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COMBATING ENVIRONMENTAL CRIME IN THE LEGISLATION AND PRACTICE OF THE REPUBLIC OF SERBIA

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Abstract: *The significance of this paper stems from the undeniable fact that the problems of endangering and environmental protection are among the most important problems of contemporary society and the “necessary evil” of the expansive development of science and technology at the beginning of the third millennium. Our society must take measures that will simultaneously raise awareness among all relevant stakeholders on the need for more intensive environmental protection and reform regulations, but also practice, towards the harmonization of our environmental legislation with the legislation of the European Union (acquis communautaire). Accordingly, the aim of this paper is to analyze the existing criminal law norms and the results of their implementation in the judicial practice. The paper analyzes the legal definitions of environmental offenses. An empirical presentation and an analysis of the processing of criminal acts against the environment in the current judicial practice of the Republic of Serbia is given. This statistical analysis is based on specific data from official sources, and is based on the latest statistical data (in the period 2011-2016), so that the number of registered and number of convicted persons for environmental offenses can be realistically considered, the structure of the sanctions imposed convicted of the above-mentioned acts, etc. Special attention was paid to the problems identified in the criminal-environmental protection of the environment in the Republic of Serbia.*

Keywords: *ecological crime, legislation, criminal acts, environment, endangering the environment*

INTRODUCTION

Criminal acts of ecological crime are rightly considered to be typical delicts of the so-called new criminality. Namely, these works are characteristic of a modern society that devotes far greater attention to the legislative and practical protection of the human environment from various forms of actual and potential disturbance or threats.

In this regard, in criminal law theory, and even more in everyday practice, there is an equalization of environmental crime and environmental offenses. Such an understanding is not entirely justified because criminal offenses with environmental content, in addition to criminal offenses against the environment, include certain crimes against human health as well as criminal offenses against general security (for example, the crime of damaging dams and water management facilities).

However, it is precisely those crimes whose aim is a protective object that constitutes the environment that constitute the epicenter of ecological crime. This applies in particular to those subgroups of these crimes that are directly or indirectly directed at pollution or impeded by the implementation of environmental protection measures. In other criminal acts with ecological content, the environment is a secondary object of protection, while primary objects are other legal assets (for example, life and human health).

Obviously, in this regard, the legislator of the Republic of Serbia followed the trends in international and comparative law by systematizing the aforementioned criminal acts that primarily protect the environment within the framework of the unique chapter of the XXIV of the current Criminal Code. It is believed that this definitely resolved the earlier dilemma as to whether the environment is a legal right that directly enjoys criminal protection, that is, whether it can be an independent and primary protective object.

It is indisputable that environmental protection is of great importance for every individual, but also for the society as a whole, because it rightly emphasizes that ecological crime is a “threat to the survival of human society”. Especially important is the effective protection of the environment, and it is, among other things, realized by the detection, documentation and processing of perpetrators of criminal acts from Chapter XXIV of the Criminal Code of the Republic of Serbia. In this sense, various tactical and forensic means and methods are used, which criminalistic methodology synthesizes, that is, concretizes in relation to certain ecological crimes with the aim of its complete illumination.

1. CONCEPT, CHARACTERISTICS AND CLASSIFICATION OF ECOLOGICAL CRIME

According to the definition used by the International Criminal Police Organization (Interpol), ecological crime represents “the totality of criminal activities aimed at violating the provisions of national and international laws and agreements, which ensure the preservation and sustainability of the environment in the world, biodiversity of plants and animal species or natural resources “. (Uljanov, 2012: 71)

Similar definitions are encountered in criminal law and criminal science. Thus, one perception is that ecological crime is defined as “a set of different activities of a legal and physical entity directed at endangering the environment, which are defined as criminal offenses, economic offenses and violations by criminal laws and other legal regulations”.

(Korajlić, 2011: 435) From the above definition it follows that according to this understanding ecological crime is linked to all punishable acts, i.e. for all criminal offenses, economic offenses and violations to protect the environment.

However, there are many more common perceptions that link environmental criminality only to criminal protection, that is, to crimes against the environment. Thus, for example, the opinion that ecological crime represents “all aspects of activities that are directed towards environmental threat and are as such incriminated as certain criminal offenses in criminal and special laws, that is, ecological crime refers to a group of criminal offenses in criminal and special laws “. (Boskovic and Boskovic, 2010: 46)

Table 1. Criminal acts against the environment - classification (Joksić, 2012: 23-24)

	Ecological CA in the narrow meaning (general CA against environment)	Ecological CA in the narrow meaning (CA of environmental threat)	Ecological CA in the narrow sense (CA against plant and animal world)	Ecological CA in the wider meaning
Name of act	<ol style="list-style-type: none"> 1. Environmental pollution 2. Non-implementation of environmental protection measures 3. Illegal construction and putting into operation of facilities and installations that pollute the environment 4. Damage to facilities and devices for environmental protection 5. Damage to the environment. 	<ol style="list-style-type: none"> 1. Destruction, damage and removal of a protected natural property abroad 2. The introduction of hazardous substances into Serbia and the unauthorized processing, disposal and storage of hazardous substances 3. Untitled construction of nuclear installations 4. Violation of the right to information on the state of the environment 5) Devastation of the forests. 	<ol style="list-style-type: none"> 1. Killing and abusing of animals, 2. Transmission of infectious diseases in animals and plants 3. Pollution of food and water for food, feeding of animals 4. Failure to provide veterinary assistance 5. Production of harmful substances for the treatment of animals 	<ol style="list-style-type: none"> 1. Illegal fishing, 2. Illegal hunting 3. Forest theft 4. Pollution of drinking water and foodstuffs 5. Causing a general danger 6. Damage to dams, embankments and waterworks.

2. PROCESSING OF PERPETRATORS OF ENVIRONMENTAL OFFENSES

2.1. *Scope and dynamics of committing crimes against the environment in relation to all criminal offenses*

Due to the relatively small number of detected criminal acts against the environment (which is expected due to the undeniably massive “dark numbers of crime” and the relative lack of awareness about the importance of ecology in Serbia), the number of adults who have been reported for delicts from this group is almost symbolic in relation to the total number

of adults who have been reported for criminal offenses. This number is realistic and even smaller if one takes into account that juveniles are never actually reported as perpetrators of this form of delinquency. The above facts can easily be seen from Chart 1.

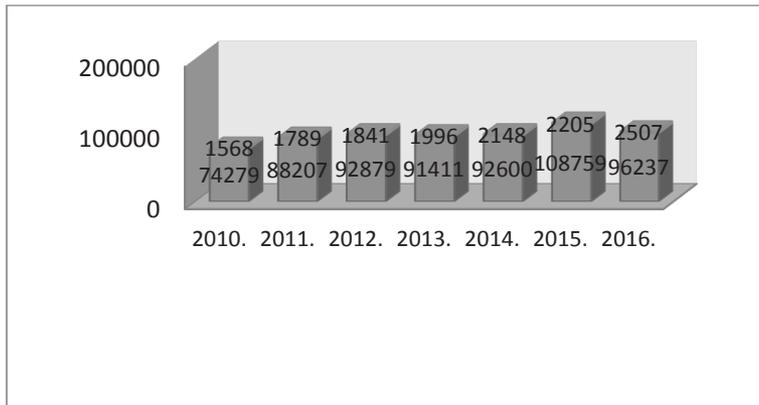


Chart 1: Registered adults, according to the criminal offense in the Republic of Serbia for the period 2011-2016: Source: Bulletin of the RZS Adult perpetrators of Criminal Offenses in the Republic of Serbia 2010 / No.546; 2011 / No.558; 2012 / No.576; 2013 / No.588; 2014 / No. 603, 2015 / No.189, 2016 / No.194

From the data presented in Chart 1, we can conclude that in the total number of adult persons registered for criminal offenses in the Republic of Serbia (red color), the number of perpetrators of environmental offenses increased significantly in the period from 2010 to 2016. In particular, we see that the number of offenders reported for environmental crimes increased from 1568 reported adult persons in 2010 to 2507 in 2016, which is as much as 939 more reported persons for environmental offenses.

However, in relation to the number of registered criminal offenders (which declined to a lesser extent in 2016), the number of registered environmental offenders continued to move within the range of 1.5% to 2.5%, therefore on average about 2%.

Quite unexpectedly, the ratio of the total number of adults accused of crimes in the Republic of Serbia with the number of persons charged with crimes against the environment shows a reverse tendency. More specifically, from the data presented in Table 2, we can conclude that the number of perpetrators of the accused environmental offenders in the period from 2010 to 2015 decreased in weight in the amount, but this is in fact a much greater reduction if one takes into account that in the same period, the number of adult persons charged with all criminal offenses increased significantly. It should be noted that for 2016, these data have not been analyzed because they are not yet publicly available.

Table 2: Accused adults, according to the criminal offense in the Republic of Serbia for the period 2011-2015

Year	2010	2011	2012	2013	2014	2015
Total number of those accused of criminal acts in RS	27.860	39.439	41.621	45.704	48.425	42.030
Those accused for criminal acts against environment	917	635	632	1039	895	780
%	3,29%	1,61%	1,52%	2,27%	1,85%	1,85%

Source: Bulletin of the RZS Adult perpetrators of Criminal Offenses in the Republic of Serbia 2010 / No.546; 2011 / No.558; 2012 / No.576; 2013 / No.588; 2014 / No. 603, 2015 / No.189, 2016 / No.194

In particular, we can see that the number of accused adult violators of environmental offenses decreased from 917 persons in 2010 to 780 in 2016, while at the same time the number of adult defendants for all crimes in the Republic of Serbia increased from 27,860 in 2010 to as many as 42 030 persons in 2015. From the data presented in Table 2 we see that there is a trend of growth of the total number of indictees for crimes in our country, but the number of indictees for environmental offenses has been declining, from 2010 to 2015. The average share of accused persons for environmental crimes was around 2% in the total number of accused for crimes in the Republic of Serbia.

Table 3: Convicted adult persons, according to the criminal offense in the Republic of Serbia for the period 2011-2016

Year	2010	2011	2012	2013	2014	2015	2016
Total number of those convicted for criminal acts in RS	21.681	30.807	31.322	32.241	35.376	33.189	32.525
Those convicted for CA against environment	333	449	430	508	589	549	472
%	1,54%	1,46%	1,37%	1,58%	1,66%	1,65%	1,45%

Source: Bulletins of the RZS Adult perpetrators of Criminal Offenses in the Republic of Serbia 2010 / No.546; 2011 / No.558; 2012 / No.576; 2013 / No.588; 2014 / No. 603, 2015 / No.189, 2016 / No.194

Regarding the ratio of the total number of adults convicted of all criminal offenses in the Republic of Serbia with the number of persons convicted of environmental offenses, the least variation is observed in the sense that the increase in the total number of prisoners is

accompanied by an increase in the number of convicted persons for environmental offenses, and vice versa.

In particular, from the data presented in Table 3, we can conclude that the number of perpetrators of the accused environmental offenders in the period from 2010 to 2015 has increased substantially, but it recorded a slight decrease in 2016. The same applies to the number of adults convicted of all crimes.

Interestingly, the number of persons convicted of environmental crimes increased significantly in 2016 (472) compared to 2010 (333), but that nevertheless makes a smaller percentage than the number of persons convicted of all crimes in the Republic of Serbia (1.45: 1.54). On the other hand, it is quite expected that in 2014, when the highest number of persons for environmental offenses were convicted (589), there was the highest percentage in relation to the total number of persons convicted of all crimes (1.66).

It should also be noted once again that the number of persons convicted of environmental offenses in the mentioned period was increasing until 2014, and since then it is in a slight decline. Thus, this tendency literally follows the tendency of an increase or decrease of the total number of convicts for all crimes in the Republic of Serbia.

2.2. The ratio of the number of registered, accused and convicted perpetrators of environmental offenses

In a statistical analysis of the volume and dynamics of criminal acts against the environment in the Republic of Serbia, a special place is taken by statistical analysis of the ratio of the number of registered, accused and convicted punitive perpetrators of environmental crimes.

Although it is partially noticed in the previously published data, it is even more noticeable through the facts contained in Chart 2. Namely, it presents comparative data for the period 2010-2016, with the exception of the number of accused in the last observed year.

From the data presented in the above graph we notice a growing trend of applications for environmental crimes, while the number of indictees and convicts also has noticeable certain oscillations.

It is thus noted that the least reported persons for environmental offenses were in 2010 (1568) and the most during 2016 (2507). The lowest number of accused persons for environmental offenses was during 2012 (632) and most during 2013 (1996).

Finally, in 2010, the number of convicted persons for environmental offenses was the smallest (333), while in 2013 it was the largest. Namely, 589 persons were convicted of this group of crimes then.

If these parameters are observed separately, the tendencies of reporting, charging and convictions of adults in the observed period are even more noticeable. For example, this is the case with the statistics of the registered persons, where the number of adult persons against whom criminal charges for environmental crimes were filed was permanently increased from 2010 to 2016.

In the aforementioned circumstance we can be convinced through Graph 3, which shows the percentage share of applications by age, with, as we have seen, at least 2010 (11%) and the highest in 2016 (18%).

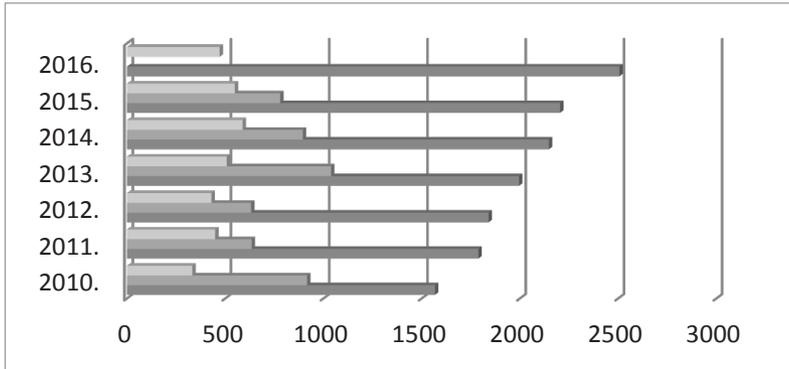


Chart 2: Reported, charged and convicted adults for environmental crimes in the Republic of Serbia for the period 2011-2016: Source: Bulletins of the RZS Adult perpetrators of Criminal Offenses in the Republic of Serbia 2010 / No.546; 2011 / No.558; 2012 / No.576; 2013 / No.588; 2014 / No. 603, 2015 / No.189, 2016 / No.194

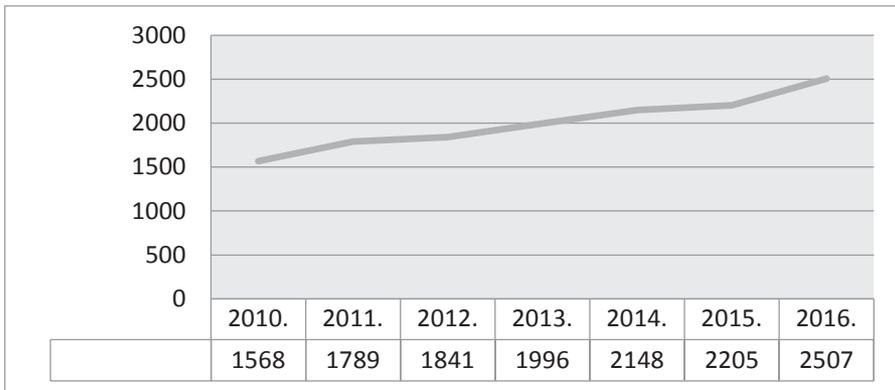


Chart 3: Registered adults for environmental crimes in the Republic of Serbia for the period 2011-2016: Source: Bulletins of the RZS Adult perpetrators of Criminal Offenses in the Republic of Serbia, (2010 / No.546; 2011 / No.558; 2012 / No.576; 2013 / No.588; 2014 / No 603)

The degree of gradual and permanent increase is visible from the same chart, since in 2010 only 11% of the perpetrators of environmental crimes were reported, in 2011 and 2012 13% of the perpetrators of these criminal acts were reported, in 2013 14% of the perpetrators of these crimes, in 2014, 15% of the perpetrators of environmental offenses were reported, in 2015, 16% of the perpetrators of these criminal acts were reported, while, as stated above, in 2016 18% of the perpetrators of these crimes were reported - observing the total mass of registered adult persons in the Republic of Serbia outside of AP KiM for the observed period

Table 4: Review of registered adults for environmental crimes in the Republic of Serbia for the period 2011-2016. (Source: RZS Bulletins Adult perpetrators of Criminal Offenses in the Republic of Serbia, (2010 / No.546; 2011 / No.558; 2012 / No.576; 2013 / No.588; 2014 / No 603)

Criminal acts	2010	2011	2012	2013	2014	2015	2016	Total
Non-implementation of environmental protection measures	1	4	1	-	-	1		7
Environment pollution	-	-	-	2	-	-	1	3
Unlawful construction and placement in the operation of facilities and plants that pollute the environment	1	-	-	-	-	1		2
Environment damage	2	3	6	1	3	3		18
Destruction, damage, taking abroad and bringing into Serbia protected natural heritage	5	2	4	3	4	1		19
Introduction of dangerous substances into Serbia and unauthorized processing,	-	1	1	1	-	3	5	11
Unauthorized construction of nuclear plants	-	-	1	-	-	1		2
Killing and abusing animals	22	27	23	30	25	23	11	161
Transfer of infectious diseases in animals and plants	-	1	1	-	-	1		3
Production of harmful substances	1	1	-	-	-		1	3
Forest devastation	19	30	36	17	30	34	31	197
Theft of forests	218	287	297	407	488	451	382	2530
Illegal hunting	16	25	27	14	18	11	15	126
Illegal fishing	48	68	33	33	21	23	21	247
TOTAL	333	449	430	508	589	553	467	3329

In this regard it is interesting to consider the frequency of reports of adult persons for certain crimes from Chapter XXIV CC.

It is expected that most persons will be reported for the so-called classic crimes, i.e. for economic and, in particular, property offenses that the legislator of the Republic of Serbia nevertheless classified in the aforementioned head of the Criminal Code, and that there are less criminal charges for delicts that nominally and directly protect the environment.

The results obtained are shown in the Table 4.

The data in Table 4 indicate that the most common, ie, the most dominant offense against the environment was forest theft with a total of 2530 persons registered, illegal fishing was in the second place with a total of 247 registered persons and then a devastation of forests with a total of 197 registered persons.

The group of relatively more frequent crimes also includes the killing and abuse of animals with a total of 161 registered persons and illegal hunting with a total of 126 registered persons.

Expectedly, there were least reported persons for unlawful construction and putting into operation of facilities and installations that pollute the environment and unauthorized construction of nuclear plants - with 2 registered persons each.

It is interesting that the total number of persons registered for general environmental offenses is disproportionately lower than the total number of persons reported for forest theft and other criminal acts against the environment from Chapter XXIV of the CC, which definitely confirms the theoreticians' view of the presence of a significant "dark crime figure" in criminal offenses of ecological character. (Korajlić, 2011: 438)

2.3. Statistical analysis of sanctions imposed on perpetrators of criminal acts against the environment

The analysis of the sanctions imposed on persons convicted of certain criminal offenses under Chapter XXIV of the CC, should begin with the fact that in the jurisprudence and otherwise more often there were imposed warning measures (conditional sentence and judicial admonition) rather than sentences, and in terms of penalties, more often there were imposed fines rather than prison sentence. Alternative punishments are possible in the form of work for public interest, while seizure of a driver's license is not expected in this type of criminal offense. The above assumptions were mostly confirmed by statistical analysis, which can be seen from Table 5.

By analyzing the data presented in this table, we can competently monitor the tendencies in criminal policy and the sanctioning of criminal acts against the environment. Thus, as could be expected, the most frequently pronounced criminal sanction in the mentioned period was suspended sentence, which was imposed 2017 times (of the total 3805 pronounced sanctions). Thus, in the course of 2010, 218 suspended sentences were imposed, while in 2016, 287 such convictions were issued. During 2015, as many as 362 suspended sentences were imposed.

Compared to the penalties imposed for crimes against the environment, the fines are dominant as expected. This is because the fines are foreseen in most of the crimes referred to in Chapter XXIV of the CC - as an alternative and often as a cumulative punishment. In any case, a fine is a criminal sanction which, after frequency of pronouncement and enforcement, is found after a suspended sentence, so in 2010 a total of 70 monetary fines were imposed and in 2014 as many as 119 such sentences.

Table 5: Review of sanctions imposed on environmental offenses in the Republic of Serbia for the period 2011-2016. (Source: RZS Bulletins Adult perpetrators of Criminal Offenses in the Republic of Serbia (2010 / No.546; 2011 / No.558; 2012 / No.576; 2013 / No.588; 2014 / No.603, 2015 / no. 189, 2016 / No.194)

	Prison sentence	Probation	Monetary fine	Count warning	Free from punishment	Educational measures	Work in public interest	Home imprisonment	Sideline punishment	TOTAL
2010.	33	218	70	5	2	-	5			333
2011.	46	254	114	7	16	-	12			449
2012.	52	257	99	6	-	1	15			430
2013.	74	297	103	11	2	-	21			508
2014.	103	342	119	5	2	-	18			589
2015.	64	362	99	6			15	3	3	552
2016.	73	287	94	1			10	7	472	944
total	445	2017	698	41	22	1	96	10	475	3805

In relation to the imposed sanctions for environmental offenses, imprisonment is the least pronounced sanction and is at the last place in the frequency of pronouncing and applying in our judicial practice.

This is not surprising despite the fact that the sentence of imprisonment as the main punishment is prescribed for all crimes from Chapter XXIV of the CC. Thus, in 2010, 33 prisoners were sentenced to imprisonment, while in 2016 this number increased to 73. The most unconditional prison sentences were pronounced in 2014 when there were 103 of those.

Therefore, in the period from 2011 to 2016, suspended sentencing is absolutely dominant in the sanctioning of criminal offenses against the environment, which is more often than all other major and minor sanctions together, while less than a fifth of the total sanctions imposed are fines.

Only one educational measure was pronounced, which is also expected because juveniles, as a rule, do not make delicts from Chapter XXIV of the CC, especially offenses that directly protect the environment.

The ratio of pronounced suspended sentences and unconditional sentences (not counting a few penalties of work in the public interest) in the overall sanctioning of criminal offenses against life is such that nearly two thirds (64%) are sentenced to suspended sentences, while slightly less than seventh sanctions are sentenced to imprisonment (14%).

A little more than a fifth (22%) of the sanctions are monetary fines. These proportions can be seen in Chart 5.

Finally, if only condemnation sentences, fines and sentences for crimes against the environment are observed, interesting tendencies can be noticed. For example, in 2010, there were almost double the amount of fines compared to the prison sentence, while the number of suspended sentences was dominant.

This domination was continued and in the later years it almost permanently increased,

but the difference between the number of fines imposed and the imprisonment penalties declined substantially, which was most pronounced in 2014.

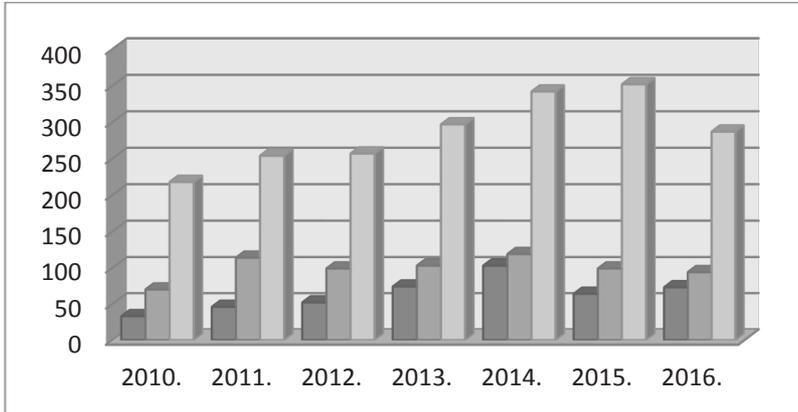


Chart 5: Probation sentences and penalties for environmental offenses in the Republic of Serbia for the period 2011-2016 Source: Bulletin of the RZS Adult perpetrators of Criminal Offenses in the Republic of Serbia (2010 / No.546; 2011 / No.558; 2012 / No.576; 2013 / No.588; 2014 / No 603, 2015 / No.189, 2016 /br.194)

In any case, from all previously illustrated statistical data, as well as from those interpreted in diagram 6, we find that suspended sentence is the most dominant sanction in the system of criminal sanctions imposed on environmental offenses.

3. PROBLEMS IN THE CRIMINAL LAW PROTECTION OF THE ENVIRONMENT IN THE REPUBLIC OF SERBIA

It has already been pointed out that in criminal law theory and practice there are different approaches to the conceptual definition of not only ecological crime as a whole, but also of criminal acts against the environment which are its most significant expression. Nevertheless, it is common for everyone that the concept of ecological crime includes unlawful acts that endanger or hurt the environment, and that these acts as criminal offenses are envisaged by different legal regulations, the most important of which is the current Criminal Code.

In essence, having in mind the criminal acts of the XXIV CC and their individual representation, in the previous judicial practice several groups of problems are noticed.

For example, it is rightly considered that judges and competent services (police, public prosecutors), both for adults and juvenile offenders and certain types of institutions, still do not recognize “the essence of the importance of the protection of protected natural property, natural rarity, or special protected plants or animals in our country, but also from the aspect of international regulations. “(Nojković, 2007: 509-515)

It is considered that the basis of these problems is the underestimating attitude of the officials at the moment of receiving the criminal report because they do not recognize the

importance of the investigation in certain criminal offenses from this group of criminal offenses, where only by quick arrival at the site and by direct observation by the above mentioned officials with urgent engagement of appropriate inspections and the issuing of expert orders the cause of environmental damage can be determined, which, after initial effective identification, will be able to bear the appropriate sanction later in the course of the court proceedings. In all these cases, a lot of work is required on the spot - not only during surveys, but also a number of checks at public-sector books (cadastres) before the criminal proceedings are initiated.

It is also considered that judges, as well as public prosecutors in juvenile cases and juvenile offenders, where specialization is sought for all officials in proceedings before district courts, judges or public prosecutors for juveniles, are still considered that they “fail to recognize the essence of the importance of forest protection as one of the basic assets in our country, uneven forests in our country and how much we lag behind Europe - all this perceived in terms of criminal-legal protection of forests.” (Stojanović, 2009: 189-201)

This also applies in particular to the insufficiently substantive understanding of the importance of forests and forest damage caused by other offenses that do not directly fall within this group of criminal offenses but in a group of criminal offenses against general safety of persons and property - a criminal act causing a general danger, first of all fire. Also, this also applies to other criminal offenses from the group of criminal offenses against the general safety of persons and property or criminal offenses against the health of people belonging to the crimes of ecological crime in the widest sense.

Finally, all of the above referred to the problem of the so-called “classical” criminal offenses of the group of environmental offenses, among which the special emphasis is on forest theft and illegal fishing. However, when it comes to “other” offenses related to substantial damage, pollution or destruction of the environment, the problem mentioned is substantially higher. This is because “the significance of these crimes is still insufficiently recognized in the developed world and especially with us, since the issue of detecting differences in this type of criminal offense is extremely complex.” (Stojanović, 2009: 189-201)

The problems observed are different and they range from: difficult arrival to the site; determining the characteristics of the crime scene; contacting the owner of the property or the responsible person in order to determine their knowledge of hazardous materials, as, as a rule, they lack the rules on the systematization of jobs; the content of the evidence collection plan; taking and storing samples and laboratory analysis of these samples; complex determination of a person who would be responsible for gathering on-the-spot evidence in the event of an incident; the lack of experts of the relevant profession; refusal of experts, if they exist, to artificial intelligence; establishing or proving damage as a consequence of any of the criminal acts that are damaged, destroyed or polluted by the environment; difficulties in interpreting such evidence. (Stojanović, 2009: 189-201)

CONCLUSION

Environmental crime is one of the typical forms of modern criminality, which in the meantime emancipated itself and included in its corpora some forms of manifestation of traditional criminal. According to the opinion of the Republic of Serbia legislator expressed through the environment as a common general protection facility (Chapter XXIV of the CC), for the time being this applies only to the criminal offenses of illegal hunting, illegal fishing and forest theft taken over in 2005 from a group of criminal offenses against the economy.

However, in the future, this could also be the case with some other crimes with environmental content such as, for example, the criminal offense of polluting drinking water and foodstuffs from Chapter XXIII CC, the criminal act of damaging dams, embankments and waterworks from the Chapter XXV CC. All of these works are characterized by a series of peculiarities, and the most important of them are massiveness and a very pronounced "dark number" of frequency because it is relatively rarely disclosed by the competent authorities, or not disclosed in time.

Regarding the aforementioned group of crimes against the environment, it should be emphasized that it in the criminal law theory they are properly placed in a wider group (macro-whole) of criminal offenses against the common living conditions, together with criminal offenses against marriage and family, criminal offenses against intellectual property, crimes against property, and crimes against human health.

Most of the crimes against the environment are by their nature blanket, which means that they violate the provisions not only of the Criminal Code of the Republic of Serbia, but also special regulations that regulate the protection of the environment in criminal law. On the other hand, all criminal acts against the environment are prosecuted *ex officio*, which means that the competent public prosecutor or his deputy is in charge as the authorized prosecutor.

This solution of the legislator is quite correct, because the fact that the preservation of a healthy environment is of great importance to the whole community, and because of the unquestionable expertise of the holders of the public prosecutor's office that comes to the fore in the interpretation of numerous descriptive terms used by the legislator in the incriminations of Article 260 - 264 and 266 CC (for example: "to a greater extent", "in the wider area", "large scale", "longer time or large costs", etc.).

Finally, it is undisputed that the numerous characteristics of the criminal offenses from Chapter XXIV of the Criminal Code are specific to ecological crime, which inevitably imposes sub-specialization and generally deepened education in criminal and criminal-process proceedings of relevant subjects in the detection, proving and prosecution of criminal acts against the environment.

In short, although there is no doubt that the criminal-legal intervention in this area should be applied as the last source of protection (*ultima ratio*), it is in the best interest of our country to organize permanent education of all officials in the judicial chain (police, public prosecutors and judges) to get better quality in the problem. This is so because our research shows that in view of the frequency of criminal offenses of the head of the XXIV CC, the dominant role is taken by the so called "classical" crimes such as forest theft, illegal hunting and illegal fishing, as well as some ecological delicts in the narrow sense (for example, the devastation of forests).

On the other hand, the fact is that in detecting and proving the criminal offenses from the Chapter XXIV CC, due to their specificity, the maximum use of criminal assets and methods must be used, and especially the enhanced inspection supervision understood as the type of administrative control over the activities of state and non-state bodies and organizations, as well as on the business and conduct of legal persons and citizens in respect of compliance with laws, other regulations and general acts. The same is true for certain search and investigative actions, and in particular for the expertise and assistance of an expert of the relevant profession.

This is also indicated by the problems identified in the detection and proving of criminal offenses from Chapter XXIV of the CC in our judicial practice, such as: difficulties in determining the characteristics of the crime scene; problems with contacting the owner of the property or the responsible person in order to determine their knowledge of hazardous substances; lack of quality regulations on the systematisation of jobs and other internal general acts; difficulties in taking and storing samples and laboratory analysis of these samples; etc.

In empirical research, we focused on the tendencies in criminal policy and the sanctioning of crimes against the environment. In this, we proceeded from the assumption that warning measures (suspended sentences and court warnings) are more often imposed in judicial practice than punishment, and in terms of penalties, more often a fine as a sentence is imposed. Also, it is realistic to expect that work in the public interest as an alternative sentence is reported in the criminal offenses under Chapter XXIV of the Criminal Code, while confiscation of a driving license is not expected in this type of criminal offense. The above assumptions are mostly confirmed. In addition, the most commonly pronounced criminal sanction in the period from 2010 to 2016 was suspended sentence, which was imposed 2017 times (of the total 3805 sanctions imposed). During 2015, as many as 362 suspended sentences were imposed.

Compared to the penalties imposed for crimes against the environment, the fines are dominant as expected. This is because the fines are foreseen in most of the crimes referred to in Chapter XXIV of the CC - as an alternative and often as a cumulative punishment. In any case, a fine is a criminal sanction which, after frequency of pronouncement and enforcement, is found after a suspended sentence, so in 2010 a total of 70 monetary fines were imposed and in 2014 as many as 119 such sentences. In relation to the imposed sanctions for environmental offenses, imprisonment is the least likely pronounced sanction and is at the last place in the frequency of pronouncing and applying in our judicial practice. This is not surprising despite the fact that the sentence of imprisonment as the main punishment is prescribed for all crimes from Chapter XXIV of the CC.

Therefore, in the period from 2011 to 2016, suspended sentencing is absolutely dominant in the sanctioning of criminal offenses against the environment, which appeared more often than all other major and minor sanctions put together, while less than a fifth of the total sanctions imposed are fines. Only one educational measure was pronounced, which is also expected because juveniles as a rule do not perform delicts that directly protect the environment. The ratio of pronounced suspended sentences and unconditional sentences (not counting a few penalties of work in the public interest) in the overall sanctioning of criminal offenses against environment is such that nearly two thirds (64%) are sentenced to suspended sentences, while slightly less than one seventh were sentenced to imprisonment (14%). Finally, slightly more than a fifth (22%) of sanctions are fines.

Finally, although statistics indicate that there is a growing trend both in reporting and prosecutions, as well as conviction for crimes against the environment, the fact is that the situation in this area is not significantly improved. Adequate criminal justice is a very important factor, but prevention is even more important in this regard. In any case, the most important thing is that awareness of environmental protection as a fundamental need for human existence is constantly growing.

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