



Reforming Serbia's Normative Framework and Suppression of Organized Crime as a Major Security Threat – A Never-ending Story

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Abstract: Suppressing organized crime is one of the main contemporary challenges for states striving to prevent it. It is an ongoing, “never-ending” cycle of reforming their normative frameworks. This article critically analyzes the adequacy of the positive legal norms regulating the effective suppression of organized crime in Serbia based on research conducted in the Prosecutor’s Office for Organized Crime. A specially designed instrument was used to collect primary data: a questionnaire consisting of eight questions. The research aims to assess the adequacy of new legal solutions in combating organized crime and the effectiveness of their application. The findings indicate that the new legal solutions are both legally and politically justified and that adequate cooperation has been established between the competent entities to ensure an even more effective fight against organized crime as a significant security threat.

Keywords: organized crime, Prosecutor’s Office for Organized Crime, effectiveness, adequate mutual cooperation, task forces, liaison officers.

Introduction

In the Republic of Serbia and elsewhere, special attention has been paid to the fight against organized crime over the past few decades.¹ The primary reason for

¹ Zoran Stojanović and Dragana Kolarić, *Criminal Legal Suppression of Organized Crime, Terrorism and Corruption* (Belgrade: Law Faculty, 2014), <https://jakov.kpu.edu.rs/handle/123456789/1640>. – in Serbian

this focus on this negative social phenomenon is the extremely high level of danger to society.² With its detrimental consequences, organized crime affects society as a whole. It impacts the international community and its member states—threatening their economies and the fundamental values of society, such as the legal system and the freedoms and rights of citizens—as well as individuals. Numerous international legal acts and other activities have been undertaken to successfully combat this negative and universal social phenomenon, which has an international character and manifests itself in nearly all forms. Given the high degree of danger, these efforts continue to grow daily.³

Bearing in mind the urgency of the problem and the danger posed by organized crime, both to the international community and individual states, numerous activities are being undertaken at the international and national levels.⁴ However, regardless of the type of activity (whether international or national), they all share a common goal: to oppose this increasingly hostile and dangerous social phenomenon as effectively as possible.⁵ The Republic of Serbia follows international trends and aligns its national criminal legislation accordingly. A more detailed analysis of the results of Serbia's criminal legislation reform,⁶—which began with the adoption of the Code of Criminal Procedure⁷ in 2001 and continues to this day—reveals that the majority of normative interventions focus on criminal legal instruments for combating this type of crime. This not only highlights the current relevance of the issue but also demonstrates the efforts of Serbia's competent authorities to create the best possible normative and practical conditions for combating organized crime effectively.⁸

² Zoran Stojanović, *Criminal Law – General Part* (Belgrade: Law Faculty, 2003), https://www.researchgate.net/publication/364323205_KRIVICNO_PRAVO_Opsti_deo_dvadeset_osmo_izdanje_Beograd_2022. – in Serbian

³ Mićo Bošković, "Forms of Organized Criminality in Our Criminal Legislation," *Bezbednost* 45, no. 3 (2003): 321-339, <https://scindeks.ceon.rs/article.aspx?artid=0409-29530303321B>. – in Serbian

⁴ Howard Abadinsky, *Organized Crime* (New York, NY: Wadsworth Publishing, 2004); Wolfgang Heckenberger, "Organisierte Kriminalität: Ein Blick in die Welt [Organized Crime: A Look at the World]," *Kriminalistik* 49, no. 4 (1995): 234-239. – in German

⁵ Saša Mijalković, Mladen Bajagić, and Marija Popović Mančević, *Organized Crime and Terrorism* (Belgrade: University of Criminal Investigation and Police Studies, 2023). – in Serbian

⁶ Stanko Bejatović, "Reform of Serbian Criminal Procedural Legislation and International Legal Standards," in *Reform Processes and Chapter 23 (One Year Later)* (Belgrade: Serbian Association for Criminal Law Theory and Practice, 2017), 3-18. – in Serbian

⁷ "Code of Criminal Procedure of the Republic of Serbia, 2001," *Official Gazette of the Republic of Serbia* No. 70/2001, 68/2002, 58/2004, 85/2005, 115/2005, 49/2007, 72/2009, and 76/2010. – in Serbian

⁸ Dragana Čvorović, "Reform of the Criminal Procedure Legislation of the Republic of Serbia – New Challenges," in *Young Scientific Legal Forum: Proceedings of II International Scientific-Practical Conference to the Day of Science*, Kyiv, National Aviation University, April 16-17, 2019, vol. 1 (Ternopil: Vector, 2019), 234-238, <https://er.nau.edu.ua/handle/NAU/50855>.

One of the critical results of reforming criminal legislation is the adoption of special laws as necessary legal instruments in the fight against organized crime (*lex specialis*). Specifically, there are two legal texts of this nature: First, the *2002 Law on the Organization and Competence of State Authorities in the Suppression of Organized Crime, Corruption, and Other Particularly Serious Criminal Offenses*,⁹ which was in force until 2016, when it was replaced by the new *Law on the Organization and Competence of State Authorities in the Suppression of Organized Crime, Terrorism, and Corruption* (hereafter: LOCSASOCTC, 2016).¹⁰ Second, the *Law on Seizure and Confiscation of Proceeds from Crime* also plays a crucial role.¹¹ In addition, numerous novelties in this area were introduced by the *Code of Criminal Procedure*, which was adopted in 2011.¹²

Reform of the Normative Framework of Serbia and Suppression of Organized Crime

As already stated, in the past few decades, there have been numerous activities—primarily of a normative (though not exclusively) character—undertaken both by the international community and within national frameworks regarding the criminal legal instruments for combating organized crime.¹³ Viewed from an international perspective, among the numerous legal acts of universal and regional nature adopted on this matter, the following are of particular importance:

- The UN Convention against Transnational Organized Crime (Palermo Convention, 2001);¹⁴

⁹ “Law on Organization and Competence of State Authorities in Suppression of Organized Crime, Corruption and Other Particularly Serious Criminal Offenses, 2002,” *Official Gazette of the Republic of Serbia* No. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 – separate law, 45/2005, 61/2005, 72/2009, 72/2011, 101/2011, and 32/2013.

¹⁰ “Law on the Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism and Corruption (LOCSASOCTC), 2016,” *Official Gazette of the Republic of Serbia* No. 94/2016, 87/2018, and 10/2023, https://www.paragraf.rs/izmene_i_dopune/241116-zakon_o_organizaciji_i_nadleznosti_drzavnih_organa_u_suzbijanju_organizovanog_kriminala_terorizma_i_korupcije.html.

¹¹ “Law on Seizure and Confiscation of Proceeds from Crime, 2013,” *Official Gazette of the Republic of Serbia* No. 32/2013, 94/2016, and 35/2019, https://www.paragraf.rs/propisi/zakon_o_oduzimanju_imovine_proistekle_iz_kvivicnog_dela.html.

¹² “Code of Criminal Procedure of the Republic of Serbia, 2011,” *Official Gazette of the Republic of Serbia* No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021, and 62/2021, https://www.paragraf.rs/propisi/zakonik_o_kvivicnom_postupku.html.

¹³ Saša Mijalković, Dragana Čvorović, and Veljko Turanjanin, “New Criminal Legal Challenges in Combating Organized Crime and Terrorism in the Republic of Serbia – A Big Step Forward,” in *Conference Proceedings “The Great Powers Influence on the Security of Small States”* (Skopje: Faculty of Security, 2019), 50-63.

¹⁴ “Law on Confirmation of the UN Convention against Transnational Organized Crime (Palermo Convention), 2001,” *Official Gazette of the Federal Republic of Yugoslavia – International Agreements* No. 6/2001, https://www.paragraf.rs/propisi_download/

- The Convention on Laundering, Search, Seizure, and Confiscation of Proceeds of Crime (2002);¹⁵
- The EU Strategy for the Prevention and Control of Organized Crime at the Beginning of the New Millennium (2000);¹⁶ and
- Recommendation Rec (2001) 11 of the Committee of Ministers of the Council of Europe to member states concerning guiding principles in the fight against organized crime.

There are three critical goals for adopting these and other international legal acts and related activities on this issue. The first is establishing a normative basis for the most effective prevention, detection, prosecution, and adjudication of criminal offenses related to organized crime. The second is the provision of mechanisms for adequate cooperation among competent entities—both at the international and national levels—to combat this negative social phenomenon.¹⁷ Combating organized crime successfully without adequate cooperation of competent entities at international and national levels is impossible. The third goal is the provision of specialized state authorities and techniques for detecting, gathering evidence, and adjudicating such criminal offenses since the traditional criminal legal instruments addressing general criminality are insufficient for combating organized crime.¹⁸

The Republic of Serbia justifiably follows the tendencies of contemporary criminal law science regarding the above issues, as well as the standards stipulated in relevant international legal acts concerning criminal legal instruments for combating organized crime. Two critical pieces of evidence support this statement. First, Serbia's favorable criminal legislation, particularly its *Criminal Code* (2005)¹⁹ and the *Code of Criminal Procedure*,²⁰ provides several special legal

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¹⁵ "Law on Confirmation of the Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime, 2002," *Official Gazette of the Federal Republic of Yugoslavia – International Agreements*, No. 7/2002, http://demo.paragraf.rs/demo/combined/Old/t/t2002_08/t08_0107.htm. – in Serbian

¹⁶ "The Prevention and Control of Organized Crime: A Strategy for the Beginning of the New Millennium, 2000," *Official Journal of the European Communities* C 124, no. 1, May 3, 2000, <https://eur-lex.europa.eu/legal-content/LV/LSU/?uri=CELEX:32000F0503>.

¹⁷ Dragana Čvorović, "Suppression of Organized Crime and Serbia's Accession to the European Union," *Bezbednost* 64, no. 1 (2022), 5-32, <http://doi.org/10.5937/bezbednost2201005C>. – in Serbian

¹⁸ Dragana Čvorović and Vince Vári, *The Public Prosecutor in Criminal Proceedings of Serbia and Hungary* (Belgrade: University of Criminal Investigation and Police Studies, 2023).

¹⁹ "Criminal Code of the Republic of Serbia," *Official Gazette of RS*, Nos. 85/2005, 88/2005, 107/2005, www.cuhd.org/wp-content/uploads/2020/03/Serbia_Criminal-Code-TIP_2005.pdf.

²⁰ "Code of Criminal Procedure of the Republic of Serbia, 2011."

provisions for combatting this category of criminal offenses. For instance, the Code of Criminal Procedure standardizes several specific evidentiary actions that can be applied against individuals suspected of committing organized crime offenses.²¹ Examples of these actions include covert supervision of communications, covert surveillance and recording, simulated deals, and the use of undercover investigators.²² Additionally, there are three types of agreements between the public prosecutor and the defendant.²³

Second, special laws (*lex specialis*) dedicated to criminal legal instruments for combating organized crime have been adopted. The most significant among them is the *2002 Law on Organization and Competence of State Authorities in Suppression of Organized Crime, Corruption, and Other Particularly Serious Criminal Offenses*, which remained in force until 2016. It was then replaced by the *Law on the Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism, and Corruption (LOCSASOCTC)*.²⁴ The fact that not only two *lex specialis* texts were adopted on these issues in such a short period but also amended and supplemented on several occasions further demonstrates the Republic of Serbia's commitment to addressing organized crime effectively.

For example, eleven amendments were made to the 2002 Law on the Organization and Competence of State Authorities in the Suppression of Organized Crime, Corruption, and Other Particularly Serious Criminal Offences. This reflects the complexity of the issue and demonstrates the commitment of the competent state authorities of the Republic of Serbia to establish an adequate normative framework for effectively combating organized crime.

Viewed from the perspective of the content of LOCSASOCTC as a critical legal text of this nature, which regulates the establishment, organization, competence, and powers of state authorities and their specialized organizational units responsible for the detection, prosecution, and trial of criminal offenses related to organized crime and other expressly stated criminal offenses, three key features emerge. First is establishing specialized bodies for the detection, investigation, and adjudication of this category of criminal offenses. According to Article 4 of this legal text, the following authorities are responsible for handling organized crime offenses: the Prosecutor's Office for Organized Crime; the Ministry

²¹ Božidar Banović, "Special Evidentiary Actions and the new CCP," in *Current Issues of Criminal Legislation (Normative and Practical Aspects)*, ed. Stanko Bejatović (Serbia: Serbian Association for Criminal Law Theory and Practice, 2012), 156-184. – in Serbian

²² Milan Škulić, "Undercover Investigator – Legal Solution and Some Controversial Issues," *Bezbednost* 47, no. 3 (2005): 373-397, <https://scindeks.ceon.rs/article.aspx?artid=0409-29530503373S>. – in Serbian

²³ Dragana Čvorović, "Agreements between the Public Prosecutor and the Defendant," in *Manual for the Implementation of the Code of Criminal Procedure* (Belgrade: Association of Public Prosecutors and Deputy Public Prosecutors of Serbia, 2013), 273-284. – in Serbian

²⁴ "Law on the Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism and Corruption (LOCSASOCTC), 2016."

of Internal Affairs – specifically, the organizational unit responsible for combating organized crime; the special department of the High Court in Belgrade for organized crime; the special department of the Court of Appeal in Belgrade for organized crime; and the designated detention unit of the District Prison in Belgrade. Additionally, the law provides for an exceptional degree of expertise via specialization among judicial and police officers. According to Article 24 of LOCSASOCTC, judicial officers performing functions in courts and public prosecutor’s offices (i.e., in the departments prescribed by this law) or their departments are required to attend continuous training programs conducted by the Judicial Academy. Similarly, police officers performing duties under this Law must attend continuous training programs organized by the Judicial Academy in cooperation with other institutions.

Secondly, one of the characteristics of LOCSASOCTC is the provision for establishing task forces to enhance the detection and prosecution of criminal offenses covered by this law. They can address organized crime offenses under Article 2, paragraph 1, point 1 of LOCSASOCTC and any other criminal offenses to which this legal text applies.²⁵ According to Article 21, task forces may be established at the Prosecutor’s Office for Organized Crime and at higher public prosecutors’ special departments for combating corruption. Establishing a task force requires a decision from the Prosecutor or the competent senior public prosecutor with the prior consent of the Republic’s Public Prosecutor. The composition, mode of operation, tasks, duration, and other important aspects of the task force will be outlined in the decision establishing it. The task force at the Prosecutor’s Office for Organized Crime is managed by the Prosecutor or his/her deputy. In contrast, task force members are appointed from among the state employees and other authorities, depending on the subject of work defined by the establishment decision. To maximize efficiency, task force members may be fully or partially exempted from regular duties at their respective institutions, as determined by an agreement between the competent public prosecutor and the head of the relevant authority.

Third, to achieve cooperation and ensure the more efficient submission of data by relevant entities to the Prosecutor’s Office for Organized Crime and the special departments of higher public prosecutor’s offices for the suppression of corruption—aiming at the criminal prosecution of offenses under their jurisdiction²⁶—a substantial number of entities are obligated to appoint at least one

²⁵ Saša Mijalković and Dragana Čvorović, “Migration, Terrorism and Possible Armed Conflicts in the Western Balkans,” *Security & Future* 2, no. 3 (2018): 106-110, <https://stumejournals.com/journals/confsec/2018/3/106>.

²⁶ Saša Mijalković, Dragana Čvorović, and Veljko Turanjanin, “Efficiency of Criminal Proceedings in Corruptive Criminal Offences in the Republic of Serbia – New Challenges,” in *Keeping Pace with Security Challenges – Where Do We Stand*, ed. Irena Cajner Mraović and Mirjana Kondor-Lange (Zagreb: Ministry of the Interior of Croatia – Police Academy, 2019), 389-402, https://policijska-akademija.gov.hr/UserDocImages/04_vps/konferencije/MUP%20Zbornik%20radova%20kb%20mail.pdf.

liaison officer. These entities include the Tax Administration – Tax Police, Customs Administration, National Bank of Serbia, Administration for the Prevention of Money Laundering, Business Registers Agency, Central Securities Depository and Clearing House, State Audit Institution, Republic Geodetic Authority, Anti-Corruption Agency, Pension and Disability Insurance Fund, National Health Insurance Fund, the Republic Directorate for Property of the Republic of Serbia, and the Public Procurement Office. The role of liaison officers is to facilitate cooperation and more efficient transmission of data from these entities to the Prosecutor's Office for Organized Crime and the special departments of higher public prosecutor's offices for combating corruption.

In addition to these entities, at the request of the competent chief public prosecutor, liaison officers may also be appointed to other bodies and organizations. Their status highlights the importance of liaison officers in discovering and proving the criminal offenses in question. They hold the status of civil servants and, when necessary, can be temporarily transferred to the Prosecutor's Office for Organized Crime or the special department of the higher public prosecutor's office for combating corruption. Such transfers are made at the request of the competent public prosecutor for a maximum period of three years.²⁷

The term "organized crime" also deserves attention. Article 2, paragraph 1, points 33 and 34 of the Code of Criminal Procedure defines "organized crime" as the commission of criminal offenses by an organized criminal group or its members, whereas an "organized criminal group" is defined as a group of three or more persons that exists for a certain period with the aim of committing one or more criminal offenses punishable by imprisonment of four years or more, with the purpose of acquiring financial or other gain, either directly or indirectly. According to this definition, the elements of organized crime are as follows: Association of more persons – at least three individuals (criminal group); Secrecy of the criminal group's activities; Existence of specific written or unwritten rules governing the group's functioning; Acquisition of proceeds or pursuit of power as the goal of the criminal group; Commission of criminal offenses as the primary form of activity of the criminal group; Hierarchical structure of the criminal group; Professionalism of the group's members; Permanence or a tendency toward permanence of the criminal group; Monopolistic tendencies of the criminal group and a non-ideological character; Tendency to use violence in actions and corrupt links with certain representatives of state authorities.²⁸

There are two reasons for the Serbian legislature's stated approach to the above issues – the high degree of danger that organized crime poses to citizens and the state and its considerable presence during the period when the legal texts were adopted. The official statistical data from that time indicate several critical aspects of this type of criminal activity in Serbia and the wider Western

²⁷ Article 20 of the "Law on the Organization and Competence of State Authorities in Suppression of Organized Crime, Terrorism and Corruption (LOCSASOCTC), 2016."

²⁸ Milan Škulić, *Organized Crime: Concept, Manifestations, Criminal Offences and Criminal Procedure* (Belgrade: Službeni glasnik, 2015). – in Serbian

Balkans, adding an additional level of danger. First, there is a significant presence of organized criminal groups. According to data from the Ministry of Internal Affairs of the Republic of Serbia, between 30 and 40 organized criminal groups, each with dozens of members, operated annually during that period. Additionally, a considerable number of “persons of interest” was identified in relation to these activities, ranging from 300 to 400, which further underscored the urgency of the problem.

Second, organized criminal groups are involved in various forms of criminal activity, with the most active and dangerous being those engaged in drug trafficking. Drug dealers and trafficking networks account for about 60% of all criminal activities of this type. It is noteworthy that, from 2019 to 2022, a significantly higher number of drug seizures were registered in Serbia—almost 50% more compared to the previous four-year period. Over thirty tons of narcotics were seized, primarily marijuana (28.4 tons), followed by heroin (385 kilograms), amphetamines (437 kilograms and almost 186 thousand tablets), cocaine (102 kilograms), ecstasy (44 kilograms and 438,900 tablets), and other narcotics (378 kilograms and 3,165,090 tablets). A record 8.8 tons were seized in 2021. In addition, human smuggling—mainly the illegal transportation of migrants to Western European countries—is also prevalent, along with various fraudulent activities in the distribution of public revenues, vehicle insurance fraud, and other financial crimes.

Third, there is an extremely high degree of cooperation between organized criminal groups, either directly or through the provision of services. Official police data indicate that organized criminal groups in Serbia collaborate with criminal networks in the region and the “wider area,” regardless of the criminals’ ethnicity. Fourth, one of the goals of some of the most dangerous criminal groups is to influence political stability, undermine the foundations of the rule of law, and even attempt to change governments. This, in turn, has the effect of deterring the inflow of direct foreign investments and contributes to overall state destabilization. Fifth, the illicit financial gains obtained from these criminal activities amount to several million euros.

Sixth, dozens of members of smaller criminal groups have been prosecuted for committing criminal offenses. However, criminal proceedings are often prolonged due to the difficulty of gathering sufficient evidence.²⁹ Seventh, regarding criminal proceedings for serious organized crime offenses—such as filed criminal charges, initiated investigations, indictments, and convictions in 2022—high statistical indicators show the continued prevalence of organized crime and related offenses. This suggests that, even after reforms to the normative framework, the problem of organized crime remains unresolved. Specifically, in 2022, criminal charges were filed against 532 persons, investigations were initiated for 227 per-

²⁹ Škulić, *Organized Crime: Concept, Manifestations*.

sons, indictments were issued for 137 persons, and guilty verdicts were pronounced against 144 persons (the higher number of convictions this year also reflects indictments filed in previous years).

Since organized crime is most often international in nature, international cooperation is an essential instrument for combating it. Accordingly, Serbia cooperates with a considerable number of countries based on ratified international agreements, including Austria, Bulgaria, the Czech Republic, Denmark, Greece, Italy, China, and others. In April 2019, based on information from the Serbian police, 421 kilograms of cocaine were seized in Hong Kong. The following month, 602 kilograms of cocaine were seized as part of a parallel investigation conducted in Serbia, Croatia, the Czech Republic, and Switzerland. During 2020 and 2021, a parallel investigation was conducted in eight countries across two continents in cooperation with the U.S. Drug Enforcement Administration (DEA) and the police forces of Spain, Croatia, Germany, Slovenia, Bosnia and Herzegovina, and Colombia under the auspices of Europol. As a result, authorities seized 2.6 tons of cocaine, 324 kilograms of marijuana, and 612,000 euros.

Additionally, at the beginning of 2022, based on intelligence data from the Serbian police, the National Crime Agency of Great Britain (NCA) intercepted a truck with Serbian license plates driven by Serbian nationals and found twenty kilograms of cocaine. In Serbia, the seizure of eight kilograms of cocaine in Belgrade in November 2022 stands out. The drugs had been smuggled from The Netherlands.

Serbia also cooperates with agencies of the European Union, including Europol, Eurojust, and the Office of the European Public Prosecutor, and participates in the activities of joint investigative teams. In line with this cooperation, Serbia exchanged 6,615 messages with Europol in 2016, 7,391 in 2017, 8,116 in 2018, and 8,452 in 2019. In 2022, two joint investigation teams operated under the Agreements on the Establishment of Joint Investigation Teams, with the Prosecutor's Office for Organized Crime designated as the competent authority for Serbia. A Joint Investigation Team was established in 2021 with the Kingdom of Spain to investigate criminal activities related to criminal alliance offenses, unlawful production and circulation of narcotics, and money laundering. Additionally, another joint investigation team was formed with Germany and Romania concerning offenses related to criminal alliances, illegal crossing of state borders, and people smuggling.³⁰

Research Objectives, Hypotheses, and Methods

Research Objectives and Hypotheses

The study presented here pursued the following objectives:

³⁰ *Assessment of the Threat from Serious and Organized Crime – SOCTA 2023* (Belgrade: Ministry of Interior, 2023), <https://socta.mup.gov.rs/>.

1. Assessing the adequacy of new legal provisions in Serbia for suppressing organized crime;
2. Evaluating the effectiveness of the practical application of these provisions by the Prosecutor's Office for Organized Crime;
3. Assessing the adequacy of the relationship between the prosecutors for organized crime and the entities established under the new legal text within the Prosecutor's Office for Organized Crime.

In line with the stated research objectives, the following hypotheses were formulated:

H0: The new *Law on the Organization and Competence of State Authorities in the Suppression of Organized Crime, Terrorism, and Corruption* provides adequate legal solutions and contributes to a more effective fight against organized crime;

H1: There is adequate cooperation between the prosecutors for organized crime and the entities established by the new legal text;

H2: Reforms and the suppression of organized crime in Serbia could prevent its ongoing "never-ending" cycle.

This subject matter is analyzed for the first time in the professional literature in this manner, which guarantees the originality of this article.

Sample

In May 2023, the Prosecutor's Office for Organized Crime, established in Serbia, conducted a survey of public prosecutors. Twenty-one public prosecutors, deputy public prosecutors, and prosecutorial associates who acted in accordance with the LOCSASOCTC participated in the survey. Before starting the survey, the respondents were informed about the aim and purpose of the research, that the survey was anonymous, and that individual answers would not be presented; only the results obtained from the total sample would be used.

Methods

A specially designed instrument was used to collect primary data: a survey questionnaire consisting of eight questions. The questions focused on the views of public prosecutors regarding new legal solutions aimed at more effectively suppressing organized crime and the adequacy of cooperation with the entities specified in the new LOCSASOCTC. A statistical method was applied to process the collected data at the level of descriptive statistics, and the software package SPSS (version 20) was used for the purpose.³¹

Results

The following results were obtained regarding the survey's goals and research questions.

³¹ IBM SPSS ID 729327.

Table 1 presents the responses to the question, “How do you assess the cooperation with the organizational unit responsible for combating organized crime?” It is evident that the majority of respondents (15, or 71.4 %) are generally satisfied with their cooperation with the organizational unit responsible for combating organized crime. If we also consider that three respondents (14.3 % of the total) are completely satisfied with the cooperation, it can be concluded that the collaboration between these two entities is not only satisfactory but also generally aligns with the intentions of the legislator and the legal and political rationale for the establishment of the organizational unit responsible for suppressing organized crime. On the other hand, since three respondents (14.3 %) stated that they are both satisfied and dissatisfied with the cooperation, this indicates the need for additional measures to ensure the full implementation of all relevant standards in practice. This could include organizing joint meetings to analyze and address this issue.

Table 1. Cooperation of the Prosecutor’s Office for Organized Crime with the organizational unit responsible for combating organized crime.

Response:	Not satisfied at all		Mostly not satisfied		Both satisfied and not satisfied		Mostly satisfied		Completely satisfied	
	N	%	N	%	N	%	N	%	N	%
Number and percentage of respondents	0	0	0	0	3	14.3	15	71.4	3	14.3

The responses to the question, “How do you assess the cooperation with the organizational unit responsible for combating corruption?” are presented in Table 2. The data obtained from this question are less favorable than the results from the first question. Although the majority of respondents (17 or 80.9%) are satisfied (mostly or entirely) with the cooperation, three respondents (14.3%) are both satisfied and not satisfied, while one respondent (4.8%) is not at all sat-

Table 2. Cooperation of the Prosecutor’s Office for Organized Crime with the organizational unit responsible for combating corruption.

Response:	Not satisfied at all		Mostly not satisfied		Both satisfied and not satisfied		Mostly satisfied		Completely satisfied	
	N	%	N	%	N	%	N	%	N	%
Number and percentage of respondents	0	0	1	4.8	3	14.3	14	66.7	3	14.3

ified. This indicates the need for additional activities to fully implement all possible cooperation standards in practice, including the organization of joint meetings to analyze this issue.

Table 3 shows the responses to the question “Do you think that the establishment of task forces contributes to a more effective fight against organized crime?” Most respondents (16, or 76.2 %) believe that the established task forces contribute to a more effective fight against crime. However, some respondents (23.8%) hold the opposite opinion. The reasons for their stance have not been investigated, raising the question: Is their attitude due to the fact that they have not utilized the results of the task forces’ work, or do they believe that the results provided to them are unsatisfactory and do not contribute to the effective detection, proof, and prosecution of organized crime offenses?

Table 3. Establishment of task forces and the effectiveness of the fight against organized crime.

Response:	Yes		No	
	N	%	N	%
Number and percentage of respondents	16	76.2	5	23.8

The responses to the question “For which criminal offenses of organized crime are task forces most commonly established?” are presented in Table 4. As the results indicate, two criminal offenses most frequently lead to establishing task forces aimed at discovering and proving them, i.e., undertaking criminal prosecution. These are the unauthorized production and distribution of narcotics under Article 246 of the Criminal Code (CC) and the offenses listed in Article 350 of the CC, illegal crossing of the national border and human trafficking. In addition to these two criminal offenses, task forces are also established in cases of money laundering (Article 245 of the CC), tax fraud (Article 225 of the CC), and the illegal manufacture, possession, and sale of weapons and explosive materials (Article 348 of the CC).

Table 4. Criminal offences and establishment of task forces.

Number and percentage of responses:	N	%
Article 246. Unlawful production and circulation of narcotics	7	25
Article 350. Illegal crossing of the national border and human trafficking	9	32.1
Article 245. Money laundering	5	17.9
Article 225. Tax fraud	2	7.1
Article 348. Illegal manufacture, possession, and sale of weapons and explosive materials	5	17.9

All respondents gave a positive answer to the question: “Are there designated liaison officers in all the authorities provided for by the Law on the Organization and Competence of State Authorities for the Suppression of Organized Crime, Terrorism, and Corruption?” Hence, the provisions of the Law that concern the appointment of liaison officers have been implemented and welcomed, given the tasks of detecting and proving the specified categories of criminal offenses.

Likewise, all responses to the question “Do you think that the appointment of liaison officers contributes to more efficient cooperation among state authorities in combating organized crime?” were positive. This positive attitude toward the role of liaison officers in enhancing cooperation, along with previous experiences with liaison officers, supports the legislator’s position regarding the legal and political justification of liaisons’ role in detecting, proving, and ultimately preventing organized crime offenses.

The responses to the question: “How often do you have meetings with the organizational unit responsible for combating organized crime?” are presented in Table 5. The answers regarding the frequency of meetings vary. Nine respondents (42.9%) stated that meetings are held once a week, four (19%) said once a month, six (28.6%) reported that meetings occur several times a year, whereas two (9.5%) respondents did not answer, which may indicate that no meetings take place at all. Considering that these meetings address issues related to the effectiveness of detecting and proving organized crime offenses—not only in specific cases but also in general—it appears that more attention should be given to holding them regularly.

Table 5. Time intervals of holding meetings of the prosecutor’s office for organized crime with the organizational unit responsible for combating organized crime.

Response:	Never		Several times a year		Once a month		Once a week		Did not respond	
	N	%	N	%	N	%	N	%	N	%
Number and percentage of respondents	0	0	6	28.6	4	19	9	42.9	2	9.5

In response to the question, “What topics did the meetings cover when they were held?,” the majority of respondents (16, or 76.2%) indicated that these meetings focused on analyzing specific measures and actions to increase work efficiency (see Table 6). In comparison, three respondents (14.3%) stated that the meetings addressed general issues related to the effectiveness of detecting, prosecuting, and proving organized crime offenses. Notably, two respondents (9.5%) did not answer this question, suggesting that no meetings were held with them. However, it seems entirely justified that the subjects of these meetings should include both specific cooperation measures related to individual criminal

Table 6. Topics of held meetings.

Number and percentage of responses:	N	%
In general, with the aim of increasing the efficiency of detection, prosecution, and proof of criminal offenses of organized crime	3	14.3
Analysis of concrete measures and actions to increase efficiency as an international legal standard	16	76.2
Did not respond	2	9.5

cases and general issues that contribute to the overall efficiency of detecting, prosecuting, and proving organized crime offenses.

Discussion

The study presented here served to assess the adequacy of measures to suppress organized crime. It holds practical value in understanding the adequacy of the existing normative framework in ensuring an effective fight against organized crime. In other words, it seeks to answer the question: Do the current criminal legal norms provide a sufficient basis for the successful work of competent authorities in detecting, prosecuting, and adjudicating criminal offenses related to organized crime? If not, what changes are necessary to break the ongoing “never-ending” cycle of organized crime? Second, the research allowed us to estimate the adequacy of the application of positive legal norms concerning the suppression of organized crime, which is of unique value, given that only properly applied legal norms contribute to more effective suppression of organized crime.

Among the numerous results of this research, the following deserve special attention: First, the 2016 Law on the Organization and Competence of State Authorities in the Suppression of Organized Crime, Terrorism, and Corruption provides adequate legal solutions and contributes to a more effective fight against organized crime. Compared to its predecessor, the 2002 Law on the Organization and Competence of State Authorities in the Suppression of Organized Crime, Corruption, and Other Particularly Serious Criminal Offenses, the 2016 Law represents an improvement by standardizing several key aspects of regulation. In particular, it clarifies the roles of institutions responsible for detecting, proving, prosecuting, and adjudicating criminal offenses within their jurisdiction. Additionally, the law raises the issue of establishing financial forensic services, which should receive greater attention, considering that illegal financial transactions accompany the vast majority of organized crime offenses.

Secondly, despite the reasonably good cooperation between the competent prosecution and the organizational unit responsible for combating organized crime within the Ministry of Internal Affairs, additional measures are necessary

to fully implement all applicable standards of this cooperation. This includes organizing joint meetings to analyze cooperation issues and ensure alignment with legal and political requirements regarding the operation of the organizational unit. The same applies to the cooperation between the competent prosecutor's office and the organizational unit responsible for combating corruption. To ensure cooperation in accordance with the legislator's intentions, additional steps should be taken, including more frequent joint meetings where cooperation issues are examined, both in specific criminal cases and more generally. The validity of this approach is further supported by the fact that some respondents—though not many—express dissatisfaction with the current level of cooperation between these entities.

Thirdly, there is complete legal and political justification for establishing task forces. Through their work, they contribute to the more effective detection and proof of criminal offenses, and their practical engagement should be even more significant. When establishing a task force, special attention should be given to its composition, as the effectiveness of its work largely depends on it. Given that illegal financial transactions accompany many of the criminal offenses in question, engaging a financial forensic expert with specialized knowledge in finance, accounting, auditing, banking, stock exchange, and commercial operations is justified. Greater involvement of these experts would contribute to more effective detection, proof, and, ultimately, the confiscation (both temporary and permanent) of proceeds from organized crime.³² This is particularly important because the effective confiscation of proceeds is one of the key legal instruments in combating organized crime and its general prevention. Depriving criminal groups of the proceeds that motivate their activities undercuts the basis for their operations.³³

Fourth, there is a relatively small number of known criminal offenses. Task forces are established to more effectively detect and prove these offenses. However, if used more widely, task forces would certainly contribute to the more effective detection and prosecution of many other organized crime and corruption-related offenses.

Fifth, the legal provisions on the appointment of liaison officers have been successfully implemented in practice – a welcome development given the tasks

³² Oliver Lajić, Aleksandar Čudan, and Dragana Čvorović, "Confiscation Procedure as a Tool for Fighting Organized Crime – Pro et Contra," in *The Balkans between Past and Future: Security, Conflict Resolution and Euro-Atlantic Integration*, vol. 1 (Skopje: Faculty of Security, University "St. Kliment Ohridski," 2013), 183-198, <https://eprints.ugd.edu.mk/12699/2/Trud%2012%20-%20Zbornik%20na%20trudovi%20Ohrid%202013%20Kniga%20I%20konecno%2029.12.2003.pdf>.

³³ Stanko Bejatović, "Degree of Certainty of Punishing and Confiscation of Illegal Assets and the Adequacy of the State's Response to Crime," in *Proceedings of the 59th Annual Consultations of the Serbian Association for Criminal Law Theory and Practice "Amendments in Criminal Legislation and the Status of Judicial Office Holders and the Adequacy of the State's Response to Criminality (International Legal Standards and the Situation in Serbia)"* (Zlatibor: Intermex, 2019), 386-408.

assigned to this entity for detecting and investigating the mentioned categories of criminal offenses. This is primarily because the entity's operational experience has demonstrated that it enhances the effectiveness of cooperation among competent state authorities responsible for combating these serious crimes. Considering all this, research has confirmed the legal and political justification for the legal framework governing liaison officers.

Sixth, during meetings organized with the unit responsible for combatting organized crime at the Ministry of Internal Affairs, the majority of respondents indicated that the discussions typically focus on analyzing measures and actions in specific criminal cases. General discussions on the overall efficiency of detecting, prosecuting, and proving organized crime offenses are rare. To increase efficiency in these areas and to enhance the cooperation between this entity and the prosecutor's office, it would be highly advisable to institutionalize these meetings as a standard practice. Moreover, discussions should not only address specific criminal matters but also broader issues related to the efficiency of crime detection, prosecution, and evidence gathering – particularly how to establish more effective cooperation. If this approach to collaboration between the two entities is successfully implemented in practice, the effectiveness of detecting, prosecuting, and proving organized crime offenses would increase, aligning with the legislator's intentions, which have not yet been fully achieved.

Finally, in connection with this aspect of the analyzed issue, it is important to highlight that the conducted research confirmed two hypotheses. The new Law on the Organization and Competence of State Authorities in the Suppression of Organized Crime, Terrorism, and Corruption provides adequate legal solutions and contributes to a more effective fight against organized crime. There is a high degree of cooperation between the prosecutors for organized crime and the entities established by the new legal framework. However, this does not mean that no additional measures are needed, especially considering the hypothesis set and the response received during the survey, which indicated that reforms and the suppression of organized crime in Serbia had not resolved its ongoing "never-ending" cycle.

One of the critical results of the reformed criminal procedure legislation in Serbia in view of organized crime is the increased efficiency in detecting, prosecuting, and adjudicating such offenses, thereby enhancing their general preventive function. However, despite evident success, this does not mean that no further changes are needed. On the contrary, it is necessary to continue adapting and enhancing the normative framework and, at the same time, review individual solutions in an expert and critical manner, possibly standardizing some new ones. This is particularly relevant, for example, in regard to encrypted communication in criminal proceedings.

This need is even more pressing since one of the defining characteristics of organized crime is its constant evolution into new forms, necessitating adjustments to the legal framework to ensure their effective detection, prosecution, and adjudication. Given this, it is indisputable that the reform process, despite

the progress made, must continue to establish an adequate normative basis for the desired degree of success in the actions of competent authorities—primarily the police, the public prosecutor's office, and the courts—in combating this negative social phenomenon and preventing its emergence, especially its new forms.

Also, to achieve an even greater degree of cooperation between these entities and thereby enhance the efficiency of detecting, proving, and prosecuting criminal offenses, it is essential to place greater emphasis on holding joint meetings and further specifying issues such as general cooperation, collaboration in specific criminal cases, and ways to establish more effective cooperation. This cooperation must not be arbitrary but should be based on appropriate legal norms.

Conclusion

The reformed criminal legislation of the Republic of Serbia, particularly the provisions of the Code of Criminal Procedure regarding special evidentiary actions and agreements between the public prosecutor and the defendant, the Law on the Organization and Competence of State Authorities in the Suppression of Organized Crime, Terrorism, and Corruption (2016), and the Law on Seizure and Confiscation of Proceeds from Crime, provide an adequate normative basis for the efficient operation of state authorities responsible for dealing with organized crime cases. However, this does not mean that everything should remain unchanged, nor that the ongoing “never-ending” cycle has been prevented. A professional and critical assessment of their distinct provisions is necessary.

The legal framework for establishing specialized entities to detect, investigate, and prosecute criminal offenses related to organized crime (e.g., task forces, liaison officers, financial forensics, etc.) has full legal and political justification. However, these entities should have the capacity to meet the legislator's intentions, which is still not the case. Although the previous cooperation between the Prosecutor's Office for Organized Crime and other entities involved in the detection, proof, and prosecution of organized crime offenses has contributed to the efficiency of their work, achieving an even greater degree of cooperation is necessary. This would further enhance the efficiency of detection, proof, and prosecution of criminal offenses under their jurisdiction. One such example is holding regular joint meetings to address general cooperation issues in relevant criminal matters, with the provision that their cooperation must not be arbitrary but based on appropriate legal norms.

Considering the large number of criminal offenses and the emergence of new forms of criminal offenses by organized crime, ensuring the effective detection, investigation, and prosecution of such offenses requires continuous professional training not only for judicial officers but also for police officers who carry out tasks under the Law on the Organization and Competence of State Authorities in Suppressing Organized Crime, Terrorism, and Corruption. Without a high level of

professional competence, these entities will not succeed in the fight against organized crime, which can only be ensured through their continuous professional training.

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