draft Law on Protection and Treatment of Children and Juveniles in Criminal Procedure*, which is still in the legislative procedure.

The modern conditions of living, among other things, mean a high standard of legal order functioning as a foundation of a civil society defined upon democratic principles. A particularly important area of this order is establishment of the legal framework for protection and preservation of human rights and freedoms, which is significantly affected by the role of positive criminal law norms. The problem of juvenile delinquency, and to a significant extent, the problem of inadequate or inefficient response to this phenomenon, is indicated by not only serious crimes committed by this category, but also by numerous other indicators of present-day life in Bosnia and Herzegovina. The analysis of the conditions for establishment of a more effective system of response to such phenomenon finds it particularly important to draw the attention of citizens and expert public to the content and role of positive law in terms of juvenile delinquency treatment.

The first phase of the survey pertained to the analysis of criminal law provisions addressing the issue of juvenile delinquency and the issue of positive law regulating the issue of resources for response to this category of perpetrators, with a special reference to alternative (non-prison) forms of response. The first part encompasses

⁷ *United Nations Convention on the Rights of the Child*, The Convention was adopted by the United Nations General Assembly on November 20, 1989, and was enforced on September 2, 1990. The Law on the Ratification of the Convention on the Rights of the Child, FRY Parliament, International Contracts No. 15/90. Bosnia and Herzegovina is a member of the Convention based on succession from September 1, 1993, In: *Comments of Criminal Codes of Bosnia and Herzegovina*, Vol. I, Sarajevo, 2005.

⁸ *Criminal Code of Bosnia and Herzegovina* "Official Gazette of BH" 3/03, 32/3, 37/03, 54/04, 61/04; *Criminal Code of Federation of Bosnia and Herzegovina* " Official Gazette of the Federation of BH" 36/03, 37/03, 21/04 and 69/04; *Criminal Code of Republic of Srpska*, Official Gazette of RS" 49/03 and 108/04. *Criminal Code of Brcko District of Bosnia and Herzegovina*, "Official Gazette of BDBH" 10/03 and 45/04.

⁹ *Criminal Procedure Code of Bosnia and Herzegovina*, " Official Gazette of BH" 36/03, 26/04 and 63/04.; *Criminal Procedure Code of Federation of Bosnia and Herzegovina*, " Official Gazette of Federation of BH" 35/03, 37/03, 56/03 and 78/04; *Criminal Procedure Code of Republic of Srpska*, " Official Gazette of RS" 50/03, 111/04 and 115/04; *Criminal Procedure Code of Brcko District of Bosnia and Herzegovina* " Official Gazette of BDBH" 10/03 and 48/04.

¹⁰ Strategy was adopted by the Council of Ministers on July 27, 2006.

¹¹ Adopted by Sarajevo canton authorities in May 2008.

the analysis of international legal enactments governing the above issues, which provides us with a better insight and allows us to single out the international standards pertaining to the treatment of juveniles and children registered as perpetrators of crimes. The second part provides an analysis of domestic legislation governing the issue of substantive, procedural and enforcement criminal law response to juvenile delinquency.

The rule is that juveniles are singled out as a separate category, or that adequate laws are prescribed to govern the area of separate legal response to juvenile delinquency. In Bosnia and Herzegovina, there is still no single.

INTERNATIONAL STANDARDS

The first part of the survey analyzes the accepted international standards for countering juvenile delinquent behavior through an analysis of the provisions from the documents of the United Nations¹² and Council of Europe¹³, as the international organizations whose member Bosnia and Herzegovina is. The aforementioned analysis served separately in the procedure of acquisition of instruments prescribed in the international law sources pertaining to the issue of role and significance of alternative measures within the response policy of the competent judicial authorities to criminal behavior by juveniles.

The fundamental principles that need to be integrated into the criminal law systems are: 1) singling out of the provisions on perpetrators from the category of persons who have not become 18 of age from the provisions on adult perpetrators; 2) obligation of proceeding for all procedural entities „in the best interest of the child“, 3) ensuring in all stages of the procedure the „freedom of expression of opinion“; 4) inviolability of the „right to education“ through the decisions passed; 5) prohibition of „torturing and inhumane conditions during apprehension“ as well as prohibition of discrimination on any basis; 6) „linearity, balance and proportion“ in decision making, which emphasizes that the measures applied need to correspond both to individual circumstances of the juvenile, not ignoring at this the needs of the society nor the rights and interests of the victim; 7) avoidance of „criminalization, stigmatization and labeling“ of children, particularly in cases of less serious crimes; 8) the measures prescribed need to contain the elements to ensure strengthening of the upbringing and other elements related to social integration, which will at the same time constitute a fundament of prevention policy; 9) prescription of measures according to the so-called diversion model, which is to ensure mediation, or deterrence from delinquent behavior.

As particularly important ones, we emphasize the principles stated in the Recommendation of the Council of Europe on new methods of response to juvenile delinquency, pointing out that a) the response to crimes perpetrated by juveniles needs

¹²*United Nations Convention on the Rights of the Child*, International contracts no. 15/90.: Comments of Criminal Codes in Bosnia and Herzegovina, book I, Sarajevo, 2005., *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)*, *United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)*, *United Nations Standard minimal Rules for Non-custodial Measures (the Tokyo Rules)*, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty („JDL“ Rules)*, *Guidelines for Action on Children in the Criminal Justice System*.

¹³ *Convention for the Protection of Human Rights and Fundamental Freedoms*(ETS No.5, ETS No 155), *Universal Declaration of Human Rights*, *European Convention for the Prevention of Torture and inhuman or Degrading Treatment or Punishment*(ETS 126, ETS 151, ETS 152), *European Convention on the Exercise of Children's Rights* (ETS 160), *Council of Europe Convention on the Protection of children against Exploitation and Sexual Abuse*(ETS 201), *Resolution (75) 3 on the legal and administrative aspects of criminality among migrant workers*, *Resolution (78) 62E on juvenile delinquency and social change*, *Recommendation No R (84) 12 of the Council of Europe Committee of Ministers to member states on concerning foreign prisoners*, *Recommendation Rec (87) 3 of the Council of Europe Committee of Ministers to member states on the European Prisons Rules*, *Standard Minimum Rules for the Treatment of Prisoners*, *Council of Europe Resolution (73)5*, *Recommendation No. R (87) 20E of the Council of Europe Committee of Ministers to member states on social reactions to juvenile delinquency*, *Recommendation No R (88) 6 Council of Europe Committee of Ministers to member states on Social Reactions to Juvenile delinquency among young people coming from migrant families*, *Recommendation No R (92) 16 of the Committee of Ministers to member States on the European Rules on community sanctions and Measures*, *Recommendation R (96) 8 of the Committee of Ministers to member State on Crime Policy in Europe in a time of Change*, *Recommendation Rec (2000) 20 of the Committee of Ministers to member states on the role of early psychosocial intervention in the prevention of criminality*, *Recommendation Rec (2003) 20 of the Council of Europe Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice*, *Recommendation Rec (2006)2 of the Committee of ministers to member states on the European Prison Rules*.

to be very quick, early and consistent; b) the responsibility for delinquent behavior of juveniles needs to be expanded to his/her parents as well; c) if possible, and whenever considered useful, the intervention against the juvenile perpetrator needs to also contain the measures for submission of compensation to the victim or the community; d) the interventions need to be directly aimed towards the delinquent behavior and the information to that effect need to be forwarded to the scientific community as soon as possible.

The second group of contents from the international documents is directed towards practical and institutional recommendations on the methods of proceeding in relation to criminal behavior on the part of juveniles. Although these recommendations do not only pertain to substantive law and procedural law instruments, but also to the activities and actions on the part of institutions in terms of other law branches, we particularly point them out due to their current nature and significance. In those terms, numerous solutions are stated that should lead to a more efficient countering in the delinquent behavior of children and youth, and we single out those that pertain to action by judicial authorities.

The member states need to develop the instruments for monitoring of efficiency of the judicial policy against juveniles, and inform the relevant international institutions on the results in an appropriate way.

The provisions under the national jurisdiction systems addressing juvenile perpetrators need to be singled out from the provisions on adult perpetrators, whereas the same applies to separation at the institutional level.

What are emphasized are the significance and the need to ensure a high degree of expertise, education and professionalism for all participants in the procedure against juveniles. Non-court response measures need to be pronounced and applied as frequently as possible, wherein special attention needs to be placed on development of the institutions competent for enforcement of such measures. Encouragement and carrying out of prognosis studies, research and scientific analyses need to be the foundation for development and implementation of prevention programs.

Prescription of rigorous criteria for placing of juveniles into institutions, including development of the system of alternative and non-court method of response, which need to also include the competent prosecution offices, needs to become part of the process directed towards decriminalization of this category.

In those terms, a particular significance lies in the implementation of the method of mediation and restorative justice, as non-formal forms of dispute resolution.

Establishment and development of smaller institutions for measures in order to apprehend juveniles, wherein these measures, as well as the measures of non-institutional character, need to be as much as possible carried out in the environment and community from which the juvenile has come. There is a special emphasis on the obligation to form specialized institutions for this category of perpetrators, who need to be separated from the adult convicts.

The implementation of psycho-social intervention measures should promote and point out protective factors, and reduce and remove risk factors. Those standards need to pertain to: ensuring of multidisciplinary approach in response to juvenile delinquency; development of a separate set of measures to be implemented in relation to members of ethnic minorities, young women and girls, and perpetrators who are prone to acting in groups; attaching of special attention to resolving of cases which cannot be considered serious, because there is justified danger that they can bring about further serious consequences, particularly in relation to behavior with

strong elements of violence as well as behaviors related to abuse of narcotic drugs and alcohol.

Also, there is an emphasis on the need to promote the advantages of action against the so-called *evidence based* policy, or, development and use of the database on the effects of the measures implemented, contrary to the usual practice based on the principle „*we always do this in this (our) way*“, which mainly turns out as backwards and non-effective.

In addition, it is deemed important to ensure the presence of the parents or custodians, in all court actions, except in cases when this is contradictory or there are legal obstacles, in order to indicate to the largest extent possible to the responsibility and significance of family in problem solution, but also of its significance to prevention of delinquent behavior.

Lastly, there is an emphasis on the significance of prescribing such norms which would place the category of so-called junior adults (aged from 18 to 21) into the same legal position with the category of juveniles, in appreciation of all specific qualities that characterize young people at this stage of psycho-social development.

LEGISLATION OF BOSNIA AND HERZEGOVINA

The laws from 2003 show a high level of harmonization with the fundamental international law instruments addressing not only countering juvenile delinquency, but also their legal protection. Separate legal provisions under the current criminal substantive law, criminal procedure law and law on enforcement of criminal sanctions provide for differential norms, which determine the position of juvenile delinquents in criminal law and criminal procedure, giving advantage to measures involving assistance, correctional upbringing and social integration of juveniles. They emphasize the separation of juveniles from adult criminal perpetrators, particularly in enforcement of institutional sanctions in order to prevent negative influences of the adult criminal perpetrators.

CORRECTIVE RECOMMENDATIONS

Corrective recommendations constitute the mildest legal instrument for response to juvenile criminal perpetrators. The primary significance of the criminal policy action to the delinquency of juveniles should be exerted by the non-court forms of intervention, particularly corrective recommendations. Such an approach to the issue of juvenile delinquency is an alternative to criminal prosecution and criminal procedure in general. At the same time, corrective recommendations constitute the mildest form of formal reaction to the crimes committed by juvenile perpetrators, and they also constitute an instrument to protect the rights of juveniles, which are a significantly more favorable and milder measure in relation to other sanctions against juvenile perpetrators prescribed in criminal codes. If corrective recommendations are not applied, and if formal conditions for this exist in the domestic and international law, then this leads to the conclusion that juvenile rights have been significantly infringed.

I Types of corrective recommendations:



II Competency for application of corrective recommendations:

- Juvenile judges (corrective recommendations which constitute a major intervention into the personal and family life of the juvenile)
- Prosecutors (application of other recommendations which by their contents and effect do not seriously affect the life of the juvenile)

III Legal conditions for application of corrective recommendations:

- If the case involves a perpetrated crime for which a fine or a prison sentence in the duration of up to five years may be pronounced;
- Recognition of the crime by the juvenile;
- Demonstrated readiness of the juvenile to reconcile with the injured party in the crime.

IV Purpose of corrective recommendations:

- To avoid institution of the criminal procedure;
- At the same time, to use the application of the corrective recommendation to influence the juvenile criminal perpetrator not to commit crimes in the future (*to deter him/her from future delinquent behavior, where it is expected that such form of response be understood as a warning that, if illegal behavior recurs, more serious legal response shall follow*).

V Procedure for selection of corrective recommendations

- At pronouncement, the overall interests must be taken into account of both the juvenile and the injured party (one particularly should ensure that the corrective recommendation should not question the juvenile's regular school attendance or his/her work, or that it should not result in his/her further separation from the social community).
- The court procedure must ensure that all decisions pertaining to the juvenile need to be guided in the sense of the principle of „*the best interest of the child*“ (it is necessary to ensure linearity between the crime committed and the content of the recommendation, even of the measure pronounced, if the measure has an alternative significance).
- Corrective recommendations may be pronounced for no longer than one year.
- Selection and application of corrective recommendations need to be done in cooperation with parents or custodians of the juvenile, as well as with the social welfare authorities.
- The prosecutor and the juvenile judge are required to monitor the application of corrective recommendations, if they have the option to cancel them or replace them with others, if they find that circumstances exist that would justify such procedure and the changes would accomplish the purpose for which they have been pronounced.

The Decree on Application of Corrective Recommendations against Juveniles in the Federation of Bosnia and Herzegovina was passed on January 29, 2009. The Decree provides the method and procedure for application of the corrective recommendations against juveniles for crimes perpetrated, as well as the types and conditions for their application, the goals sought in application of corrective recommendations, the periods for application and implementation, and the authorities taking part in the procedure. Namely, this Decree was passed only six years or less than six years after passage and coming into effect of the reformed criminal law and criminal procedure legislation in Bosnia and Herzegovina, and it constitutes a concretization and the procedure for action, first of all for the prosecutors, juvenile judges, and welfare authorities, that is, social work authorities, on pronounce-

ment and enforcement of specific corrective recommendations as alternative non-procedural measures.

Particular attention needs to be attached to the provision on education of expert personnel, which as per this Decree is to be conducted and organized by the competent ministries, which is in concordance with the Strategy to Combat Juvenile Delinquency in Bosnia and Herzegovina (2006–2010) and with the Action Plan for implementation of the Strategy to the territory of the Sarajevo Canton. It is important to stress that the final provisions of the Decree speak about the obligation for its implementation, specifying certain tasks and timelines, to the Federal Ministry of Labor and Social Policy, and to the welfare authorities at the local levels.

CORRECTIVE MEASURES

Corrective measures constitute the basic type of sanctions against juveniles. Correctional measures may be pronounced against all ages of juveniles, including junior and senior juveniles. They also constitute alternative sanction which can solely be pronounced, in addition to corrective recommendations, against junior juveniles, aged 14 to 16, and they constitute the only possible criminal sanction that may be pronounced against that age group of juveniles. Therefore, corrective measures constitute another, more serious type of alternative measures, because they constitute an alternative to juvenile prison and other isolation measures against the juvenile criminal perpetrator. This is a type of sanction which corresponds with the pedagogic status of the juvenile and with the prognosis of his further behavior.

I Types of corrective measures:

Disciplinary measures

- *sending to disciplinary centers for juveniles*
- *reprimands (only in the CC of the Republika Srpska)*

Individual surveillance measures

- *increased surveillance by parents, custodians or adoptive parents*
- *increased surveillance in another family*
- *increased surveillance by the competent social welfare authority*

Institutional measures

- *sending into a correctional institution*
- *sending into a correctional home*
- *sending into another training institution*

II Competency for application of corrective measures:

Pronouncement of corrective measures is in an exclusive competency of the court (for juveniles)

III Legal conditions for application of corrective measures:

- Disciplinary measures:
 - For juvenile perpetrators against whom there is no need to pronounce more durable correction and retraining measures;
 - Crime committed out of thoughtlessness or ill judgment.
- Increased surveillance measures:
 - For juvenile perpetrators against whom there is a need to pronounce more durable correction, retraining or treatment measures, including corresponding surveillance;
 - There is no need for their complete isolation from the environment.
- Institutional measures:
 - For juvenile perpetrators against whom there is a need to pronounce more durable correction, retraining or treatment measures, including their complete isolation from the past environment;
 - They may not last for more than five years.

IV Purpose of corrective measures:

To ensure the correction, retraining and proper development of juvenile criminal perpetrators by providing protection and assistance to them, surveillance over them, their expert training and development of their personal responsibility.

V Procedure for selection of corrective measures

At pronouncement, the court must take into consideration as follows:

- Age of the juveniles;
- Degree of their mental development;
- Their psychic qualities;
- Reasons for the commission of crimes;
- Environment and circumstances in which they lived and their past upbringing;
- Seriousness of the crime
- Any previous convictions and other circumstances that may be of significance.

OTHER REGULATIONS

After analyzing the institute positive rights in Bosnia and Herzegovina with regard to alternative measures for juveniles, we also find it important to consider documents that are incurred as a result of increased activities of the executive and legislative authorities in Bosnia and Herzegovina in the direction of strengthening the juvenile justice system.

Strategy to Combat Juvenile Delinquency in Bosnia and Herzegovina (2006-2010)

In February 2005, upon the proposal of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina and the Ministry of Justice of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina adopted the information on drafting of the strategic document and accepted the proposed method of development under the auspices of these two ministries. The aim of the Strategy, in the period of 2006-2010 in Bosnia and Herzegovina, based on the approach apprecia-

tive of the rights of the child in conflict with the law to an increased extent, is to improve work in the area of juvenile delinquency, bringing it as much as possible into harmony with international standards. While doing so, one needs to take into consideration the modern concept of social response to juvenile delinquency and the development options at the state, entity and local levels.

When speaking about alternative measures, the aim of the Strategy is to ensure that in work with juveniles who have violated the law, at each stage – from the initial conflict with the law, in the preparatory procedure, during the trial and after the verdict, there are possibilities to apply alternative methods of community work, aimed at rehabilitation and reintegration of juveniles.

Action plan for implementation of the “Strategy to Combat Juvenile Delinquency for Bosnia and Herzegovina” in the Sarajevo Canton

In May of 2008, the Sarajevo Canton adopted the Action Plan, with the main aim to implement the „Strategy to Combat Against Juvenile Delinquency for Bosnia and Herzegovina“ on the territory of the Sarajevo Canton. The Action Plan is based on development of the measures involving primary, secondary and tertiary prevention. Also, the Action Plan details on activities that need to be directed towards development of institutions and application of alternative measures against juvenile criminal perpetrators within the framework of tertiary prevention measures. The focus of activities is directed towards social welfare services, primarily the Cantonal Center for Social Work.

One of the most significant activities envisaged in the Action Plan is establishment of the daycare and diagnostic observation center. The daycare center would be intended for expert work with children (aged 8 to 18, both sexes) showing specific forms of disorders in behavior, and where according to the assessment of the expert team, with application of socio-pedagogic and psychological methods of work it is possible to effect a change in behavior of the juvenile. The daycare center could meet twenty beneficiaries. It can be said that this is a center that would be equipped with resources for application of corrective measures. Namely, the action plan does not mention juvenile criminal perpetrators, but the provisions and definitions of the corrective recommendations, which are not applied against the juvenile as a result of the formally instituted criminal procedure against the juvenile, lead to the conclusion that such a center could exactly be the resource for implementation of corrective recommendations.

Draft Law on Protection and Proceeding with Children and Juveniles in the Criminal Procedure

The draft Law includes its three basic proposed sections: the criminal substantive section, the criminal procedural section and the section regulating enforcement of sanctions against juvenile criminal perpetrators. Once the law has been adopted, it will be the first time on the territory of Bosnia and Herzegovina that such a law has been passed, which will single out juveniles from the standard criminal procedure.

The application of corrective recommendations is regulated in the draft of this law. In relation to the provisions of the criminal laws in Bosnia and Herzegovina, this Draft conditions the application of the corrective recommendations with the crime committed being one for which a fine or a prison sentence has been prescribed in the duration of up to five years. Also, unlike the provisions from the criminal codes

in Bosnia and Herzegovina, it envisages the possibility of application of the corrective recommendation even for more serious crimes for which prison sentence in the duration of over five years may be pronounced, if the recommendation is adapted to the personal qualities, environment and circumstances in which the juvenile lives and in proportion with the circumstances and seriousness of the committed crime, in appreciation of the rights vested in the party injured by such crime, which again is a linearity principle, stressing the welfare of the juvenile who is in conflict with the law.

The conditions for application of specific corrective recommendations:



INSTITUTIONS FOR PRONOUNCEMENT AND ENFORCEMENT OF ALTERNATIVE MEASURES

The overview of institutional capacities in Sarajevo has been divided into two segments, including the overview of capacities for pronouncement of alternative measures and the overview of capacities for enforcement of alternative measures. The competency for pronouncement of alternative measures belongs to the prosecution (Prosecutorial Office of the Sarajevo Canton) and courts (Municipal and Cantonal Courts of Sarajevo). On the other hand, for enforcement of alternative measures, it is possible to utilize the capacities and potentials of the existing sanction enforcement institutions in Sarajevo, that is, of the Cantonal Center for Social Work, Disciplinary Center for Juveniles, and Institution for Upbringing of Male Children and Youth „Hum“.

The overview of institutional capacities in Banja Luka has also been divided into two segments, including the overview of capacities for pronouncement of alternative measures and the overview of capacities for enforcement of alternative measures. The competency for pronouncement of alternative measures belongs to the prosecution (District Prosecutorial Office of Banja Luka) and courts (Basic and

District Courts of Banja Luka). For enforcement of alternative measures, there is a possibility to utilize the capacities of the Center for Social Work and Daycare Center for Juveniles of Banja Luka.

SURVEY ON ATTITUDES OF CITIZENS, SCHOOL PUPILS, SOCIAL WORKERS AND NGO EMPLOYEES CONCERNING PRONUNCIATION AND IMPLEMENTATION OF ALTERNATIVE MEASURES

PUBLIC PERCEPTIONS ON PROPORTIONS OF YOUTH DELINQUENCY

Over the past several years, there has been frequent discussion on how young people in all parts of Bosnia and Herzegovina are increasingly becoming involved in acts of behavior some of which are even punitive.¹⁴ Also, it is known that juveniles have indulged in some of these acts more frequently and in some others less frequently.¹⁵ Let us compare the responses to the above questions by various categories of respondents: citizens, pupils, social workers and employees in the non-governmental sector. For the purpose of clarity, the comparison shall be done by using the medium values of answers to the question: *According to your opinion, how frequently do juveniles in the Federation of Bosnia and Herzegovina/Republic of Srpska involve in the stated delinquent act of behavior?* The answers range as follows: **(1) – very rarely (2) – rarely, (3) – frequently, and (4) – very frequently**.¹⁶ In reference with this, we shall also interpret the values of the arithmetic means in responses from various categories of respondents.

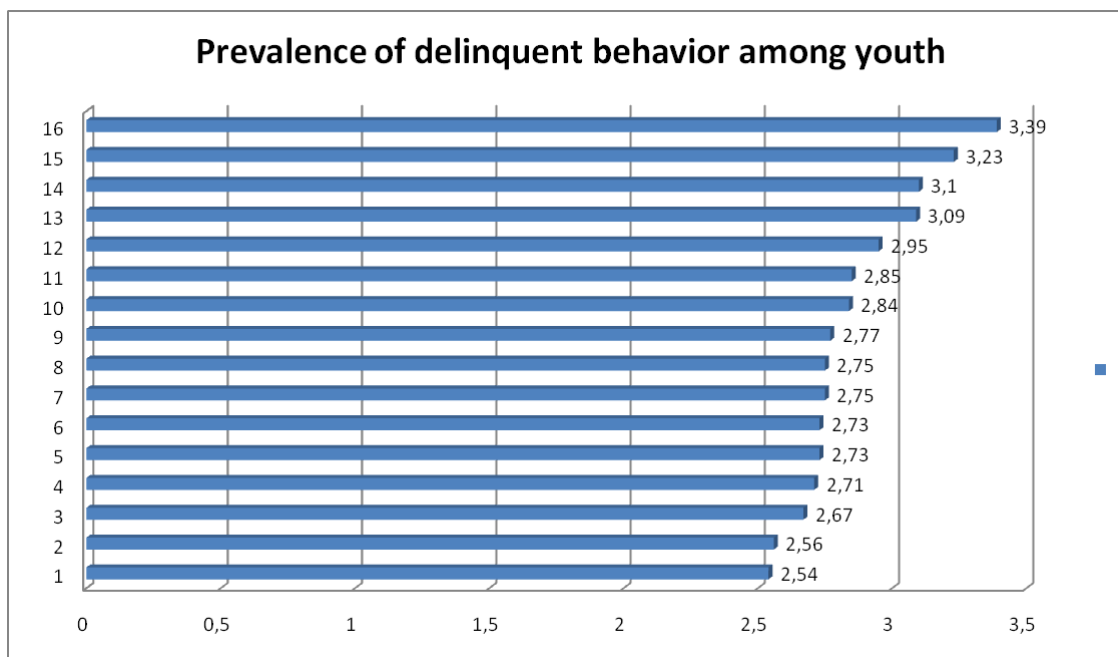
The result for the whole sample, or rather for specific categories, looks like this: If, starting from the highest to the lowest, we place the obtained results (for the whole sample) in order according to the mean value, we shall obtain the following graph (prevalence):

¹⁴ Thus, the existing Strategy to Combat Juvenile Delinquency in Bosnia and Herzegovina (2006-2010) of the Ministry of Security, it is stated that the „delinquency among juveniles in BiH is on a constant increase, whereas the response of the society to this phenomenon to the largest extent lies on the remnants of response models from the pre-war period, with reduced resources of the institutions working with children in conflict with the law“.

The official statistics of the Federal Police Administration also suggests relatively high rates of participation of juveniles in the overall crime, with (on average) some 10 % over the past years, which practically means that every tenth reported crime in the Federation of Bosnia and Herzegovina is committed by juveniles.

¹⁵ Thus the official statistic data suggest the highest participation of young people in property-related crime (comp. Singer, 2002). However, there are also different findings. Thus, contrary to expectations (but also to official statistics) juveniles in BiH, according to some criminology studies undertaken earlier, have a significant rate of participation in violent crimes, and significantly less in property-related ones, to which they are „traditionally“ associated. Thus, Budimlic, Maljevic and Muratbegovic (2007) conclude that „juveniles are to a large extent involved in violent behavior. There is a very conspicuous finding showing that every tenth juvenile has demonstrated vandalism, every twentieth carries arms, and every sixth has participated in a brawl“ (p. 9).

¹⁶ They were originally measured vice versa, that is (1) – very frequently (2) – frequently, (3) – rarely and (4) – very rarely. However, for greater clarity in presentation of the materials (it is simply more understandable that a higher value on the scale constitutes a higher rate of behavior described in the specific case), they were coded vice versa subsequently for the needs of analyses.

**Legend:**

- 1-Downloading or burning (copying) of music, movies, video games
- 2-Damaging objects such as bus stop, shop windows, cars or seats on the bus, train or car
- 3-Theft of wallet, purse or the like
- 4-Group brawl in the schoolyard, football stadium, street or at another public place
- 5-Theft from shop or warehouse
- 6-Theft from car
- 7-"Hacking" ("entering" another's computer)
- 8-Trafficking of light or heavy drugs or intermediation in trafficking of light or heavy drugs
- 9-Carrying of weapons, such as bars, knives, or chains (small pocket knife not included)
- 10-Threat by use of weapons or of beating someone, to take money or something else from such person
- 11-Car theft
- 12-Theft of bicycle, motorcycle or scooter
- 13-Breaking into a building or apartment with intention to steal
- 14-Consumption of ecstasy or speed
- 15-Hurting someone with a bar or knife, so that the person must visit a doctor
- 16-Consumption of LSD, heroine or cocaine

The above shown leads to the conclusion that the most prevalent form of deviant behavior among juveniles in Bosnia and Herzegovina, according to our (unofficial) data, is unauthorized copying of contents from or via computer devices, such as downloading or copying of music, movies or video games. They are followed by the violent delinquency, and vandalism (damaging of things such as bus stops, shop windows, cars or seats on the bus, train or car), and only then by property violations, specifically thefts and serious thefts. Group brawls at public places, according to the opinion of the respondents, also constitute a form of delinquency which young persons in Bosnia and Herzegovina are frequently involved in. Encouraging is the fact that more serious forms of delinquency or deviance, such as serious thefts, serious bodily injuries or trafficking or consumption of drugs, are at the bottom of the table showing prevalence of juvenile delinquency, but at the same time, the

obtained mean values also show that these forms of delinquency or deviation are not a rare occurrence, quite contrary.¹⁷

If one takes a look at the findings for juveniles in our sample only, one receives a picture created through the survey of the appearance forms of delinquent behavior among youth in Bosnia and Herzegovina of two years ago, from which we have quite similar findings, Budimlić, Maljević, Muratbegović (2007: 351), according to which the most prevalent form of juvenile delinquency exactly is unauthorized copying of contents from computer devices, and violent delinquency, and then followed by property violations only at the third place. Although the order of specific variables is not the same (but is rather similar), one can nevertheless conclude that the observed forms of deviant and delinquent behavior are a constant threat to the feeling of security among the citizens of Bosnia and Herzegovina.

Although the order of specific variables is not the same (but is rather similar), one can nevertheless conclude that the forms of deviant and delinquent behavior were observed. This indicates that the dark figure of violent delinquency (which we take into view as socially more harmful than the unauthorized copying of contents from computer devices) is by far higher than the actual and that the competent authorities also need to attach appropriate attention to preventive programs against violent behavior among youth instead of exclusively measuring the danger of a type of behavior through visible indicators (such as stolen property) and the fact that the directly injured party is existent, and focusing prevention to protection of property.

The T-Test is a simple statistical technique serving for verification of significance in differences between the arithmetic means of two samples. It allows us to use an objective way of verifying whether the difference found between the arithmetic means of various categories of respondents is statistically significant, that is, whether the differences found are the result of the actual differences between populations from which they were exhausted, or they are the result of random occurrence and such difference between the populations does not exist (Petz, 1997).

As our sample consists of two groups of respondents: those who by their professional profile have no contact with juvenile delinquency and those for whom the profession is (directly or indirectly) to be involved with juvenile delinquency issues, the comparisons will be made using the thought construct presented.¹⁸ In other words, **subsamples of citizens and pupils will be compared, as well as social workers and employees of non-governmental organizations.**

The findings presented are interpreted in the way that significance shows whether statistically important difference exists between citizens and juveniles in positions on the prevalence of individual forms of juvenile delinquency, specifically: if the value of p is ≤ 0.05 , this difference exists (and vice versa, if p is ≥ 0.05 , there is no difference).

The citizens and pupils significantly differ in positions based on prevalence of delinquency in the majority of cases, except in the case of hacking, when no statistically significant difference has been found between these two categories of the lay public. Most frequently, citizens are those who are prone to assess the higher involvement of juveniles in delinquent behavior than pupils, that is, juveniles. Only, pupils are of increased opinion that abuse of computers (hacking and downloading of

¹⁷ No mean value (for the whole sample) is below 2.50, which is the upper limit for the rating „rare indulgence on the part of juveniles into some delinquent behavior“. This shows that the respondents actually believe that all of the stated forms of delinquency, committed by juveniles, are pretty prevalent.

¹⁸ The second reason for such thinking is of methodological nature: as the different respondent categories have different shares of participation in the total sample, so is it unreasonable (and incorrect) to compare several hundreds with several dozen respondents in the T-Test.

games, and the like) are a more frequent appearance among their peers. This among other things may be interpreted by the fact that abuse of computers in this manner in Bosnia and Herzegovina is rather prevalent and perceived as a social phenomenon not particularly dangerous, and even pupils are in an increased opportunity to experience or hear about it than on the other forms of delinquent behavior. However, although statistically significant differences have been found, they deal only with the probability of association, not its intensity too. For this purpose, association coefficients are used, which theoretically range from 0.00 (there is no association) up to 1.00 (there is complete association among the variables). In our case, association coefficients indicate upon poor or ignorable association of specific categories of respondents with the average opinion, that is to say, **it can not be claimed, for instance, that there is a big tendency of citizens to express more pessimistic opinion on the prevalence of juvenile delinquency than the pupils themselves.** This indicates upon similar positions of the lay public on the prevalence of juvenile delinquency in Bosnia and Herzegovina.

Through comparison of social workers and employees of non-governmental organizations, we obtained the following results. For expert public (social workers and employees of the non-governmental sector), the order of delinquent behavior forms for which they deem the most prevalent is similar, both among them and between the lay public. Namely, the five forms of delinquency for which persons who are professionally involved on treatment of juvenile delinquency are of the opinion that young people are most commonly involved in, are **unauthorized copying of the contents from electronic media (downloading of games and the like), vandalism (damaging of public property), serious theft, group brawls at public places and (common) theft.** The differences found between these two categories of respondents are not statistically significant, except in terms of downloading games and theft of cars.

This means that social workers and employees of non-governmental organizations are of rather balanced opinions related to the prevalence of individual forms of juvenile delinquency. The association coefficients (which are very low) also confirm such a claim.

Also, the findings were also confirmed referred to in the beginning of this section on the **relatively high prevalence of violent delinquency among youth.** The above mentioned once again indicates upon increased concern of the public about prevalence of delinquency with elements of force, and not only the property to which juvenile criminal perpetrators are traditionally associated, and upon increased use of preventive programs drawing attention to these forms of illegal behavior as well.

PUBLIC ATTITUDES ON THE NEEDS AND RESPONSIBILITIES OF THE ACTORS INVOLVED IN CRIMINAL OFFENCE PERPETRATED BY A JUVENILE

When a juvenile has perpetrated a crime, then this as a rule understands that someone has been injured by the crime (we call this person the injured party or the victim of the crime), as well as the existence of a closer social community (e.g. neighborhood/street, school) or sports club (football, basketball or handball club) and the like, within which or on the territory of which the crime has been perpetrated. We were interested in the opinion of the respondents on which the needs and/or responsibilities are of the juvenile criminal perpetrator, injured party/victim of the crime, and the social community following a crime that has been committed. Using mean values, let us look how the four categories of respondents answered to the common question of how much they agree with the following statements that the **injured party/victim of the crime has the need to**¹⁹:

- 1) Hear from the juvenile why he/she has picked exactly him/her to injure or damage his/her property
- 2) Explain to the juvenile the effect the crime perpetrated by him/her has had on him/her (the victim)
- 3) Request from the juvenile to apologize
- 4) Request from the juvenile to compensate the damage caused (indemnity)
- 5) Request that the juvenile be punished
- 6) Receive support from the local community
- 7) Have the state care for the juvenile (find him/her an employment, place him/her into another family, and the like)
- 8) Place revenge on the juvenile
- 9) Hear that he/she (the victim) is not guilty of what has happened (perpetration of the crime)

Using the mean values as the basis, we are able to rank the needs of the injured party/victim are rated by the general public, but also specific categories of respondents, as the top priority ones, and which are somewhat less of a priority. When one looks at answers to these questions, the conclusion is imposed that in terms of the needs of the injured party or the victim of the crime, the expert and lay public groups have very similar positions. **Retribution-based positions still prevail with the majority of public on penalization as the main and most appropriate reaction of the victimized party in case of abstract victimization** (even with three categories of respondents, and with the total sample).²⁰ However, differences between the mean values between the first three choices of the most appropriate response are proportionally small, and they are only somewhat higher (some 0.20) in comparison with the fourth most appropriate response (and further on). Compensation of damage (the second most frequent response related to the most appropriate response) also has a certain touch of retribution, but by all means less than formal penalization. The support of the local community, although not specified in the questionnaire, has been rated as very high and signifi-

¹⁹ The scale included the following answer modalities: (1) – I fully agree; (2) – I partly agree; (3) – I partly disagree; (4) – I completely disagree.

²⁰ It is not excluded that attitudes would change if individual situations were to be considered, and it would be plausible to assume that in case of victimization through less serious forms of delinquency the retributive edge of the public would also be milder and more prone to rate alternative measures, such as apology or explanation of the reasons for commission (confrontation with the perpetrator) as the more appropriate ones.

cant, and professional personnel involved in juvenile delinquency (social workers and employees of non-governmental organizations) placed among the first three modalities of needs the option that the state as well needs to care about the juvenile. This by all means also reflects their profile, better knowledge of the issues than among the lay public, and specific education in terms of countering juvenile delinquency.

The conducted T-Tests²¹ show statistically significant differences between citizens and pupils in terms of positions towards the explanation as the need of the injured party, the compensation of damage, provision of support by the local community, involvement of the state in rehabilitation of the juvenile, and revenge. Pupils are more prone to revenge and confrontation and explanation of the reasons for perpetration of the crime as priority needs that the injured party has in case of commission of the crime, and citizens are more prone to involvement of the society and compensation of damage. It seems that young people themselves feel higher importance in confronting the consequences, as well as the possible reaction of the injured party than any formal punishment. On the other side, the citizens are more committed to preservation of property and compensation of damage, and to long-term addressing of the issue through involvement of the society in general.

This can also be interpreted even in mutual comparison of the subsamples of citizens and pupils, which, as modes of alternative delinquency response, citizens would be more prepared to accept compensation of damage as a solution to the problem, and participation in prophylactic activities, while pupils would accept confrontation with the consequences of the crime.

The social workers and employees of non-governmental organizations statistically do not differ in positions towards the mentioned needs. Their positions mainly reflect the need to involve the society in rehabilitation of the perpetrator, which would need to also ensure that the needs of the victim or injured party are met.

Following the logic just presented, let us look at the mean value for the set of variables measuring needs or responsibilities of the juvenile criminal perpetrator²².

- 1) *To review the consequences of the crime he/she has committed*
- 2) *To apologize to the injured party/victim*
- 3) *To explain why he/she has perpetrated the crime*
- 4) *To compensate the damage he/she has caused*
- 5) *To be treated by the injured party/victim and others (community and court) with respect*
- 6) *To avoid punishment*
- 7) *To express genuine repentance*

Confrontation of the delinquent with the consequences of the crime he/she has committed seems to dominate among the positions of people in Bosnia and Herzegovina. Exactly the positions which include the common content involving the confrontation of delinquent with the significance of the crime and the damage he/she has caused are the ones picked by our respondents as the biggest need and responsibility of the juvenile criminal perpetrator. **Either review of the consequences (A), or explanation of the reasons which have influenced the perpetrator to commit the crime (C), are the modalities which the respondents in general opted for as the two biggest needs/responsibilities of**

²¹ Due to their huge size, we just decided to mention and comment them briefly, not presenting the results themselves in detail.

²² The scale included the following answer modalities: (1) – I fully agree; (2) – I partly agree; (3) – I partly disagree; (4) – I completely disagree.

the juvenile perpetrator. The third one, apology to the victim or the party injured by the crime, is mainly the position shared by all respondents, except for the sub-sample of citizens, who would rather see compensation of damage as the third biggest responsibility of the juvenile perpetrator. There is also an agreement as to this with the previous set of questions, where citizens also highly ranked the need of the injured party to seek compensation of damage.

The T-Test, using citizens and pupils as groups to compare, has indicated upon statistically significant differences only in terms of explanation of the reasons for commission of the crime as the need of the juvenile delinquent, specifically in the way that such a solution is more prevalently preferred by pupils. Just like in the case of victimization, it matters for young persons to hear (and they rate this very highly) why someone has opted to violate the law: confrontation seems to be a more serious sanction than a punishment.

In terms of the same variable (the explanation as the need of the juvenile criminal perpetrator), difference has also been found between social workers and employees of non-governmental organizations. **The explanation (as a form of response) is more important for the employees of non-governmental organizations.**

The last in the sequence of "interested parties" of a theoretical act of delinquency would be the local community itself. Let us see further in the text how the answers of our respondents are manifested to the potential needs of the local community itself. In calculating the mean values for the sequence of questions addressing the needs and responsibility of the local community, we have come to the following results²³.

- a) To reestablish security in the community which has been disrupted with commission of the crime
- b) To offer support to the injured party/victim of the crime
- c) To actively contribute to acceptance of the juvenile in the local community regardless of him/her having committed the crime
- d) To develop juvenile programs in order to actively participate in prevention of juvenile delinquency
- e) To help the juvenile and the injured party/victim to come to a mutually acceptable solution for the perpetrated crime
- f) To provide support to the juvenile
- g) To punish the juvenile

The results of the survey speak about undivided agreement by all respondents with the position that **establishment of security in the community (A)** is its biggest need. Such thinking has a little touch of retribution and archaic quality to it, including the need of people to live in a regulated society, having a functioning order that is just and which requires first of all the reestablishing of the situation prior to commission of crime, and then dealing with the need of the victim or offering of systematic action in order to prevent the recurrence of similar behavior. However, this does not have to be a reflection of archaic perceptions as to the purpose of punishment for the perpetrator, because the second most frequent option the respondents chose was exactly the one emphasizing the **involvement of all members of the society in prevention of delinquent behavior (D)**. Although probably everyone has a different vision as to how this prevention is to be sought, encouraging is the fact that people are aware that the issue of juvenile delinquency is not at all just a local, isolated and incidental occurrence, but a phenomenon with certain rules that is impossible to prevent, but only suppress.

²³ The scale included the following answer modalities: (1) – I fully agree; (2) – I partly agree; (3) – I partly disagree; (4) – I completely disagree.

Such a position also indicates upon the conclusion that public will very probably support the competent institutions once they are to implement the prevention programs. Correction of the consequences of crime by offering the opportunity to the injured party and victim of the crime is the next most frequently selected option of the respondent. The victim is obviously very important for the respondents, and they have repeatedly positioned it as one of the relevant parties in commission of crimes, to whom some kind of compensation must be offered – either moral, material or the like.

The conducted T-Tests indicate upon the differences between citizens and pupils in terms of positions according to all variables used to measure the needs of the local community in case of commission of crimes by juveniles. Mostly, citizens are more in agreement with the need for the community to provide a contribution to prevention of juvenile delinquency, provision of support to the victim, but also to rehabilitation of the perpetrator if the crime occurs. This indicates upon somewhat bigger readiness of citizens to provide support to prevention programs, but association coefficients are so low that there is no particular, major readiness on the part of citizens to rate the involvement of the society as key in countering delinquency.

The social workers and employees of non-governmental organizations also statistically significantly differ in some positions towards the needs of the local community. Thus, the employees of non-governmental organizations are more prone to punishment of the perpetrator and offering support to the victim, all aimed at reestablishment of order in the community. However, the associations found here are not large either, so the differences found, although statistically significant, have no major practical value.

Now, let's try to conclude that public thinks about the needs and responsibility towards the community? It seems that the positions of respondents are characterized by the approach ranging from the "macro" to "micro" levels of addressing specific needs occurring once the crime has been committed. Namely, in all three situations, the respondents have mainly positioned on the first place the things as they were before commission of the crime, by reestablishing security, punishing of the perpetrators, and providing support to the victim through reviewing and explaining of the reasons for commission by the delinquent.

The above mentioned imposes three conclusions:

- 1) there is a prevalent tendency among the public to maintain the order of things such as currently characterizes the society, that is to say, to ensure fairness in the community (punishment follows evil, and reward follows a good deed);
- 2) the public is aware that countering delinquency is not an activity that needs to be only left to the institutions of the state, but that all members of the society need to become involved;
- 3) alternative methods of treating the victim and perpetrator, such as the care for the needs of the victim and confrontation of the perpetrator with the significance and consequences of the crime are the modes that the public would strongly support.

PUBLIC ATTITUDES ON SANCTIONING OF THE JUVENILE OFFENDER – RIGOROUSNESS (PUNITIVITY) OF THE RESPONDENTS

Punitivity may in general be used as a term to name the attitude of people towards punishment of criminal perpetrators. It may be more in the direction of stricter or milder penalization, which depends on many individual characteristics of the perpetrator, victim, person who is expressing such attitude, but also on the characteristics of delinquency and in general on the social relations within a community. Previous studies undertaken in other countries suggest various findings in terms of punitivity against juvenile criminal perpetrators: some state a more benevolent attitude towards this category of perpetrators in comparison with adult delinquents, and some on the other side state the lack of empathy and particular treatment of juveniles.

Analyzing punitivity in the context of this survey is aimed at briefly informing the reader about the positions of the lay and expert public in Bosnia and Herzegovina in terms of punitivity. If the public is more punitive (more prone to stricter penalization), it shall be expected that it will not support alternative measures against juvenile perpetrators and that it will be more prone to support formal penalization within the criminal justice system.

In order to examine the positions of the public, five hypothetical situations ("scenarios") were created for perpetration of a crime, whose perpetrator is a 17-old young man. The respondents were to express their attitudes towards: 1) violent behavior (inflicting of the bodily injury to another person at a public place); 2) petty theft (theft of an object of small value from a shop); 3) vandalism (damaging of others' things without any particular reason); 4) robbery (taking of others' things with the use of coercion); 5) unauthorized copying of contents from electronic media (recording of music or the like without the permit of the author or copyright owner). The answers offered included various forms of "penalization" and we state them in the following cadre (see Cadre 1).

Cadre 1:

- A. The perpetrator must compensate the damage incurred
- B. The perpetrator must work for the injured party/victim of crime or in favor of the injured party/victim of crime in order to compensate the damage incurred
- C. The perpetrator would have to perform specific tasks in favor of the community in which the crime has been perpetrated
- D. The perpetrator would have to attend counseling (psychological, pedagogic, educational)
- E. It would be necessary for the state to care for him (place him into another family or home, send him for treatment, or allow him to have employment)
- F. It would be necessary for the perpetrator to be punished by the court (to go to jail or a criminal correction home or disciplinary center)
- G. The perpetrator would have to apologize to the victim
- H. The perpetrator would have to regularly attend school

We shall first look at a hypothetical situation that the **juvenile has committed violence**. The hypothetical situation presented is paradigmatic to the violent behavior of the juvenile. It may be said that daily activities, **regular school attendance (H) and apology to the victim (G)**, are the response which our respondents have most frequently have opted for. However, **attendance of counseling (D), com-**

munity work (C) and compensation of damage (A) were also the options which the respondents also opted for rather frequently.

Given the nature of the crime (inflicting of bodily injury), the response of the public may seem rather sensible: upbringing (general and potentially specialized through appropriate counseling) may influence the perpetrator not to demonstrate such behavior in the future. This finding too is in agreement with the aforementioned one on the needs for prevention and training programs on prevalence and harmfulness of violence among youth.

A series of chi-square tests were also conducted to measure the statistically significant association of the presented categories. This is a rather robust statistical test, which verifies whether two category variables (such as the case with the above presented) are associated and whether this association is the result of coincidence in variation of samples, or whether the association exists after all. The completed chi-square test (the details of which due to their size we shall not present) indicates upon the statistically significant association of certain categories of respondents with specific measures against juvenile criminal perpetrators: pupils in relation to other categories advance in terms of compensation of damage; citizens in terms of work for the damaged or community; social workers in terms of counseling, apology to the victim and regular school attendance, and the employees of non-governmental organizations in terms of penalization and taking of responsibility by the state. No major inferences can be drawn (particularly because the association coefficients found are not high, in fact they are ignorable), **except that the lay public (pupils and citizens) is more oriented towards compensation of damage as problem resolution, and the expert one is nevertheless oriented towards counseling and engagement of the state.**

There were also differences found when the control variables²⁴ used were prior victimization²⁵ and gender of respondents.²⁶ However, the original differences with the subsample of citizens and pupils do not remain statistically significant once the control (or test) variable is introduced, in the way that **the difference is there only if the person was previously victimized; the non-victimized are very similar in their attitudes.** The gender of respondents also plays a role, so the original relation between the lay and expert public groups in attitudes towards compensation of damage is lost if the case involves male respondents. With other variables, the original relation is preserved.

²⁴ The process for introduction of control variables in the methodology for research of societal phenomena is called the elaboration analysis and its aim is to establish whether the relation found between two variables is the result of effect of a third one or it really exists. (Fitzgerald & Fox, 2001).

²⁵ This is the scale addressing the question whether the respondent has experienced some of the „typical“ instances of victimization (10 from the questionnaire for citizens and pupils, 8 from the questionnaire for employees of non-governmental organizations, and 7 from the questionnaire for social workers). For the needs of analyses, a composite victimization variable has been construed, which was actually created by adding four items (issues) from the mentioned scale, so that the possible range of the newly obtained variable was from 4 – the respondent has not been victimized by any of the named forms of victimization, up to 8 – he/she has been victimized by all four listed forms of criminal behavior. Finally, they were further recoded in the way that the score (result) 4 was assigned with the modality „not victimized“ and to 5 and more „victimized once or more than once“.

²⁶ The above mentioned variables were selected as the control ones because a series of surveys suggest that gender has a significant role in the punitivity of people (women regularly have more fear from crime and criminals, and therefore they are more inclined in having stricter penalization for the criminal perpetrator and have them „removed“ from the street to prevent them from committing new crimes), and prior victimization affects the positions of people regarding penalization so that the persons who have experienced some form of victimization have experienced traumatization (in a psychological and/or physical sense), and the memory of the trauma experienced negatively affects their perception of delinquency and its actors.

On the other hand, if we ask our respondents what type of sanction is to be pronounced against a juvenile who has **committed petty theft**, the findings suggest that the most acceptable option for solution of the issue of petty theft committed by a juvenile is **regular school attendance (H), apology (G) and compensation of damage to the injured party (A)**. The least acceptable option is that the perpetrator be punished (42 % of respondents agreed with this option), and placement into another family or similar mode of state intervention. Obviously, the public has a more benign attitude towards this form of illegal behavior.

The nature of the delinquency act also suggests that it is possible to use "diversive", alternative measures (apology and damage compensation) to ensure return of things into status quo ante commission of the crime.

Chi-square tests indicated that social workers tended more than the other categories of respondents to rate work in favor of the injured party or the community and apology to the victim as appropriate response to address the petty theft committed by the juvenile. The employees of non-governmental organizations were again leading in attendance of counseling and state involvement as an appropriate response to situation of petty theft from the shop.

The differences found only partially remained if the test variable was used related to prior victimization and gender of respondents. Among social workers, in terms of tendency towards the measure involving work in favor of the damaged or the community, prior victimization did not play a role, and gender did (male respondents did not show any statistically tendency towards the mentioned alternative measure). Among the employees of non-governmental organizations, original relations were retained, except in the case of state involvement, which was more preferred by male than by female respondents.

Let us now switch to the situation in which we wonder what type of sanction to pronounce against a juvenile who has **damaged another's thing (broke the school window)**, at which the public is pretty unanimous. Again, **damage compensation (A), regular school attendance (H) and apology (G) to the victim (that is to say, to the principal of the school which was the object of damage) were the first three places which the respondents opted for. Penalization (F) and state intervention (E) and formal criminal justice system were the least acceptable options for the public.** The test of statistical significance of differences indicated upon the differences among the categories of respondents, in the way that citizens prevailed in the attitude that the juvenile criminal perpetrator needs to compensate the damage, and the subsample of pupils was in favor of penalization. Again, the attitude of lay public (citizens) was in favor of damage compensation (restitution of the status quo ante). No sensible interpretations can be drawn for other categories of respondents. For citizens, prior victimization and gender did not play a role in attitude formation (there were no changes if the results were separated based on the variable involving prior victimization and gender), and for pupils it did (only those pupils who had previously experienced some type of victimization through crime were statistically significantly more prone to formal penalization, that is to say, female respondents were more likely to select formal penalization than the male ones).

Upon the question as to what type of sanction is to be pronounced against a juvenile who has **committed robbery**, interestingly, even for such behavior, **apology (G) and damage compensation (A) constitute the answers that the respondents (in general) positioned as the top priority in addressing the robbery committed by the juvenile.** Attendance of psychological, pedagogic and similar counseling and regular school attendance are the next most acceptable op-

tions. Work for the injured party is the least acceptable option to address this serious problem.

The aforementioned entails that compensation (both moral and material) with more serious forms of delinquency, as a feature of pragmatic thinking by the respondents, has received the most votes and that indication upon the harmfulness of such behavior and rehabilitation of the perpetrator are in the background.

The tests of significance have indicated upon the prevalence of social workers in terms of almost all variables in the analysis. **Apology, attendance of counseling and regular school attendance are in particular items that significantly single them out of the other respondent categories**, which may also be interpreted based on specific training and daily treatment of juveniles by the employees of institutes for social work. Gender and prior victimization have no major influence on the attitudes of the mentioned respondent category.

And finally, we have analyzed the behavior perceived by the public as normal, but which is incriminated in our Criminal Code. Namely, when questioned what type of sanction should be pronounced against a juvenile who **through abuse of computers or unauthorized copying of the contents from data media has violated someone's copyright. Regular school attendance (H) and apology to the victim/injured party (G) of the violation of copyright through the abuse of computers are the responses rated by the respondents as the most appropriate**. As this is the most benign form of illegal behavior, opting for such response does is no wonder. Even tests of significance have confirmed the mentioned findings. The participants are the most punitive (the highest percentage in comparison with the other respondent categories has rated formal penalization as an appropriate response to address the issue of unauthorized copying of materials from electronic media), and the citizens are the most benign (in terms that the most of them in cooperation with other respondent categories have opted for the response of a common apology). Gender and prior victimization have no significance in opting for some of the answers offered.

PUBLIC ATTITUDES ON THE ACCEPTABILITY OF ALTERNATIVE MEASURES

The response of the society to delinquent behavior needs to “reconcile” at least three parties: the victim/injured party, the perpetrator and the society itself (the needs of the former two are also called the restitutive aspects of response to criminality, and the third one is called the societal one). In this context, as early as in the seventies of the last century, Zipf spoke about the antinomy of penalization goals: response in individual cases of crime perpetration needs to meet and reconcile these often opposite demands.

Namely, every crime is characterized by a multitude of circumstances making it unique. Therefore, it is in principle needed to ensure existence of a variety of such responses, in order for the formal social control authorities could apply the most appropriate measure in accordance with the circumstances of individual case, which applies in the case of our country. However, pronouncement and application of alternative measures understands community support more than in the cases involving commission of other crimes, because it is exactly under its auspices that these are implemented. Finally, the existing Strategy to Combat Juvenile Delinquency in Bosnia and Herzegovina also expressly emphasizes this.

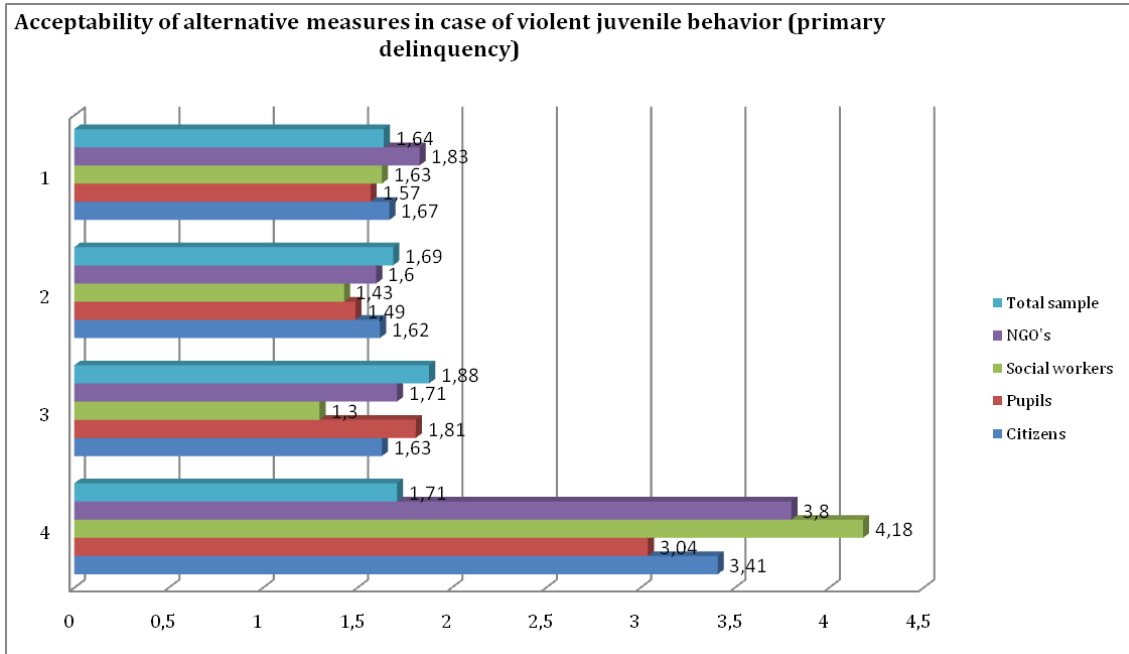
Therefore it is necessary to examine the public attitudes on the acceptability of alternative measures. Clearly, in addition to the above mentioned, if there is indeed the aim to involve the community in application of alternative sanctions, it has to also be consulted on the reasons and possible modes of its involvement. In that sense, foreign authors have emphasized the significance of acceptance of alternative sanctions as a crucial one, and have warned that the process of their actual rather than declarative acceptance is slow.

For the purpose of examination of public attitudes on the most acceptable response to delinquent behavior of juveniles, our survey had construed hypothetical situations (previously also called scenarios), which respondents were to express their responses to. The text below will present how the Bosnia and Herzegovina lay and expert public groups have responded in five typical examples of illegal juvenile behavior. It should be emphasized that, since the sample consisted of four different subsamples varying in the size, subsamples with large number of respondents will heavily influence total sample results. Since our intention was, however, to leave the scores unweighted in order to give the reader opportunity to obtain intact impression on particular subsample answers, the results will be presented unweighted. Thereby, closer attention will be paid to particular subsample results rather than inferences on total sample results.

ACCEPTABILITY OF ALTERNATIVE MEASURES IN CASE OF VIOLENT JUVENILE BEHAVIOR

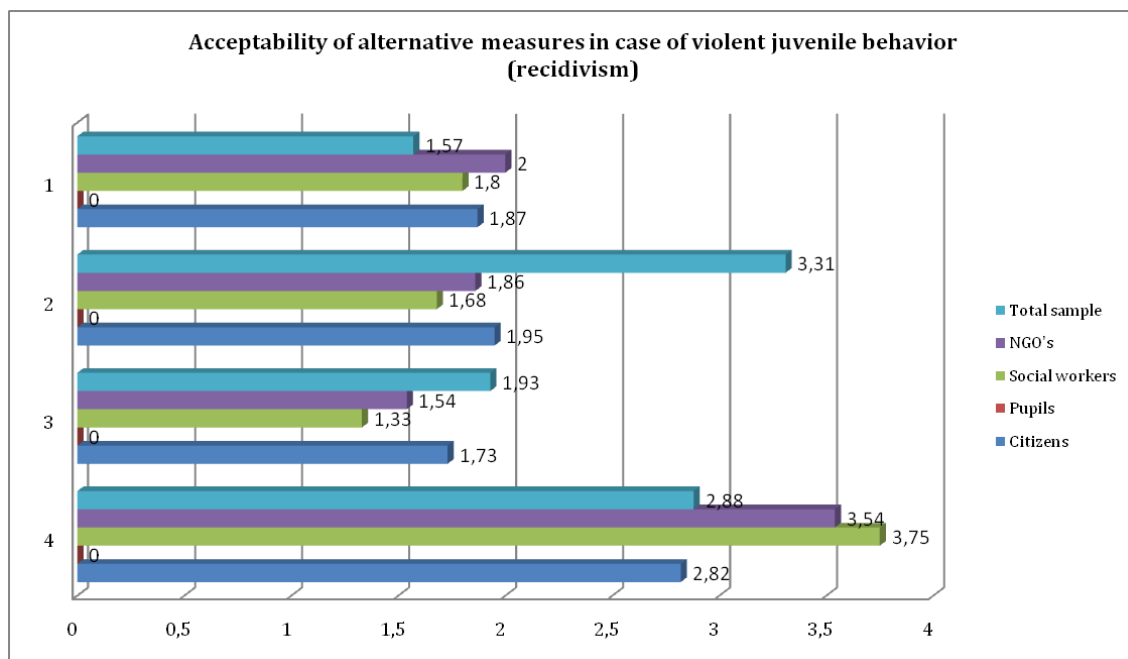
In case of violent behavior of a juvenile, confrontation with the issue seems to win the most acceptance of the public as an appropriate response to such behavior (see graph). Even training how to control aggressive behavior, through counseling and the like, is also an option which respondents have frequently opted for, and the least acceptable is rejection of alternative manner of response and sending of the juvenile to prison. The latter variable has been positioned in the situation which measures the acceptability of alternative solutions as the “control” ones: those who deem that alternative measures against juveniles are too mild or unacceptable for

any reason have had the opportunity to express their agreement even with this, classical and “non-alternative” measure. In terms of the mentioned variable, a large number of respondents hesitated and opted for a rather neutral answer “I am not sure” (every fifth respondent), whereas almost each third respondent rated this measure as a totally unacceptable one.



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

On the other hand, in considering alternative measures, the public selected the realistic option: meeting with the parents of other children, confrontation with the issue and explanation of the committed crime is an option preferred by the majority, whose reasoning is that confrontation with the issue may have a bigger moral and judging power than formal penalization. The social workers preferred counseling as a solution to the issue more than the other respondent categories, which probably reflect their professional attitudes.



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) – Fully unacceptable.

It is easy to perceive that the situation is somewhat different when the consideration includes recidivist behavior by juvenile persons, than when it only involved primary delinquency.²⁷ Namely, when the person is known to be previously penalized for the same kind of behavior, they are treated differently. It is hard to speak about increased punitivity (as attendance of counseling on control of aggressive behavior and meetings and explanation of the reasons why something has been committed cannot be sensibly graded, it is neither possible to claim that either of these is stricter than the other), but surely it is not about a different kind of treatment. The people in Bosnia and Herzegovina are seemingly less interested in alternative solutions to serious problems, but they tend towards more retributive approaches in penalization and in fact maintaining at distance and exclusion of repeated and "proven" delinquents from the social life.

If a T-Test is conducted regarding the differences between positions of respondents before (when the case involved primary delinquency) and after (when the case involved recidivism), in terms of acceptance of specific types of measures, a statistically significant difference may be established. Considering only the variable measuring acceptability of the prison punishment as a classical criminal law content, the public is more punitive (more prone to approve prison) if they know that the case involves a person who has a record of penalization and in this it is statistically significantly different from the situation when it does not know that the case involves a penalized person.

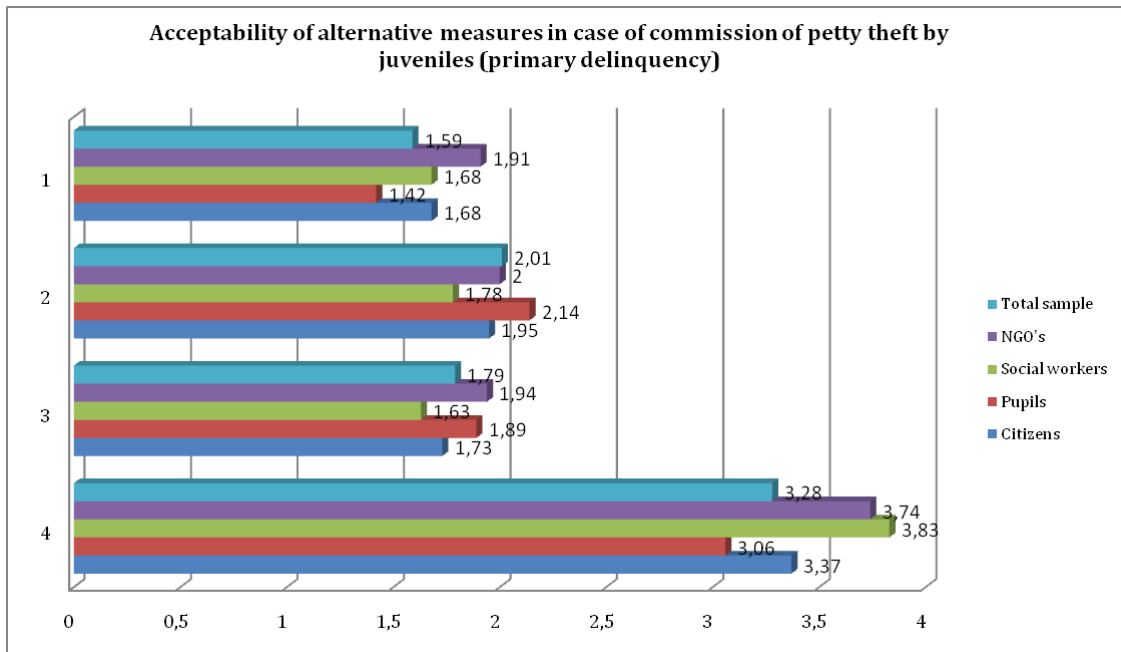
Such different treatment is in sociology frequently called stigma, labeling, and the like. In this context, famous sociologist Erving Goffman speaks about a discrediting stigma (when the person stigmatized has a "reason" to be stigmatized which is evident, such as a bodily invalidity, for instance), and discreet one (when this "reason"

²⁷ The question on recidivism was not asked to pupils (see note 6). The same applies to other four scenarios of juvenile delinquency elaborated below.

is not easily perceived). The persons previously penalized obviously fall under the second category (clearly we cannot tell based on someone’s appearance whether they have been penalized or not).

ACCEPTABILITY OF ALTERNATIVE MEASURES IN CASE OF COMMISSION OF PETTY THEFT BY JUVENILES

Petty theft is frequently treated as a petty crime (without any major consequences to the victim and/or society, and it usually do not refer to a high degree of criminal responsibility for the perpetrator). Therefore maybe it is not to wonder that the public has such a rather mild attitude in terms of penalization for the same (see graph). **In case of petty criminality, even an ordinary apology and promises that something like that shall not repeat are enough for the public as the “compensation” for the damage done.**

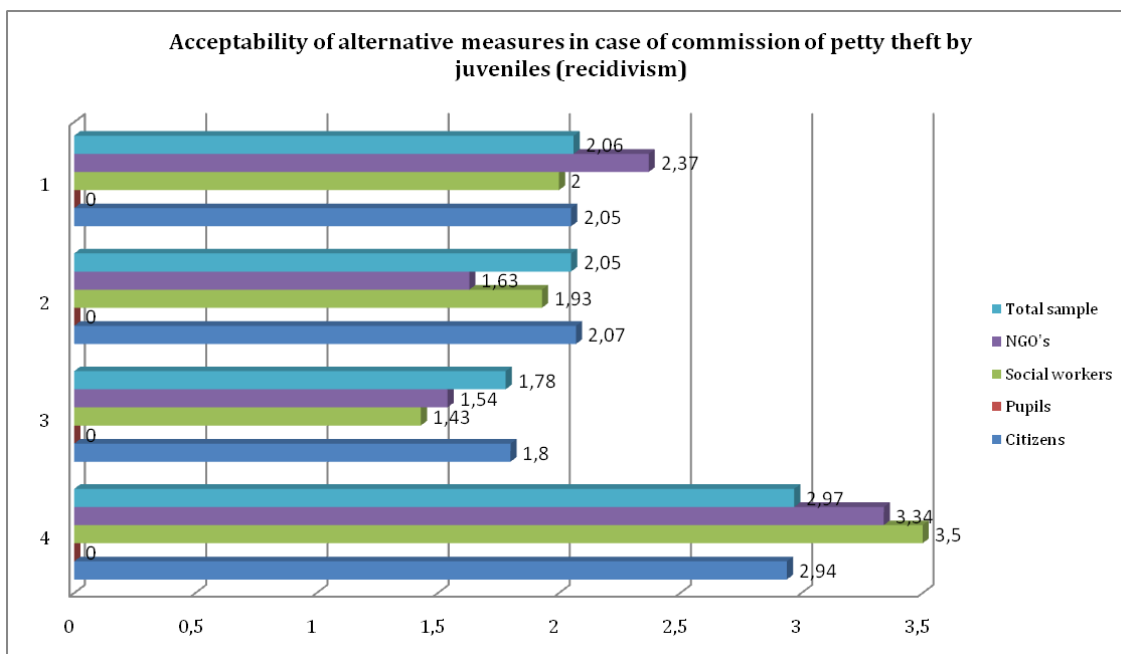


In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

The rate of agreement with each of the responses varied by categories. Thus, pupils statistically significantly prevailed in selecting apology as the method for addressing petty thefts, and citizens were more in favor of attending lectures and work at the facility where the crime had been attempted. There were no similar differences between the subsample of social workers and employees of non-governmental organizations.

In case of repeated commissions of petty theft, the attitude of the public changes and is more inclined towards lectures and such type of communication and indication upon the harmfulness of criminal behavior rather than an ordinary apology. This difference is statistically significant for all except for the lecture attendance variable, which indicates that it is in fact similarly valued as with the primary delin-

quency involving petty theft, and that the rest were rated significantly differently. The average values given to selection of prison punishment as the method to deal with petty theft have moved in favor of its acceptance.

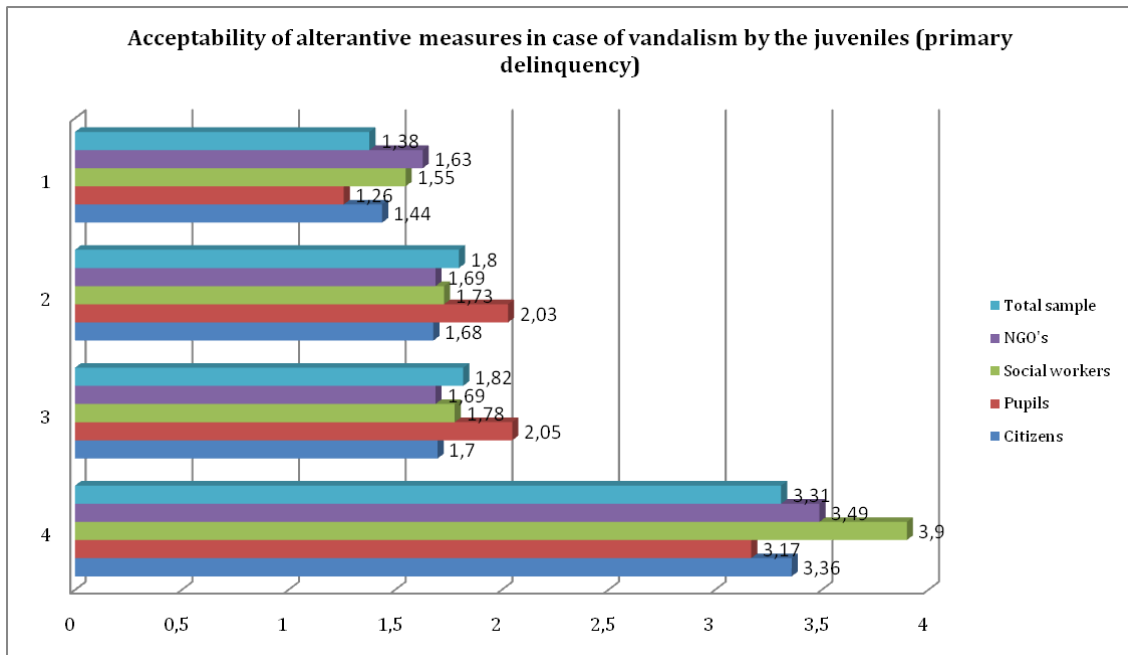


In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

The presented indicate upon the fact that the public in Bosnia and Herzegovina is really more punitive (inclined to stricter penalization), even when the case involves petty crime, if they know that the perpetrator is prone to such behavior.

ACCEPTABILITY OF ALTERNATIVE MEASURES IN CASE OF VANDALISM BY THE JUVENILE

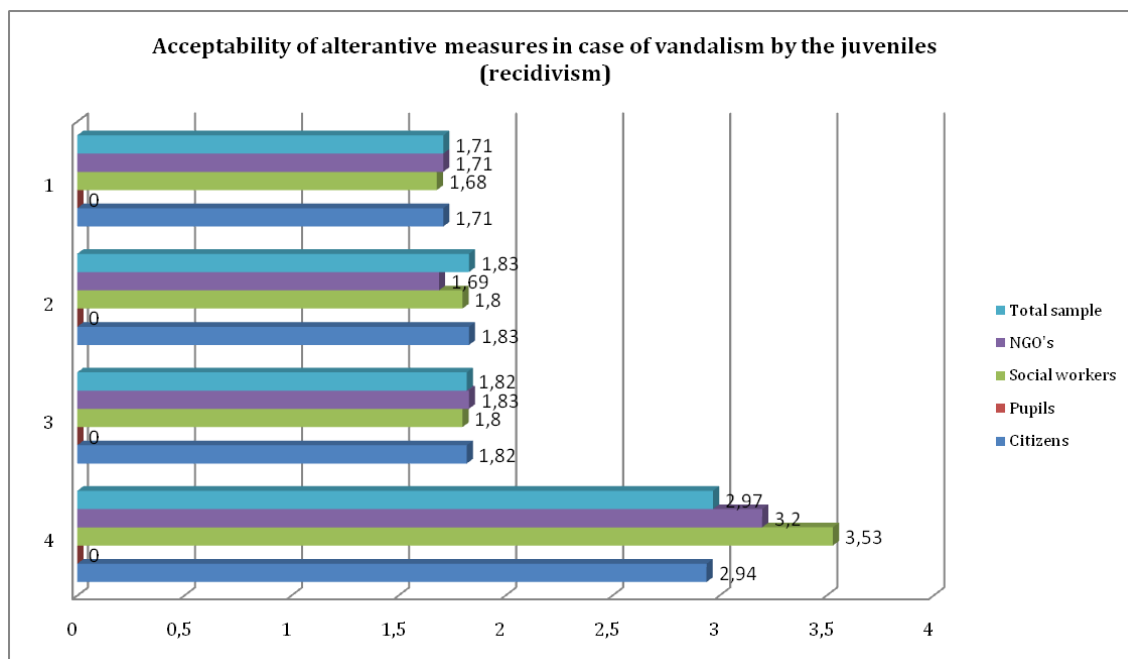
Even vandalism (particularly the example we have used in the survey, referring to breaking of school windows) is in fact in the sphere of less serious forms of criminality. Therefore it is reasonable to see the undivided attitude of respondents, according to which in case of less serious damage done to another's things, the return into status quo ante commission of the crime requires only the apology from the perpetrator and indemnity to the competent authorities) (see graph). However, in terms of the rate of agreement with specific forms of response, between the sub-samples of citizens and pupils differences were found in the way that citizens are more prone to combine apology and work (cleaning of the room and graffiti), and pupils are just in favor of apology and payment of the costs for the damage made. However, differences are minor and without any particular value.



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

Similar differences were not found with other two respondent categories.

In terms of all variables, there is a significant difference when the case involves primary and recidivist delinquency. This difference did not affect the order of preferences (except among the employees of the non-governmental sector), and it may be interpreted by the fact that people are more cautious and distanced when the case involves a recidivist, and they change the previous tendency towards high rate of agreement with more benign forms of response to theft of other's things for somewhat lower rate of agreement.

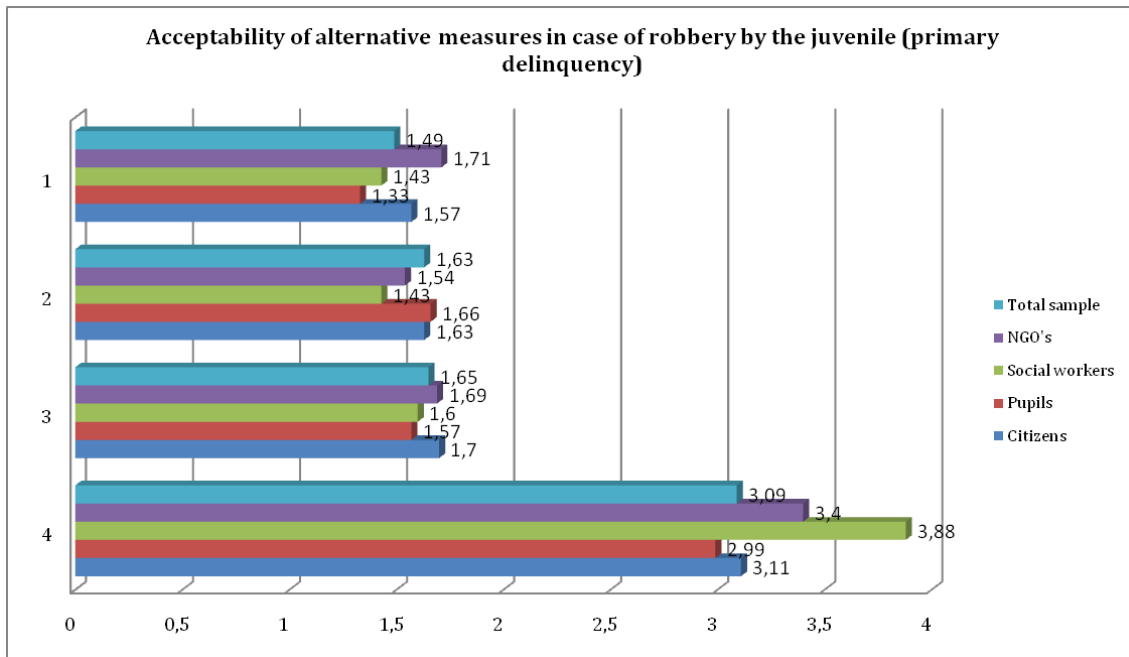


In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

Considering the variable of exceptionally retributive contents only (injured party and perpetrator do not need to agree, but the perpetrator needs to go to prison), there is a significant finding suggesting that the public is more benevolent when the case involves a juvenile person who is a recidivist in criminal behavior.

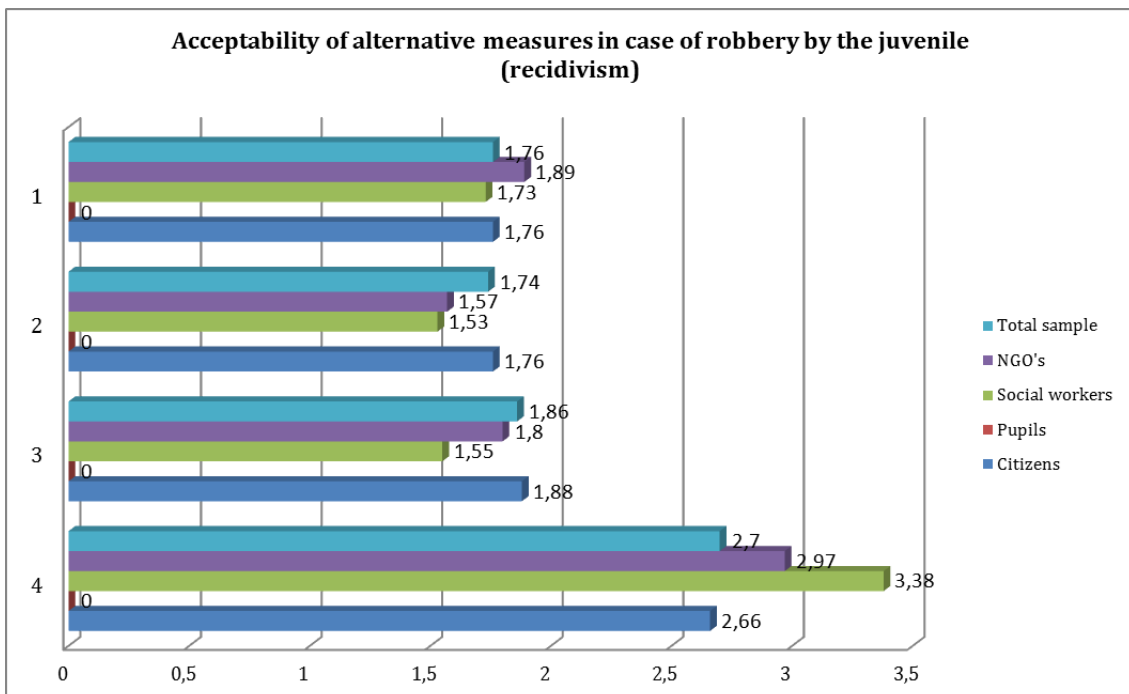
ACCEPTABILITY OF ALTERNATIVE MEASURES IN CASE OF ROBBERY BY THE JUVENILE

Apology including compensation of damage is still (just with the previous hypothetic situation) the most acceptable option in case of robbery by the delinquent (see graph). This option (where there is a statistically significant difference) was more frequently selected by pupils in comparison with citizens and, in addition to this variable, they also tended to accept the explanation of such behavior as an appropriate reaction. There were no differences among the expert public group, that is to say, they opted for the solutions in a mutually very similar way.



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

In case of recidivist robberies, the public has opted more in favor of the response involving attendance of counseling on control of aggressive behavior rather than of apology and indemnity.



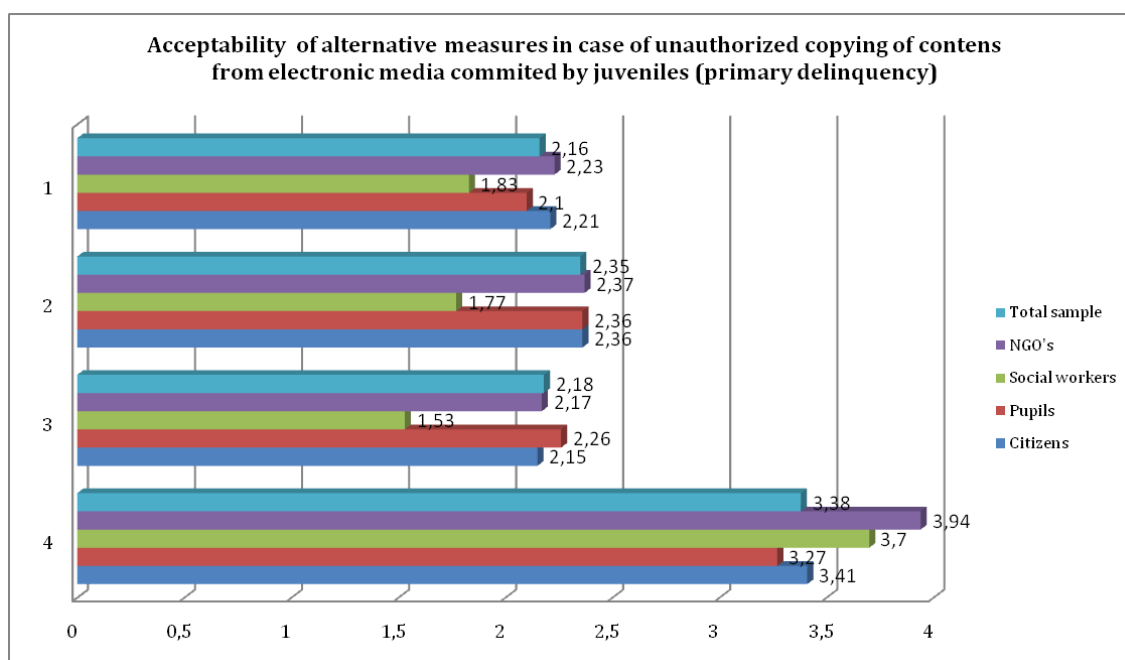
In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

There was also a statistically significant difference between the respondents when they were asked about the reaction to robbery the perpetrator of which is a primary or a recidivist juvenile.

Punitivity, examined through the variable measuring agreement of respondents with formal penalization (prison), was also more prevalent for recidivist than for primary delinquents (the mean value ranges from 3.09 in case of primary delinquency to 2.70 in case of recidivism).

ACCEPTABILITY OF ALTERNATIVE MEASURES IN CASE OF UNAUTHORIZED COPYING OF CONTENTS FROM ELECTRONIC MEDIA COMMITTED BY JUVENILES

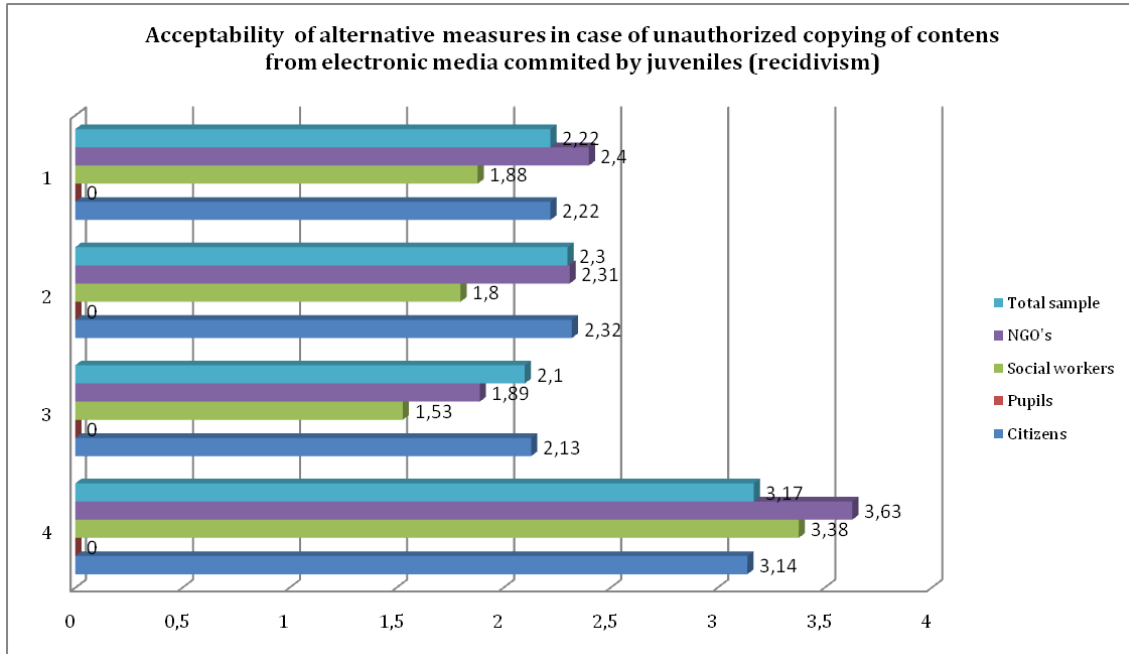
In case of a hypothetic situation involving unauthorized copying of contents from electronic media committed by the juvenile, the pupils selected a more "painless" option, and to a larger extent than the other respondent categories, they opted for apology and indemnity in some way (compensation for the profit lost) (see graph). With such an attitude, they are in concordance with the average value of the total sample. For other respondent categories, apology including attendance of counseling on copyright is a more appropriate option. In this attitude, however, the pupils do not statistically significantly differ from the subsample of citizens, meaning that a rather large number of them was also in favor of apology (but insufficiently so that the average value for the subsample of citizens to be in favor of the apology as the most appropriate response).



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) – Fully unacceptable.

To a higher extent than the employees of non-governmental organizations, social workers tended to rate attendance of counseling and work on behalf of the community as an appropriate response to unauthorized copying of contents from appropriate electronic media.

In case of recidivist demonstration of behavior involving unauthorized copying of contents from electronic media, the selection positioned first by all respondent categories is apology and attendance of counseling on copyright of authors of video-games, music, movies, etc. However, the change of opinion in the order of responses to this form of illegal behavior is not statistically significant.



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

Considering only the prison sentence, the public would be more punitive if the case involved recidivist behavior and would rather side with the prison sentence than if the case involved primary delinquency expressed in this manner.

COMPARISON OF THE ATTITUDES OF CITIZENS AND PUPILS OF SARAJEVO AND BANJA LUKA

The features of the environment by all means also play a role in the attitudes of people, including their punitivity. This is a familiar sociological concept of regionalization, which refers to the fact that the social life is determined by and depends on space and time. Such an interaction, which is spatially determined, also determines the positions of people, their perceptions, thoughts, customs, etc. This phenomenon is called "spatial (territorial) perception of the crime and punitivity" (Kaal, Vanderveen, & van Oeveren, 2008) and it may encompass some broader social communities, such as states or regions, but smaller ones also, such as cities, streets, etc.

This concept can in principle also be applied in terms of juvenile delinquency. Namely, in the given environment, depending on the customs, culture-related and other features of the local population, but also on the realistic picture of the magnitude of juvenile delinquency, the issue of youth delinquency can be considered less present or else a significant problem that requires response. So for instance, if the problem of juvenile delinquency is very strong in an environment and if the case involves an environment with a strong social cohesion (which could again play the role of non-formal social control), it is plausible to assume that its members will prefer somewhat stricter and more classical penalization.

In this context it is interesting and valuable to examine whether lay public (citizens and school pupils) have different attitudes towards sanctioning of juveniles. Firstly, we will investigate attitudes of citizens and school pupils towards scope of juvenile delinquency.²⁸

The perceptions of the citizens and school pupils in Sarajevo and Banja Luka towards scope of juvenile delinquency

Variable	Category of respondent	Mean	T-value	Significance (p)	Association coefficient
The perceptions of the citizens in Sarajevo and Banja Luka towards scope of juvenile delinquency in Federation of Bosnia and Herzegovina /Republic of Srpska	Sarajevo	1,97	-5,550	,000	0,18
	Banja Luka	2,20			
The perceptions of the school pupils in Sarajevo and Banja Luka towards scope of juvenile delinquency in Federation of Bosnia and Herzegovina /Republic of Srpska	Sarajevo	2,23	-5,723	,000	0,24
	Banja Luka	2,62			

²⁸ First of all, for the purpose of analysis we created the composite variable of prevalence of juvenile delinquency, namely by computing mean for every respondent for all items measuring prevalence of juvenile delinquency. Newly computed variable reflected perceptions of respondents towards all sixteen variables measuring juvenile delinquency, simultaneously keeping original values from the questionnaire (from (1)= very often [juveniles get involved in delinquent behaviour], to (4)= very rarely [juveniles get involved in delinquent behaviour]).

Findings from the table suggest there is statistically discernible difference between citizens and school pupils towards perception of scope of juvenile delinquency in community of their living. Citizens and pupils in Sarajevo assess delinquency more prevalent than respondents in Banja Luka. Examining the perceptions of category of citizens, the value of association coefficient is fairly low ($r=0.18$), and in the case of school pupils it is relatively higher ($r=0.24$). This can be interpreted that there is probability, although not particularly strong, that inhabitants of Sarajevo perceive delinquency more prominent problem than inhabitants of Banja Luka. Even this finding, however, suggest there are differences and that it is reasonable to compare attitudes of inhabitants of two largest Bosnian- Herzegovinian cities.

COMPARISON OF THE ATTITUDES OF CITIZENS OF SARAJEVO AND BANJA LUKA

It was previously mentioned that punitivity in our survey was measured through a series of hypothetic situation involving delinquent youth behavior, to which various modes of response were offered, and which the participants needed to agree or not agree depending on their own thoughts, experiences, and the like.

The least acceptable option for the residents of Sarajevo and Banja Luka is institutionalized treatment, which in principle offers strong support to alternative measures of response to juvenile delinquency.

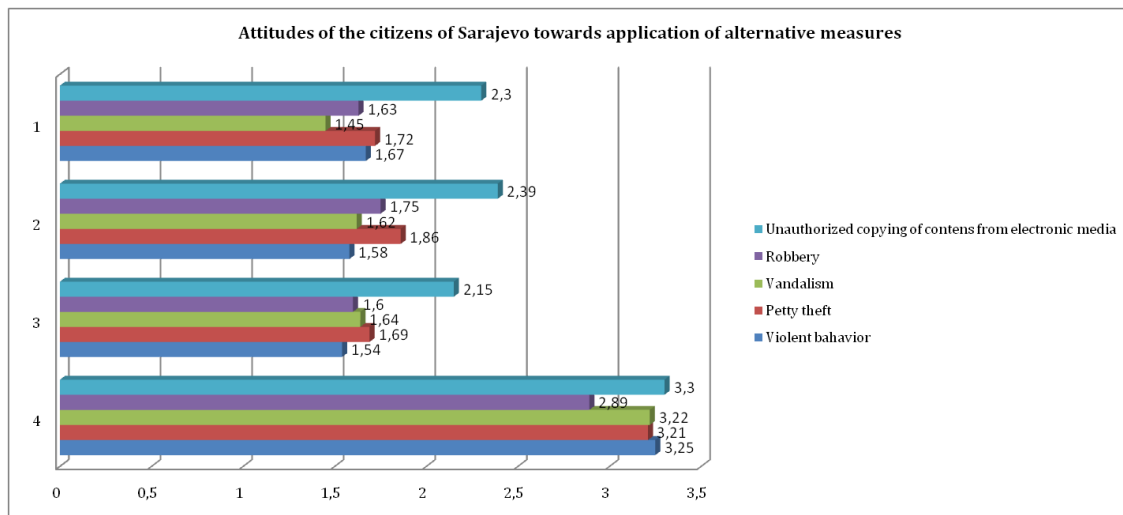
In case that prison is considered as an isolated instance, it is the most acceptable for the most serious forms of delinquency only, such as robbery. Therefore, the citizens are not in favor of this most serious form of state intervention, unless the case involves an exceptionally serious form of delinquent behavior.

For milder forms of delinquency, such as petty theft or unauthorized copying of contents from electronic media, the citizens deem that regular school attendance and socialization delivered in its course are quite sufficient for rehabilitation of the perpetrator. Namely, as the school proclaims conformism (compliance with the ruling social norms), the respondents deem that this function of the school is sufficient to successfully address milder disorders in youth behavior. The citizens of Banja Luka preferred institutional socialization through school as a solution for vandalism on the part of pupils too, whereas the citizens of Sarajevo in this situation preferred damage compensation.

In terms of response to more serious forms of delinquency (robbery and violent behavior), the citizens of Sarajevo and Banja Luka do not agree. Thus, the citizens of Sarajevo prefer some form of specialized assistance, such as counseling, whereas the citizens of Banja Luka deem apology to the victim to be sufficient as well.

The reason for disagreement in preferences may be partly explained by the fact that the citizens of Sarajevo perceived the problem of juvenile delinquency as bigger than the citizens of Banja Luka, so in the case of more serious infringement of personal security and integrity involving robbery and violence they deem that common apology is not efficient in terms of exerting change in the behavior of the perpetrator. Therefore the citizens of Sarajevo would be more willing to support specialized forms of assistance as methods of alternative response to more serious forms of delinquency.

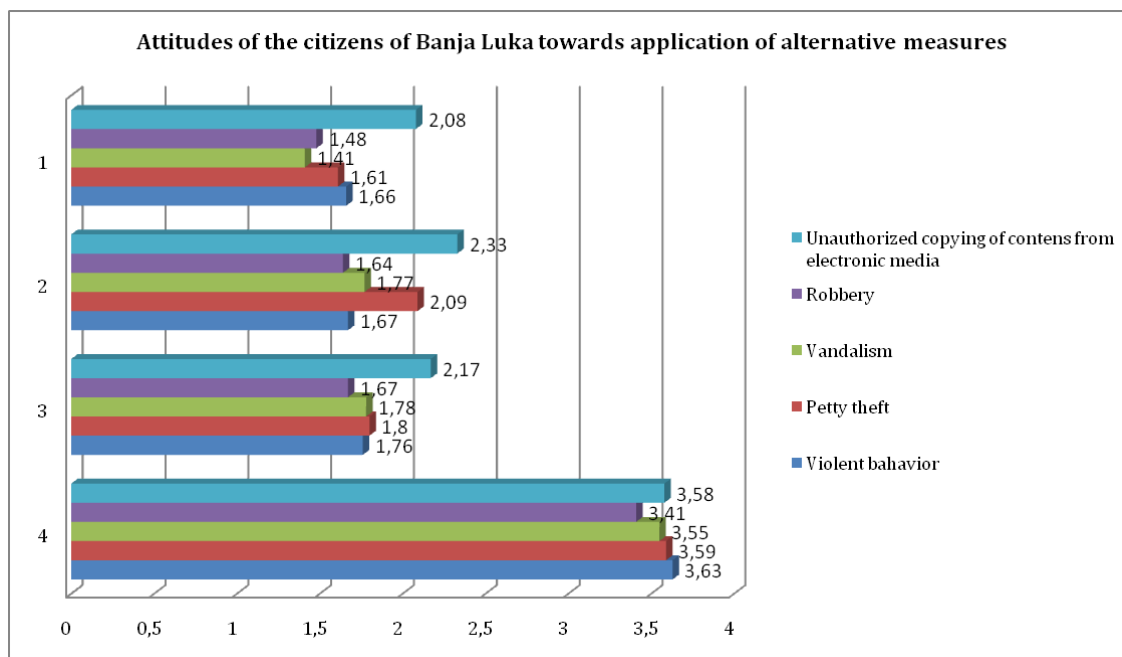
This level of analysis has shown that there are significant differences between the citizens of the two largest Bosnian-Herzegovinian cities (see graph). **The residents of Sarajevo prefer somewhat more formal forms of response to juvenile delinquency, and attendance of specialized counseling seems to them to be the most appropriate option for majority of delinquency forms. On the other hand, the citizens of Banja Luka deem that apology to the victim and damage compensation, or a promise that similar behavior shall not repeat, to be quite appropriate to address all cases involving juvenile delinquency.**



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

The reasons for such attitudes need to be sought in the above mentioned different perceptions as to the seriousness of the delinquency problem, so the citizens of Sarajevo, faced with a somewhat increased scope of delinquency and its more serious forms too, are prone to somewhat more formal and more specific state involvement in terms of juvenile delinquency. The citizens of Banja Luka perceive the problem in not such a large magnitude, so the methods of response are somewhat milder as well.

Regardless of where the reasons of the different positions may lie, the preferences demonstrated by the citizens of Sarajevo and Banja Luka suggest somewhat different, "city-specialized" activities in order for the alternative methods for response to delinquency, which undoubtedly are a primary option for all citizens, would yield success.



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) – Fully unacceptable.

COMPARISON OF THE ATTITUDES OF SCHOOL PUPILS OF SARAJEVO AND BANJA LUKA

Although the agreement rate is not the same, identical forms of response have been recorded between the pupils of Sarajevo and Banja Luka. This suggests that programs for promotion of alternative sanctions (preferred in the respondents' answers) have met a similar support among the pupil population in both cities.

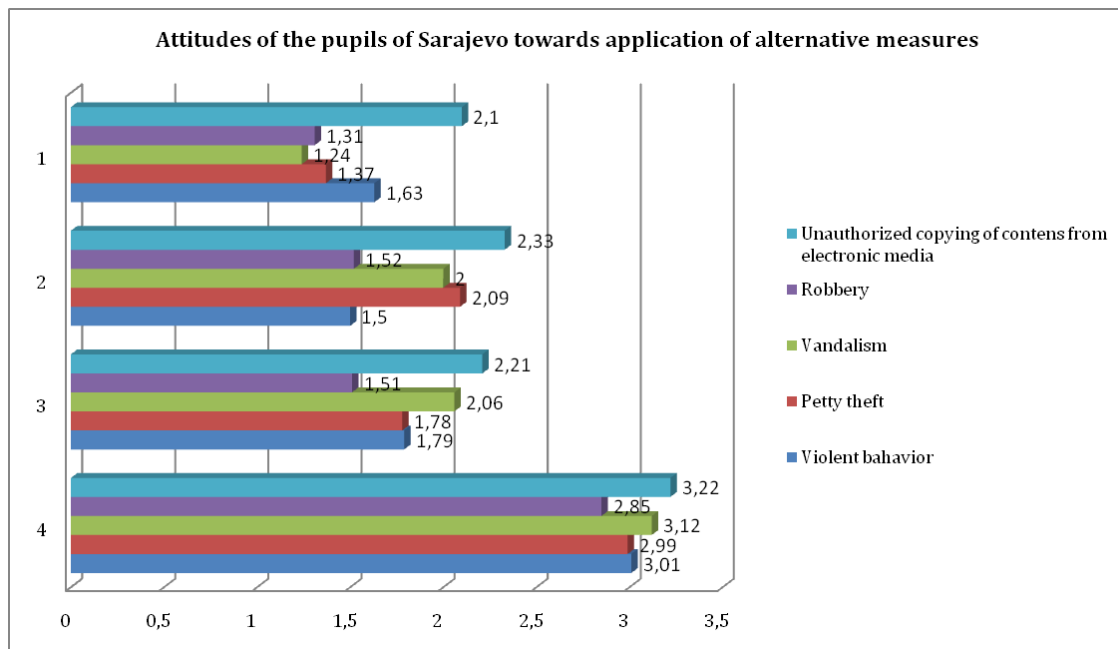
In case of delinquency damaging property (vandalism and small theft), the pupils are more prone to damage compensation as an appropriate response to addressing the situation and problem caused through expression of such behavior. In case of more serious forms of delinquency, including violence towards the victim, the responses preferred is apology.

Such findings can be explained a relatively reasonable manner. Thus, for instance, in the case of delinquency damaging property, the interaction between the perpetrator and victim most frequently does not happen, or it does not happen at all, so the restitution of damage is quite enough. Usually the rate of "criminal energy" is lower than in delinquency with features of violence, and the sense of personal security of the victim is not questioned.

In delinquency with elements of violence the interaction between the victim and perpetrator does happen, so in addition to some other rights and senses, the sense of security and physical and/or mental integrity of the victim is disrupted. Therefore it is reasonable that the respondents insisted on apology as a mode for restitution of security and integrity, which have been infringed or violated through criminal behavior of another person.

The pupils of both cities also agree in terms of response to unauthorized copying of contents from electronic media. As this is a form of behavior which is broadly prevalent, it is understandable that the respondents from the subsample of pupils were the most benevolent towards it and believed that regular school attendance was a quite sufficient and appropriate response to such milder form of delinquency.

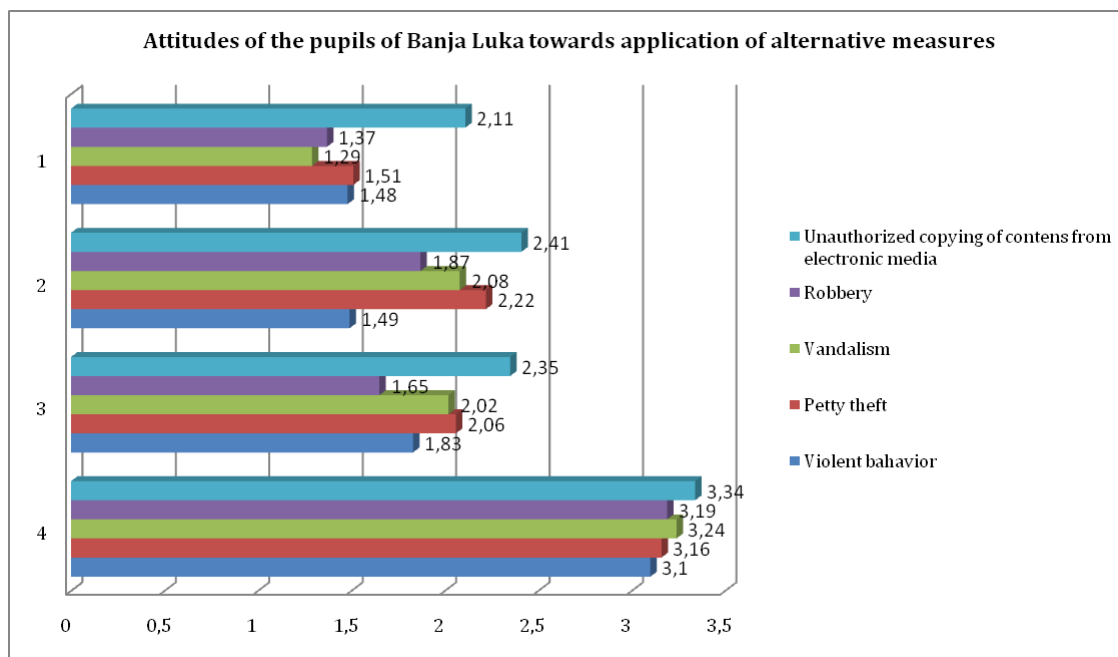
The majority of responses from pupils in Sarajevo and Banja Luka are similar (see graph). Such a finding suggests that milder, non-conventional forms of response to juvenile delinquency shall find strong support among the pupil population. For younger people, members of the aforementioned population, it is obviously enough to ensure mild response to all forms of delinquency and they strongly believe that it is possible to use this alternative mode of response too to effect change in behavior of juvenile delinquents. **The only difference is in the attitudes of the pupils from Sarajevo in case of violent behavior, in which case they are more prone to the option of damage compensation as an addition to apology.**



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) – Fully unacceptable.

Apology and damage compensation, or promise that similar behavior shall not be repeated, is the most frequently preferred option for all cases of delinquency and for both pupil populations (mainly) independently on the seriousness of delinquency.

The reasons for such mild response need to be sought first of all in the empathy with the perpetrators. If this is expanded to add the high rate of pupils' association with the immediate social environment, one receives the data on a relatively high level of social cohesion among adolescents themselves. This could be used in a number of ways.



In the graph above, **items (y-axis)** are: 1-Apology including indemnity/promise that similar behavior shall not repeat, 2-Apology and explanation of his-her behavior/work on behalf of the victim, 3-Apology including attendance of specialized counseling/work on behalf of the community, 4-Prison sentence; and, **categories (x-axis)** are: (1) – Fully acceptable; (2) – Partly acceptable; (3) – Not sure; (4) – Unacceptable, (5) - Fully unacceptable.

Firstly, the finding that persons prone to delinquency are disinterested in sensible activities (such as for instance work at school clubs) suggests that they should exactly be included into such activities, where positive socialization occurs and where conformism is advocated (compliance with the dominant social norms). An important moment also lies in the fact that the large majority of them (over 70 %) would agree to help to pupils with problems in behavior.

All the same, just like in the case of citizens, pupils should take active part in application (or at least surveillance) of alternative sanctions. Thus, in the case of apology and damage compensation (as the most acceptable method of response to delinquency), pupils – school colleagues of the perpetrator may have the role of controllers monitoring improvement in his or her behavior.

Formally, institutionalized penalization is the least acceptable option for pupils. If it is to be pronounced after all, it is mainly for more serious forms of delinquency.

DISCUSSION

LEGAL AND INSTITUTIONAL TREATMENT OF JUVENILE DELINQUENCY

In relation to the constructive legal analysis, we believe that the most prominent principles at a satisfactory level built into the provisions criminal legislation of Bosnia and Herzegovina, but to our terms of escalation and significant increase in the offending intensity with a minor element of violence, any opportunity to spend an analysis on the possibility to prescribe appropriate forms of short-term shock punishment. This system, known in some modern systems (shock probation, shock interceration), should show a negative side to ensure the closure of which could be expected the preventive effects.

The question of the criteria the law and the court has taken into account when deciding on the treatment of minor perpetrator, it is considered extremely important, especially in relation to the thesis of the decision on the reaction, then the type and extent reactions are not only special-preventive but significant general preventive effect. The fact that the legislator fails to specify all the circumstances which have in previous terms taken into account, meaning that a very significant segment of the policy responses to the delinquency of minors unfairly placed the responsibility of only the court, which significantly limits the range of the subject regulations, because what is required is not sure, which is not necessarily not be assessed in each case. **Appropriately should have been prescribed the obligation imposed on the implementation of urgent measures, and other decisions, as defined and recommended in Article 7 European Convention on execution of child rights.**

We can also say that although there is a certain level of harmonization with international documents, it should be pointed out certain shortcomings in terms of harmonization of domestic regulations with established international standards and principles. There are primarily thinking of the lack of opportunities to use educational recommendations are not prescribed by the possibility of active involvement of police officers, then the selection process recommendations to the judge or prosecutor is obliged to consider the interests of the perpetrators and victims, and not the community. Also, it is not clear or prescribed procedure for prosecutors and judges if the educational recommendations not show results or does not apply, and other forms of non-compliance, which in our opinion significantly reduce the effects that this should be achieved by alternative means in the overall effort to combatting juvenile delinquency.

After analyses conducted at the institutional level, we particularly point out the need to establish specialized units at prosecutorial offices and specialized departments at courts, which would be in particular competent for juvenile delinquency issues. Along with the above mentioned, we believe it exceptionally important to ensure continued implementation of the training of prosecutors and judges in the area of juvenile delinquency and alternative response methods. We also believe it important to expand the competencies and capacities of the currently active social welfare institutions and other institutions for enforcement of specific corrective measures, which by their experience and expertise need to be the central bodies for alternative response to juvenile delinquency. In those terms, the legal, material and financial support of the legislative and executive authorities is necessary. Then,

define which non-governmental institutions may take part in application of alternative measures, under what conditions (particularly define the competencies, monitoring and surveillance of their work, forms and methods of cooperation with government bodies and other non-governmental organizations), define the role of the local community (municipalities and local communities).

SURVEY ON ATTITUDES OF CITIZENS, SCHOOL PUPILS, SOCIAL WORKERS AND NGO EMPLOYEES CONCERNING PRONUNCIATION AND IMPLEMENTATION OF ALTERNATIVE MEASURES

It is arguing, in fact wrong, to insist on alternative measures as "solution" on problems with juveniles committing crimes. For recidivist and chronic juvenile offenders, which constitute relatively small proportion of total number of criminally registered juveniles (up to one third), resocialization and rehabilitation, whose purpose is to develop awareness of common social interests, can hardly be achieved by apology and damage recompensation. There are, namely, always certain number of recidivist delinquents who are in need of custodial treatment with psychological and pedagogic content, which, on the other hand, are considered to be suitable for developing sense for needs and interests of community. Only this way young offenders will terminate their criminal careers; it is persuasion in their own misconduct rather than fear of possible sanctions. Plausibility of treatment of such juvenile offenders is due to level of their lack of upbringing and pronounced antisocial personality, as well to numerous external problems present in Bosnia and Herzegovina (such as heavy difficulties of economic, political, etc., nature), issue that deserves special consideration, not to be further discussed here.

In cases of primary delinquency and commission of milder offences (vandalism, petty theft or unauthorized copying of contents from electronic media), but clearly not in every particular case, and in cases of offenders who are considered normal parts of community, one could, at least in principle, speak about properly socialized individuals whose wrongdoing does not require usual judicial involvement. Obradović (2008) suggest these are usually young persons living in functional families with coherent relations, which are capable to provide proper resocialization. This is just the part of youth population suitable for implementation of alternative measures. Additionally, there are opinions that their traditional, judicial treatment would in fact be counterproductive.

Thus by respondents in our survey most preferred alternative measure, apology to a victim, which could (and actually should) include confrontation with the latter, the restitution of a condition prior to the offence could be achieved. Moreover, the victim could be both individual person as well as community of diverse complexity (part of the city, street, part of the street, block of buildings, etc.). Confrontation with his/hers own wrongdoing clearly suggest the young offender that illegal behavior will not be tolerated, but at the same time the formal punishment is evaded and the stigmatization therefrom.

Other widely supported measure, damage (if caused by the offence) compensation, is inevitably connected to apology. By this measure the restitution of a state prior to the offence is achieved, accruing to the victim, community, and offender. Restitution has several advantages. It facilitates the compensation of the damage to the injured party, and by redemption it potentiates the rehabilitation of the offender. It has diverse forms, which usually include financial compensation to a victim, but could include community or service accruing to the victim as well.

Victim is by damage compensation „satisfied“, since it gets back goods which are due to the commitment of a crime stolen or damaged. It can be done by provision of either financial counter-value of the property stolen or damaged, or service accruing to the victim. Community can benefit from damage compensation, which can

encompass various activities (graffiti removal, cleaning of a grassland, etc.).²⁹ The perpetrator gets the opportunity to be confronted with the wrongdoing he has committed, and damage compensation is more feasible in the case of alternative measure than in usual sanctioning, especially custodial: inclusion of juvenile offenders in programmes which they can compensate the damage either to injured party or community is possible only if the juveniles are out of traditional custodial treatment.

The role of the citizens, who, according to our study, strongly support this measure, need not to be restricted solely to acceptance and approval of this particular mode of dealing with juvenile misbehavior. Community can and should play important role in control of juvenile offenders. Thus in case of apology to a victim the oversight of an offender should be preceded. The oversight should be essentially performed by social worker. Non-governmental organizations on local level, and/or even revitalized tenants' councils, however, can have role of one of control mechanisms, which social worker (or alike authority empowered to oversee the behavior of the delinquent upon the pronouncing of alternative measure) can consult on regular basis in order to verify that behavior of the delinquent was indeed episodic event in the his/hers life and that such young person does not further manifest conduct disorder. In case of damage compensation, the community can take the function of monitoring of fulfillment of conditions imposed by pronouncing of alternative measures.

Nevertheless, one should be cautious herein. The community, if one desires to involve it in implementation of alternative measures, has to be consulted on reasons and eventual modes of its participation. Authors abroad emphasize the importance of acceptance of alternative measures as crucial, and warn in this respect that process of their acceptance is slow. The person addressed by alternative measures of apology and damage compensation (or alike, "mild" one), should originate from the community, and to be its part, respectively. It is clear that there would otherwise be no possibility of imposition of conventional social values, nor would community exercise any authority over offender whatsoever; he/she does not view it as his/hers own, and does not feel obliged to follow norms it sets.

In case of more serious forms of delinquent behavior, attendance of specialized counseling, preferred by public, assigns responsibility for offenders rehabilitation onto professional part of institutional infrastructure. It is separate issue which topics should such counseling address. It is, at least in principle, safe to say that counseling is important prospect of dealing with juvenile offenders who experience conduct disorder, especially aggressive forms. There are, namely, empirical findings suggesting that two thirds of those who manifest aggressive behavior will continue to manifest antisocial behavior into adulthood (Calhoun, Glaser, & Bartolomucci, 1999). The counseling itself refers to exploration of the causes of aggression, comprehension of young person's problems, etc., and literature suggests that counseling including multimodal approach, directed at 1) skill-oriented programmes, and 2) change in behavior, are the most effective. Individual therapy is, on the other hand, the most successful form of counseling, ensuring long-term changes throughout individual's life.

²⁹ Community service has been the most successful alternative measure in western European countries (Bartlett, 2005).

CONCLUSIONS

LEGAL AND INSTITUTIONAL TREATMENT OF JUVENILE DELINQUENCY

In assessing the domestic legislation in relation to the degree of harmonization with the relevant international standards in the area of alternative response to juvenile delinquency, we may say that the Criminal Code of the Federation of Bosnia and Herzegovina and the Criminal Code of the Republic of Srpska contain the provisions pertaining to implementation of alternative measures against juveniles. In addition, alternative measures may be applied to all age categories of juvenile criminal perpetrators, and are to be instituted exclusively prior to the formal institution of the criminal procedure.

In our opinion, certain problems in this area are observable as well, that we believe may be the subject of development of the domestic legislative and institutional systems, and we here particularly indicate upon: authorized officials (from among the police ranks) may not apply alternative measures; corrective recommendations may only be pronounced for less serious crimes (which carry fines or prison sentences of up to 3 years); the list of alternative measures is limited, meaning that the criminal codes do not contain a „broad spectrum“ of alternative measures that would be available to the authorized prosecutor or judge for juveniles. This is foremost a reference to prescribing of some forms of alternative response provided in the Tokyo Rules³⁰; it is only possible to pronounce one recommendation against a specific perpetrator for the committed crime; the judge for juveniles as well as the authorized prosecutor may not pronounce all of the prescribed corrective recommendations, but only some of them; when deciding on which corrective recommendation is to be pronounced, the judge for juveniles and the authorized prosecutor must take into account the interests of the perpetrator and the injured party, but not the interests of the community; the limited accommodation capacities and in general existence of institution for enforcement of corrective recommendations; the lack of post-penal treatment.

We believe that some interventions could be made at the legal and institutional levels in Sarajevo and Banja Luka, or in Bosnia and Herzegovina, which in our opinion would facilitate more effective enforcement of alternative measures against juvenile delinquents, thus contributing to more successful countering of criminal behavior among juveniles. We particularly single out the following recommendations: allow for pronouncement of corrective recommendations even for more serious crimes, expand the list of alternative measures, allow the judge and the prosecutor to pronounce all of the prescribed alternative measures, and enable them to pronounce more than one alternative measure against a single perpetrator, allow the authorized police officials to pronounce specific alternative measures in compliance with the law, precisely define the standards and criteria for action on the part of the institutions responsible for surveillance and determine their authorities; establish a single database on crime and all phases of the procedure throughout the Bosnia and Herzegovina territory; provide a legal basis for the post-penal treatment – or for effective removal of the conditions and causes which have impacted upon the commission of the crime.

³⁰ Verbal sanctions (admonition, reprimand, warning), economic penalties and fines, seizure or order for confiscation, home confinement, etc.).

At an institutional level, we particularly stress out the need for establishment of specialized units within prosecution offices, as well as specialized departments within courts, which would exclusively be responsible for the juvenile crime issues, while providing training to the prosecutors and judges in the area of juvenile delinquency and alternative response methods. We also believe it is significant to expand the jurisdiction and capacity of the currently active social protection institutions and other institutions in terms of enforcement of specific corrective measures, which by their experience and expertise should be the central bodies for alternative response against juvenile delinquency. In this sense, the legal, material and financial support is required from the legislative and executive government authorities. Then, it needs to be defined which non-governmental organizations can take part in application of alternative measures, under what conditions (specifically define the jurisdictions, monitoring and surveillance of their work, forms and methods of cooperation with government authorities and other non-governmental organizations), define the role of the local community (municipalities and local community centers).

We also deem it important to indicate upon the problems identified which occur at some institutions for enforcement of measures and sanctions against juveniles. Thus, we believe that it is necessary to provide support to the Institution for Correction of Male Children and Youth „Hum“, particularly in the sense of resolving its legal status, funding, space adaptation (there is a lot of non-adapted space), expansion of activity to include other contents that may be complementary to the contents involving corrective recommendations and corrective measures, staffing (pedagogues, psychologists, criminal specialists, teachers for practical training according to the curricula). The staffing structure is pointed out as the need at all of the institutions analyzed, wherein the recommendation is to strengthen all institutions both in terms of numbers and expertise.

PRONUNCIATION AND IMPLEMENTATION OF ALTERNATIVE MEASURES

Young people incline to experiment and to explore themselves and their own role in the world. Some of their acts could have features of antisocial behavior, ranging from misdemeanor to criminal offence. Not in every case, however, custodial or alike, traditional penal forms of resocialization and reintegration of the offender is necessary, since low level of criminal liability and „criminal energy“ suggest it is rather episodic event in the life of a juvenile and not delinquent personality structure. Evaluation in this regard should be exercised by the court or other agent of criminal justice system (e.g. prosecutor), and it should be brought upon particular subjective and objective circumstances of an individual criminal offence.

Results of this research favor a view of wide acceptance of alternative measures for juveniles in conflict with law, by all categories of respondents chosen to represent the public who are in some way interested or involved in treatment of such juveniles (school pupils, citizens, social workers and NGO employees). In this respect, several inferences could be made.

The official crime statistics in Bosnia and Herzegovina traditionally show high frequencies of property crimes. However, the public demonstrates serious concern even in the terms of a relatively high prevalence of violent delinquency among youth. Such a conclusion leads us to the recommendation that it would be necessary to develop the programs for SECONDARY and TERTIARY prevention of violent behavior among youth.

In the developed western societies, the quality of neighborhood directly depends on the amenities it offers, so that a better neighborhood shall also include more contents where we can spend our leisure time. However, exactly in the cases of Sarajevo and Banja Luka it is not so. Namely, although 72% of them have expressed much association with the neighborhood, on the other hand, only 35% believes that their neighborhoods have appropriate amenities for creative use of leisure time, and this leads us to conclude that the local communities would have to work on ensuring amenities for youth, outside the regular school activities (sports, music, various clubs....).

A high percent of respondents (72%) have stated that they would miss their neighborhood if they had to move someplace else, whereas only tenth part of the sample would be ready to move without emotion. This is an affirmative piece of data and it entails the opportunity to create cohesive elements in the neighborhood. A high percentage of citizens today are apartment owners, which recommends them as more interested in cooperation with the community. It is assumed that the citizens today would be more interested in reaction to protect their property if they are offered some „formal form of organization“ for this at the closest level. The recommendation that could be stated here is restructuring of the “forgotten building councils”, which would exactly articulate the interests and needs of the citizens even in this direction.

When asked: „whether their family would accept a juvenile delinquent for corrective upbringing even over a fixed period of time“? Only 18.5% respondents would accept such an option, and specifically under certain conditions (they partially agree). However, on the other hand, even 72.7% of respondents “do not leave the option open” that something like this should happen. Let us now start out „from their home“ into their neighborhood; it is interesting to interpret, because in the previous paragraphs we have received “their perception of the neighborhood”, as to what the

respondents think if there is a family in the neighborhood that would nevertheless receive a juvenile delinquent for corrective upbringing for a fixed period of time. Now we here have a milder attitude, because 30% left such an option open, whereas 66.4% refused even to think about something like that. From the stated data, one could draw the recommendation that it is worth to persist on public information sharing on alternative measures. Namely, although 72% respondents refused to even think about accepting a juvenile in their home for corrective upbringing, nevertheless 30% of them believe that there are families in the neighborhood who would accept that. We can see an increased readiness of the public to take part in interaction with a delinquent young person only in the case when it does not include too much intimacy. All of the respondents agree that the least acceptable option is to share their close living space (apartment) with the delinquent person, and particularly to entrust him or her to take care about property (even if the case involved a delinquent who has not demonstrated delinquent behavior in terms of aspirations towards others' property). Therefore, for the public it is quite acceptable to enter a regular, daily interaction with persons prone to delinquency, but there is a distance if there is a need to share more than common things. Through information on alternative measures, make the public aware of the complete procedure from pronouncement, via enforcement to cancellation of such measures. In this way, the public will be dared take more part in such activities. The citizens must be informed on the very philosophy and useful value of alternative measures for juveniles. They must be descriptively clarified about the purpose and method of enforcement of such measures. Exactly the data showing that 74% of the population has reported TV info programs and daily press as the major source of information on crime in general may serve as a justification to start with a MEDIA CAMPAIGN to inform the citizens on alternative measures, of course, using exactly the TV and daily press as media for such an undertaking.

This survey shows that the participants are interested in having schools developing juvenile delinquency prevention programs (79.8%), or rather, 82.5% of them believe that even the pupils of such schools should be actively involved in implementation of prevention programs, and 73% of them would be willing to get involved in such programs if organized by schools. This piece of data logically implies the recommendation to develop specific forms of education (special curricula) within some of the learning subjects, where pupils (but their teachers as well) would be educated on application of alternative measures against juveniles.

The question that has prompted much attention, and one could say, deserved to be found among our recommendations, is the one where we questioned pupils: „Do problematic pupils get involved in the work of school clubs"? The answer was the expected one, because 65% pupils believed that such peers do not get involved in such clubs, alluding that such activity has not been sufficiently affirmed among this population. In reference with this, it is needed to animate the responsible entities at the local communities, but also at schools, to have projects offered and financed intended for "creative use of leisure time" for the pupils who do not have money to pay for something like that. Let us only take into account a practical example of sports in Bosnia and Herzegovina. Undoubtedly, for decades now we have seen the highest interest in football, basketball and handball, because these are sports which in both cities (Sarajevo and Banja Luka) include clubs that have even won European championship titles (KK Bosna, RK Zeljeznicar, and RK Borac). However, going in for sports now requires a financial foundation from the interested child, meaning that only those who have money to pay for training will train. This has to be changed, because it is exactly the sports that transform and redirect aggression into a useful direction. In this way, pupils with insufficient financial resources, who in addition demonstrate pre-delinquency behavior patterns, are offered only to be

“out in the street” in our society. Local community must start funding sports clubs, meaning their work with young talents, and not only with talents “on the commercial basis”. On the other hand, the pupils too have proven much solidarity. Namely, if they were offered to take part in assistance to pupils who have indulged in problematic behavior, 71.6% of them were unreserved about accepting this, whereas 12.5% would have to think about this a little more. This is exactly why it is necessary to develop education programs on alternative measures for juveniles and their application at schools, so that among the “peer population” the society could have great allies in application of alternative measures.

Interesting from the aspect of the pupils’ perception is that it is important for young persons to hear (and they rank this very highly) why someone has decided to violate the law: confrontation seems to be a more serious sanction than a sentence. In accordance with this, they demonstrate “what constitutes sacrifice at that age” – „confrontation and apology”. This element needs to be seriously considered and used in implementation of alternative measures.

Even up to 85% social workers from our sample deems that corrective recommendations may influence the juveniles so that they do not commit crimes in the future. They are decisive in the opinion (70%) that corrective recommendations are not applied because the law and bylaws do not prescribe a clear procedure for their selection and application. Related to this, we imply the recommendation that on decisive terms, through Commentaries or separate Rulebooks or brochures, procedures for application and selection of e.g. “corrective recommendations” be prescribed and plastically presented, with an emphasis on the implementation itself. Why such a recommendation: we shall conclude by stating that *85% social workers from our sample believe that corrective recommendations may influence the juveniles so that they do not commit crimes in the future.*

CORRECTIVE RECOMMENDATIONS ARE NOT BEING APPLIED 60% agree with the statement that corrective recommendations are not applied more frequently because juveniles do not demonstrate readiness to reconcile with the injured party. Right here we can see that the perception of professionals corresponds with the attitude of pupils. Namely, the pupils have themselves stated that it would be necessary to insist on apology and confrontation with consequences, believing this to constitute “sacrificing one’s own ego”. The recommendation would pertain exactly to the development of separate pilot programs under which the sanction involving apology to the injured party or the like would be pronounced for “selected crimes”.

It is alarming that only 15% of the social worker sample have attended training in the domain “implementation of the procedure for mediation, monitoring and enforcement of corrective recommendations for juveniles”. Of course, the recommendation would be: „organize separate training for social workers on the topic „implementation of the procedure for mediation, monitoring and enforcement of corrective recommendations for juveniles”.

One fifth of the social worker sample has been involved in implementation of the corrective recommendation “work in favor of an aid organization”. Exactly prompted by the results of such surveys, it would be possible to make an effort in this direction so that such sanctions are pronounced and applied more frequently. It is necessary to organize FOCUS GROUPS, attended by social workers and NGO representatives. In this way, a „sui generis Curriculum” would be formed, by both these groups, social workers as professionals and employees of NGOs as persons who have the opportunity to take part in such projects. The moderators should be scientific workers who have references in terms of projects involving application of alternative measures against juveniles.

Finally, social workers believe that alternative measures will not be applied more frequently, because there is no sufficient number of organizations and institutions in the public and social sector with which to cooperate in application of, for instance, corrective recommendations or, because there is a lack of active participation on the part of the local communities necessary for application of corrective recommendations. Such an attitude is advocated by two thirds of the social workers from our sample. It is exactly why it is needed to organize lectures at the local community centers for citizens, including prior media campaign programs. In this way, social workers would be directly in contact with residents of city districts and would approximate the issue of societal response to the behavior of youth to them.

It is necessary to promptly use the piece of data obtained in the survey, stating that even up to 91.4% of the sample of employees in the non-governmental sector believe that the non-governmental sector where the respondent is employed would be interested in more active involvement in the selection and application of corrective recommendations against juveniles. The recommendation would pertain to ensuring a more concrete cooperation and coordination of positions, needs and implementation procedures through joint WORKSHOP sessions for the interested NGOs and social welfare services.

When criminal offence committed by juvenile occurs, in assessing the needs of the community, the victim and the juvenile himself, the public has relatively retributive attitude. A macro-micro retributive perspective is present, whereby most-favored choices made by public are:

- a) macroperspective-restitution of order before the crime was committed, by restitution the security and punishing the offender;
- b) microperspective-support of victim, obligation of the offender to plea and explain the reasons of wrongdoing committed}.

The public was, however, the least in favor of traditional retribution (formal punishment).

When opting for several reactions, public prefers alternative measures over penalties. In vast majority of cases respondents choose informal, alternative reaction over formal. Typical alternative measures widely opted for are apology and damage compensation.

Since our sample constituted of four subsamples, certain differences were recorded. **Lay public (school pupils and citizens) preferred regular school attendance, apology and damage compensation as modes of dealing with the criminal occurrence caused by minor**, whereas experts (social workers and NGO employees) preferred some type of counseling (psychological, educational, etc.).

The gravity of the offence did not affect the attitudes of the respondents regarding the evaluation of the reaction. The public opted roughly the same, whether the minor or serious (abstract) offence was considered. It is separate question, not to be elaborated here, whether it is in particular case opportune to opt for alternative measures, but the important finding is that there is support even if such decision would take place.

Prior victimization and gender of the respondent did not exert any substantial effect on respondents` opinions on punishment. In other words, people are not more punitive (tend to have harsher views on punishment) if they are particular gender and/or victimized in the past.

When recidivism was considered, significant change in attitudes was recorded. Although formal punishment was still the least favored option, when considering the

recidivist juvenile public have greater propensity to form of treatment other than that in case of primary delinquency (e.g. attendance of aggressive behavior counseling instead of plea). As regards the formal punishment, public tends to greater approval of it if it considers recidivist delinquent.

When interacting with the juvenile offender, people tend to agree with usual communication and mutual respect signs (such as borrowing the newspaper, small amount of money, etc.), but are rather reluctant to more intensive form of socialization. They are the least in favor of greater intimacy (such as allowing him/her to enter the living space of respondent). This finding can be interpreted as general tendency of the public towards retributive perspective (not necessarily formal punishment), so the distance to the offender, who is perceived as the violator of common order, is actually the mode in which the society labels and morally punishes offenders.

Respondent`s city affiliation does not necessarily connote significant differences between the attitudes towards juvenile misbehavior. Findings, however, suggest there are indeed some distinctions, in particular in category of citizens, but they are not great. But, even this finding can serve as guidance which alternative measures would local community support at most and be useful upon creating programmes of alternative measures towards juvenile delinquency on local level.

RECOMMENDATIONS

LEGAL AND INSTITUTIONAL TREATMENT OF JUVENILE DELINQUENCY

- ✚ Adoption of the Law on Protection and Proceeding with Children and Juveniles in the Criminal Procedure.
- ✚ Prescribe the option to provide authority for pronouncement of specific corrective recommendation even to the authorized officials from the police authority ranks.
- ✚ Prescribe that during the process of selection of recommendations, in addition to the obligation to take into consideration the interests of the perpetrator and victim, the judges and prosecutors should also take into consideration the interests of the community.
- ✚ Prescribe the obligation to monitor the enforcement of the corrective recommendation, and provide a more precise definition of the standards and criteria for action on the part of the institutions in charge of implementation of surveillance over enforcement of alternative measures and establish their authorities.
- ✚ More clearly prescribe the procedure for prosecutors and judges if the corrective recommendation fails to yield results or is not enforced.
- ✚ Prescribe the option to pronounce corrective recommendations even for more serious crimes (for which a sentence of three years of prison or a more serious sentence has been prescribed).
- ✚ Expand the list of alternative measures (*verbal sanctions (admonition, reprimand, and warning), economic sanctions and cash sanctions, seizure or order for confiscation, confinement at home, etc.*).
- ✚ Prescribe the option to pronounce more than one alternative measures for one perpetrator.
- ✚ Prescribe the obligation to establish a single database on delinquency and all phases of the procedure on the whole territory of Bosnia and Herzegovina.
- ✚ Prescribe which the institutions and bodies are that are entrusted with enforcement of alternative measures, that is, standards that need to be met within such institutions and bodies.
- ✚ Prescribe the basis, the procedure and the bodies for post-penal treatment – that is, for effective removal of the conditions and causes which have influenced the commission of the crime.
- ✚ Specify all circumstances on the behavior of the juvenile after commission of the crime that need to be taken into account during the procedure for corrective measure or determination of its duration (e.g.; whether the juvenile has tried to prevent the occurrence of consequences or has subsequently removed them, has he apologized to the injured party after the crime, has he demonstrated willingness to or compensated the damage done);

- ✚ Establish specialized departments within prosecutorial offices and specialized departments within courts which would exclusively be in charge of issues of juvenile crime;
- ✚ Training for prosecutors and judges in the area of juvenile delinquency and alternative response methods;
- ✚ Expand the capacities and competencies of the currently active social welfare institutions and other institutions for enforcement of specific corrective measures;
- ✚ Define which non-governmental organizations may take part in enforcement of alternative measures, under which conditions (specifically define the competencies, monitoring and surveillance over their work, forms and methods of cooperation with state bodies and other non-governmental organizations);
- ✚ Define the role of the local community (municipalities and local communities)
- ✚ Deliver concrete support to the Institute for Upbringing of Male Children and Youth „Hum“, particularly in terms of resolution of its legal status, financing, space adaptation (there is a lot of non-adapted space), expansion of activity to include other contents that may be complementary to the contents from corrective recommendations and corrective measures, additional staffing (pedagogues, psychologists, criminal experts, teachers for practical training according to the curricula).

PRONUNCIATION AND IMPLEMENTATION OF ALTERNATIVE MEASURES

Support Strategy to Combat juvenile delinquency in Bosnia and Herzegovina in part that addresses alternative manners of dealing with juvenile offenders by informing the public (both lay and professional) on the results of the study and wide support in population for alternative measures in dealing with juveniles in conflict with law, and establish/continue with permanent campaign and advocacy of alternative measures in treatment of juvenile delinquents

Specify modes of implementation of alternative measures which our survey marked as the most acceptable- apology and damage recompensation (to both injured party and community), but others as well

Specify potentials and forms for local non-governmental organizations to be involved in implementation of alternative measures and ensure their financial and other support

Consider the involvement of other entities in implementation of alternative measures (local authorities, such as tenants` councils or alike)

Establish/improve programmes of specialized counseling for juveniles in conflict with law, especially for those engaged in aggressive behavior. This refers in particular to Sarajevo, which happens to have significantly more pronounced problems with violent juvenile crime

Consider the extending of legal possibility for implementation of alternative measures even in cases of more serious forms of delinquency. This by no means implies that alternative measures should be pronounced in every particular case. Given the existing support for their implementation even in aforementioned case, however, it is congruous to consider implementation, at least in principle, even in these cases

BIBLIOGRAPHY

BOOKS AND ARTICLES

- Babić, M., et.al. (2005). *Komentari krivičnih/kaznenih zakona u Bosni i Hercegovini- Knjiga I*. Sarajevo: Savjet/Vijeće Evrope, Evropska komisija.
- Babić, M., et.al. (2005). *Komentari krivičnih/kaznenih zakona u Bosni i Hercegovini- Knjiga II*. Sarajevo: Savjet/Vijeće Evrope, Evropska komisija
- Baron, R., Feeney, F., Thornton, W. (1976). *Preventing Delinquency through Diversion*. Englewood Cliffs, NY: Prentice-Hall.
- Bartlett, M. (2005). World Correctional Population Trends and Issues. U S. O`Toole, S. Eyland, *Corrections criminology* (pp. 8-17). Sydney: Hawkins Press.
- Bojanić, N., Budimlić, M., Mujanović, E., Datzler, D. (2007). *Uloga građanskih odbora u Općini Centar u prevenciji imovinskog kriminaliteta*. Sarajevo: Udruženje diplomiranih kriminalista u Bosni i Hercegovini.
- Braithwaite, J., Mugford, S. (1994). Conditions of Successful Reintegration Ceremonies, *British Journal of Criminology*, 34: 139-171.
- Broner, N., Mayrl, D., Gerald Landsberg, L. (2005). Outcomes of Mandated and Nonmandated New York City Jail Diversion for Offenders with Alcohol, Drug, and Mental Disorders, *The Prison Journal*, 3 ; vol. 85: 18 - 49.
- Budimlić M. (2004). Aktualnost kriminoloških istraživanja u prevenciji novih formi kriminalnog ponašanja. *Kriminalističke teme 3-4*. Sarajevo: Fakultet kriminalističkih nauka.
- Budimlić, M. (2008 [a]). *Obim i struktura kriminaliteta i generalna prevencija – Studija slučaja: Kanton Sarajevo (doktorska disertacija)*. Sarajevo: Fakultet kriminalističkih nauka.
- Budimlić, M. (2008 [b]). Prikaz recentnijih teorijskih i istraživačkih pristupa maloljetničkoj delinkvenciji . U Obradović, V. *Delinkventno ponašanje*. Sarajevo: KJU Porodično savjetovalište.
- Budimlić, M., Maljević, A., Muratbegović, E. (2010). International Self-Report Delinquency Study 2: National report - Bosnia and Herzegovina. U Junger-Tas, J. et al (Eds). *Juvenile Delinquency in Europe and Beyond: Results of the Second International Self-Report Delinquency Study*, pp. 341-358. New York: Springer.
- Calhoun, G., Glaser, B., & Bartolomucci, C. L. (1999). Counselling the Juvenile Offender. U Horne, A., Kiselica, M. *Handbook of Counseling Boys and Adolescent Males: A Practitioner's Guide* (pp. 341-357):Sage publications.
- Carić, A. (1967). *Krivičnopravni položaj maloljetnika*. Split: Pravni fakultet.
- Carney M., Buttell, F. (2003), Reducing Juvenile Recidivism: Evaluating the Wraparound Services Model. U *Research on Social Work Practice*, 9, vol. 13: 551 - 568.
- Cavadino, M., Dignan, J. (1993). *The Penal System*. London: Sage.
- Pirolić, M., Hujčić, F. (2007). *Dječija zaštita u Bosni i Hercegovini – Situaciona analiza izdvajanja iz budžeta za djecu u Bosni i Hercegovini*. Sarajevo
- Fitzgerald, J., Fox, S. M. (2001). *Metodologija istraživanja u kriminalističkim naukama*. Sarajevo: Fakultet kriminalističkih nauka.
- Gidens, E. (1998). *Sociologija*. Podgorica: CID.
- Home Office. (1997). *Getting the Grips with Crime: A New Framework for Local Action*. London: Bellew Publishers.

- Horvatić, Ž., Cvitanović, L. (1999). *Politika suzbijanja kriminaliteta*. Zagreb: Ministarstvo unutarnjih poslova Republike Hrvatske.
- Junger -Tas, J. (1994). *Alternatives to prison sentences. Experiences and developments*. Amsterdam. New York: Kugler Publications.
- Kaal, H., Vanderveen, G., & van Oeveren, M. (2008). Spatial perception of unsafety, crime and disorder. U H. Kury, *Fear of Crime - Punitivity. New Developments in Theory and Research* (pp. 85-107). Bochum: Brockmeyer Verlag.
- Maljević, A. (2004) Pravosudni pristup maloljetničkom kriminalitetu: Pojašnjenje primjene odgojnih preporuke u Sarajevu.
- Maljević, A. (2006). Legal and Actual Treatment of Juvenile Within the Criminal Justice System of Bosnia and Herzegovina. U J. Junger-Tas and S.H. Decker (eds), *International Handbook of Juvenile Justice*, 415-436. AA Dordrecht: Springer.
- Muratbegović, E. (2002). Maloljetnička delinkvencija i socio-ekološki determinizam. *Kriminalističke teme*, 3-4.
- Mužić, V. (1999). *Uvod u metodologiju istraživanja odgoja i obrazovanja*. Zagreb: Educa.
- Obradović, V. (2005). *Preddelinkventno ponašanje učenika osnovnih i srednjih škola Kantona Sarajevo*. Sarajevo: KJU Porodično savjetovište.
- Obradović, V. (2008). *Delinkventno ponašanje (empirijska studija)*. Sarajevo: Porodično savjetovište.
- O'Dowd et al., (1991), Pre-Court Decision Making in Juvenile Justice: Some Comments. *British Journal of Criminology*, 31, 189-191.
- Oswald, M. E., Hupfeld, J., Klug, S. C., Gabriel, U. (2002). Lay-Perspectives on Criminal Deviance, Goals of Punishment, and Punitivity. *Social Justice Research*. 85-98.
- Patrick, S., Marsh, R. (2005). Juvenile Diversion: Results of a 3-Year Experimental Study. *Criminal Justice Policy Review*, 3, vol. 16: 59 - 73.
- Petrović, B, Jovašević, D. (2006). *Izvršno krivično/kazneno pravo*. Sarajevo: Pravni fakultet
- Petz, B. (1997). *Osnovne statističke metode za nematematičare*. Jastrebarsko: Naklada Slap.
- Pilkington, A. (1997). Is there a British Underclass. U Giddens, A. (ed), *Sociology Introductory Readings*, Cambridge: Polity.
- Pleh, V. (2008). *Alternativne mjere u krivičnom zakonodavstvu BiH (magistarski rad)*. Sarajevo: Pravni fakultet.
- Reiner, R. (1992). *The Politics of the Police*. Brighton: Harvester, Wheatsheaf.
- Richard L. Lippke, R. (2003). Prisoner access to recreation, entertainment and diversion. *Punishment & Society*, 1, vol. 5: 33 - 52.
- Sijerčić-Čolić, H. (2001). Asocijalno ponašanje djece i maloljetnika uzroci i oblici reakcije u sistemu krivičnog pravosuđa u Bosni i Hercegovini na takvo ponašanje. *Pravna misao*, broj 9-10.
- Sijerčić-Čolić, H., Bubalović, T. i ostali (2002). *Young People in Conflict with the Law in the Light of Topical Problems Related to Juvenile Criminal Justice in BiH*. Banja Luka: Comesgrafika.
- Sijerčić-Čolić, H., et.al. (2005). *Komentari zakona o krivičnom/kaznenom postupku u Bosni i Hercegovini*. Sarajevo: Savjet/Vijeće Evrope- Evropska komisija.
- Sullivan, C., Veysey, B., Hamilton, Z., Michele Grillo, M. (2007), Reducing Out-of-Community Placement and Recidivism: Diversion of Delinquent Youth With Mental Health and Substance Use Problems From the Justice System. U *International Journal of Offender Therapy and Comparative Criminology*, 10, vol. 51: 555 - 577.

- Van Dijk, J., & Haffmans, C. (1988). *Criminal Law in Action: An overview of current issues in Western societies*. The Hague: Kluwer.
- Wahab, S, (2006), Evaluating the Usefulness of a Prostitution Diversion Project. *Qualitative Social Work*, 3, vol. 5, 67 – 92.

LEGAL SOURCES

- Vlada Kantona Sarajevo (2008). *Akcioni plan za implementaciju „Strategije protiv maloljetničkog prijestupništva za BiH” u Kantonu Sarajevo*. Sarajevo: Autor.
- United Nations office on drugs and crime (2006). *Compendium of United Nations standards and norms in crime prevention and criminal justice*. Vienna: Autor.
- Council of Europe (1950) *Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No.5)*. Rome: Autor.
- Council of Europe (1987) *European Convention for the Prevention of Torture and inhuman or Degrading Treatment or Punishment, (ETS 126)*. Strasbourg: Autor.
- Council of Europe (1996) *European Convention on the Exercise of Children's Rights (ETS 160)*. Strasbourg: Autor.
- Krivični zakon Bosne i Hercegovine. Sarajevo: Službeni glasnik Bosne i Hercegovine 3/03.
- Krivični zakon Brčko Distrikta Bosne i Hercegovine, Službene novine BDBiH broj 10/03.
- Krivični zakon Federacije Bosne i Hercegovine, Službene novine FBiH broj 35/03.
- Krivični zakon Republike Srpske, Službene novine RS, broj 49/03.
- Pravilnik o vođenju evidencije o odgojnim mjerama izrečenim u krivičnom postupku prema maloljetnicima, Službene novine Kantona Sarajevo.
- Recommendation No R (92) 16 of the Committee of Ministers to member States on the European Rules on community sanctions and Measures
- Recommendation No. R (87) 20E of the Council of Europe Committee of Ministers to member states on social reactions to juvenile delinquency
- Recommendation R (96) 8 of the Committee of Ministers to member State on Crime Policy in Europe in a time of Change
- Recommendation Rec (2003) 20 of the Council of Europe Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice
- Resolution (78) 62E on juvenile delinquency and social change
- Strategija protiv maloljetničkog prestupništva u BiH (2006-2010), maj 2006.
- Strategija razvoja BiH 2008-2013 i BiH Strategija socijalne uključenosti – Situaciona analiza, april 2008.
- United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines.)
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty („JDL” Rules).
- United Nations Standard minimal Rules for Non-custodial Measures (the Tokyo Rules).
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)
- United Nations Universal Declaration of Human Rights
- Uputstvo o matičnim knjigama i registru, osobnom listu, potvrdi o izdržanoj kazni zatvora i uvjetnom otpustu, potvrdi o ulasku u stan i upotrebi

- prijevoznog sredstva i sredstava veze u federalnim zavodima za izvršenje kazne zatvora, Službene novine FBiH broj 15/99.
- Uputstvo o vrstama evidencije, načinu vođenja evidencije o osuđenim, pritvorenim i prekršajno kažnjenim i maloljetnim licima, Službene novine RS, broj 3/00.
 - Uredba o oznaci i znački, uniformi, službenim zvanjima i oznakama zatvorske policije- straže, i boji i oznaci vozila federalnih ustanova za izvršenje kazne zatvora, Službene novine FBiH broj 10/99, 46/99.
 - Uredba o primjeni odgojnih preporuka prema maloljetnicima, Službene novine FBiH broj 6/09
 - Zakon o izvršenju krivičnih i prekršajnih sankcija Brčko Distrikta Bosne i Hercegovine, Službene novine BDBiH broj 8/00.
 - Zakon o izvršenju krivičnih sankcija Federacije Bosne i Hercegovine, Službene novine FBiH broj 44/98.
 - Zakon o izvršenju krivičnih sankcija Kantona Sarajevo, Službene novine KS broj 14/00, 8/01, 10/02.
 - Zakon o izvršenju krivičnih sankcija Republike Srpske, Službeni glasnik RS, broj 27/93, 16/95, 24/04.
 - Zakon o krivičnom postupku Bosne i Hercegovine, Službeni glasnik BiH 3/03, 36/03.
 - Zakon o krivičnom postupku Brčko Distrikta Bosne i Hercegovine, Službene novine BDBiH broj 10/03.
 - Zakon o krivičnom postupku Federacije Bosne i Hercegovine, Službene novine FBiH broj 36/03.
 - Zakon o krivičnom postupku Republike Srpske, Službene novine RS, broj 50/03.
 - Zakon o osnovama socijalne zaštite, zaštite civilnih žrtava rata i zaštite porodica sa djecom, Sl.novine FbiH br. 36/99 i 54/04
 - Zakon o sudovima Republike Srpske (Službeni glasnik Republike Srpske broj 111 od 23. decembra 2004. godine).
 - Zakon o sudovima u F BiH, („Službene novine F BiH“, broj: 38/05 i 22/06)
 - Nacrt zakona o zaštiti i postupanju sa djecom i maloljetnicima u kivičnom postupku, Ministarstvo pravde BiH, Sarajevo, oktobar 2008.

OTHER SOURCES

- Federalni zavod za statistiku. (2009). *Kanton Sarajevo u brojkama*, Sarajevo: Autor.
- Republički zavod za statistiku Republike Srpske. (2009[a]). Statistički bilten broj 8- Statistika obrazovanja, srednje obrazovanje, Banja Luka,
- Republički zavod za statistiku Republike Srpske. (2009[b]). Statistički bilten broj 8Statistika obrazovanja, osnovno obrazovanje, Banja Luka: Autor.
- Republički zavod za statistiku Republike Srpske (2008), Republika Srpska u brojkama, Banja Luka. Autor.
- Vlada Kantona Sarajevo (2007). Izvještaj o radu KJU „Disciplinski centar za maloljetnike“ sa Izvještajem o finansijskom poslovanju i izvještajem o radu upravnog odbora za period 1.1.-31.12.2006. godine, br. 02-05-5778-15/07, od 5.4.2007.Ured državnog koordinatora za sprečavanje trgovine ljudima i ilegalne migracije (2008). *Analiza kapaciteta, procedura i nedostataka u sustavu zaštite djece od dječije pornografije u BiH -Preporuke za razvoj modela u borbi protiv dječije pornografije u BiH*. Sarajevo: Autor.
- United Nations Office on Drugs and Crime. (2006 [a]). *Cross-Cutting Issues – Juvenile Justice*. New York: Autor.

- United Nations Office on Drugs and Crime (2006 [b]). *Custodial and Non-Custodial Measures – Alternatives to Incarceration*. New York: Autor.
- Diversion Steering Group (1993). *Review of Diversion of Offenders*. Northampton County Council. Ministarstvo za ljudska prava i izbjeglice Bosne i Hercegovine. (2007). *Nacionalni izvještaj o postignutom napretku po Akcionom planu "Svijet po mjeri djeteta"*. Sarajevo: Autor.

INTERNET SOURCES

- http://www.coe.int/T/e/Com/about_coe/member_states/e_bo.asp#TopOfPage
- <http://www.csrbl.org>
- <http://www.ksudsa.net/index.htm>
- <http://www.mvpei.hr/MVP.asp?pcpid=816>
- <http://www.okruznisud-bl.com/index.htm>
- <http://www.osnovnisudbl.org/index.php?name=Naslovna&sid=page&id=100>
- <http://www.oss.ba/?jezik=bos&x=1&y=15#>
- <http://www.tuzilastvoks.gov.ba/stream/press/index.php?sta=2&pid=2>
- <http://www.tuzilastvo-rs.org>
- <http://www.banjaluka.rs.ba/front/category/68/>