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PREVENTION OF PERPETRATING THE CRIMINAL OFFENSE OF THEFT- THEORETICAL AND PRACTICAL ASPECTS

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ABSTRACT

The aim of this paper is to analyze the factors that influence the occurrence of the criminal offense of theft as well as the roles of all parties involved in its preventive activities.

Ownership creates rights and obligations, and it should serve the wellbeing of the individual and the community. No one can be deprived of, nor limited from property and the rights deriving from it, except when it comes to the public interest determined by law.

Belongings can be movable and real estate. The subject of the criminal offense of theft can be only related to movable items that have economic value and serve to human needs and not in cases when they are abandoned.

In the process of preventive fight against crime, it is of great importance to define explicitly and concretely the roles, the tasks, and the goals of certain subjects of preventive activities.

Keywords: Property, theft, prevention

INTRODUCTION

Every society that possesses an authentic democratic legal structure and civic order has the obligation to study the negative phenomena that threaten the order and tranquility in order to make a realistic assessment of their situation. This is where the importance and the aim of this study begins since the increase of negative phenomena in society, as well as the increase of criminal cases of "theft", threatens the citizens without exception. Their security and their property are threatened and at the same time, they lose the trust in state institutions or in the so-called judiciary organs.

In every democratic state, the right to property and the right to inheritance are guaranteed. All types of ownership have equal protection by law - property is guaranteed and inviolable. Criminal offenses against property are those criminal offenses that encompass taking of somebody else's possession illegally, committed with intent and for the purpose of material gain for oneself or for the benefit of other persons or also include damage or destruction of the possession. In the context of legal protection of property, the criminal legal protection undoubtedly represents only a part of it, but it is specific and very important and without it there will not be any efficient and effective protection of property.

Various factors have influenced the perpetration of this crime, such as: high unemployment, lack of awareness, low educational preparation, difficult economic conditions, etc.

Notion

Crime against property refers to all actions that infringe and endanger private and state property.¹ Criminal offenses against property constitute one of the most important chapters of the special section by the very fact that they are listed in large numbers in criminal statistics. Criminal offenses against property constitute one of the most important chapters of the special section by the very fact that they are listed in large numbers in criminal statistics. One of the main

¹ Ragip Halili, *Kriminologjia*, Prishtinë, 2002, p. 196

criminal offenses against the property of private and legal entities, historically known in various parts of the world and widespread everywhere is theft.² The criminal offense is considered to have been committed when someone takes from another person a possession object in order to illegally appropriate it. Possessions can be movable or real estate. The subject of the criminal offense of theft can be only a movable item that have an economic value and that serves to meet human needs, but not in cases when it is abandoned.

For the existence of the criminal offense of theft, the important issue is when it is considered de facto that this criminal offense has been committed. There are more opinions in this regard. The oldest is the contraction theory according to which the theft is considered to have been committed with the very fact that the object of the theft was touched by the perpetrator. According to the other theory, the emotion theory, theft is considered to have been committed when the item was transferred from one place to another.

The third theory is the theory of ablation which is related to the first one. However, according to it, it is not enough for the item to be transferred from one place to another, but it is necessary for the item to be transferred from the previous place to another place. The fourth theory is the theory of medicine, according to which it is necessary for the item to be transported to a safe place.³ Today, the theory of perception has been adopted according to which the theft is considered to have been committed when the stolen item is in the possession of the perpetrator and it is not necessary for the item to have been transferred from the place where it is located.

Ownership creates rights and obligations and must serve the good of the individual and the community. Furthermore, ownership creates rights and duties and should serve the wellbeing of both the individual and the community and no person may be deprived of his/her property or of the rights deriving from it except in cases concerning the public interest determined by law. (Article 30 of the Constitution of the Republic of North Macedonia). All types of property enjoy equal protection under the law.

In the section that follows, we will address some of the main factors that affect the prevention of criminal offenses of theft. In this regard, the role of the school, the family, the role of the media,

² Ismail Zejneli, E drejta penale e posacme, Tetove, 2007, p.-

³ Vllado Kambovski, E drejta penale-pjesa e posacme, Shkup, 1998, p.

the role of the police, the role of the prosecution and the court in preventing the criminal offenses of theft will be discussed.

The role of the school in preventing the criminal offenses of theft

School is treated as an institution that has great influential force, not only in terms of education and cultural uplift, but also in terms of emotional and intellectual development in the overall formation of the structure of the human personality. In this respect, it has tremendous advantages and unlimited opportunities because it enables contacts with most of the youth, from early age to maturity.

Following the fact that children stay in school for a long time, teachers have the opportunity to notice the symptoms of inadequacy without difficulty. What is more, in special cases, they can determine their individual prediction and treatment of individuals that show characteristics of inadequacy in their behavior. For this reason, the school as an institution is able to correct the psychic and other deviations of certain young people and orient them in the right way.⁴

The role of the family in preventing criminal offenses of theft

Family is the basic unit in the society that depending on the socio-economic development, gathers around people related to marriage and their descendants. It can also include a wider or closer circle of people of same blood or other ties, who join in order to satisfy their various biological needs (birth and upbringing of children) economic, social, educational, emotional, etc. The family, as a social community, is the most important factor in the development and formation of the human personality. The family, as a separate social institution, has always had multiple functions and tasks in the formation, education, upbringing, development and affirmation of its members, especially children and young people. It is presented as a social community, a social unit, as a primary social group, with which humans, from birth to death, stay and take care and supervision of its members. The family is a social community, which protects and guides its members, especially children and young people. It is known that the family is the most important social force for the right education and life orientation of young people. As the highest instrument of social control, it is able to constantly take care of children and young people, strengthen their psychological stability and instill a sense of responsibility in them. Thus, the family is manifested

⁴ Ibidem, p. 198

at the same time as a great power in the prevention of criminal offenses.⁵ Namely, completed, healthy and regular families, care for each other, educate each other and their children and have the greatest role in preventing the criminal offenses of theft and various criminal behaviors.

The role of the media in preventing criminal offenses of theft

In terms of activating the public opinion for the fight against crime, the right information of citizens about criminal behavior in a certain environment also plays an important role. Achieving information of citizens about this is done in different ways such as public media (radio, television, film, press, etc.). Their role is great as they play an important educational role. In order to promote the positive effects of citizens, the press should not fall under the influence of sensational effects, but it should provide accurate and objective information both in relation to crime as a phenomenon and also in special cases of criminal activity. Only with accurate information, a positive interest among citizens for engagement will arise and awareness about the importance of social prevention against crime.⁶

Nowadays, mass media have become powerful tools of influence and orientation of opinion within a country or international opinion. For the organization of social actions against crime it is more than necessary to know their etiological, phenomenological, and other characteristics in the given environment. For the organization of social actions against crime it is more than necessary to know their etiological, phenomenological, and other characteristics in the given environment. Each action assumes certain knowledge of its subject which serves as a guiding and practical orientation, if aimed at avoiding spontaneous processes and their consequences. In order to be able to undertake effective social action, it is necessary to have a cognitive penetration of the root character, cause and conditions of crime with the given time and space frameworks.⁷

Therefore, print and electronic media play a very important role in preventing criminal offenses of theft or deviant behavior. Print and electronic media have the ability and power to significantly influence the minimization of criminal offenses, as with various announcements and news they are much closer to the citizen who can be informed at any time of any actuality in any sphere.

⁵ Ibidem, p. 195

⁶ <https://www.slideshare.net/dritashala/politika-kriminale-17453261>

⁷ Vesel Latifi, POLITIKA KRIMINALE, Prishtinë, 2011 p. 225

The role of the Police in preventing criminal offenses of theft

Police is a state body that takes care of the protection of society from crime, maintaining public order and tranquility as well as ensuring a certain state order. Police is a traditional institution known for the protection of social order in all historical types of society and in all countries in the world. In all countries, including contemporary societies, the police, except in formal terms, have the same social definitions and perform approximately the same functions and tasks.⁸

Police activity is manifold. Acting in the prevention and detection of crime, they provide the public prosecutor and the court with the necessary material to initiate criminal proceedings; they provide forensic assistance related to the identification of persons and objects (obtaining fingerprints, obtaining biological material for DNA analysis, etc.) during criminal procedures; they provide assistance in the execution of decisions, data from certain evidence, etc.⁹

The duty of the Judicial Police is that ex officio or by order of the public prosecutor to undertake measures and activities in order to detect and investigate criminal offenses, prevent further consequences of criminal offenses, apprehend and denounce their perpetrators, ensure evidence and other measures and activities which can be used for the unimpeded realization of the criminal procedure. It implements investigations and actions ordered by the court and the public prosecutor's office. The above duties are performed by superiors and judicial police officers.¹⁰

The Republic of North Macedonia has the law on Police and according to Article 3 of the Law on Police, the basic function of the Police is protection and respect of the fundamental freedoms and rights of the human being and the citizens, guaranteed by the Constitution of the Republic of North Macedonia, the laws and the ratified international agreements, protection of the legal order, prevention and detection of sanctioning acts, undertaking measures for prosecution of the perpetrators of such crimes, identifying and seeking directly and indirectly the acquisition of property by committing a criminal offense, maintaining order and tranquility, regulation and control of road traffic, control of movement and stay of foreigners, customs controls and customs

⁸ Ibidem -112

⁹ Ejup Sahiti & Ismail Zejneli – E drejta e procedurës penale e Republikës së Maqedonisë, Shkup 2017 p.93, 94.

¹⁰ Ibidem p. 94.

supervision; providing assistance and protection to citizens in need, providing certain persons and objects and other work defined by law.¹¹

The role of the Prosecution in preventing criminal offenses of theft

Prosecution Office is a classic institution of the criminal judiciary, which has been present for 150 years, in order to oppose the risks and inquisitorial actions and which puts in the hands of judges - the enlightenment of criminal cases and the trial according to them. In the law of the Republic of North Macedonia, the public prosecution is a unified and independent state body, which prosecutes the perpetrators of criminal offenses and other punitive offenses and performs other tasks provided by law. The Public Prosecutor's Office is a single and autonomous state body carrying out legal measures against persons who have committed criminal and other offences determined by law. It also performs other duties determined by law. (Article 106 of the Constitution of the Republic of North Macedonia). Based on Article 39 of the Law on Criminal Procedure, the Public Prosecutor's general right and duty shall be to prosecute perpetrators of criminal offenses, which are to be prosecuted ex-officio. In the framework of the realization of this right and duty, the Public Prosecutor has the opportunity to undertake a series of concrete actions, i.e., he/she must take the necessary measures regarding the detection of criminal offenses and finding the perpetrators of these criminal offenses. He/she needs to initiate criminal proceedings and, in the proceedings, to organize pre-investigation, under the conditions determined by law, to issue orders for the implementation of special investigative measures, to conduct the investigation of criminal offenses, to file and represent an indictment or indictment in the competent court, to appeal against final court decisions and to present the means of extraordinary legal proceedings against final court decisions.

In addition to the function of investigating and prosecuting criminal offenses in criminal proceedings in the broader plan of the fight against crime, the public prosecution has the right and duty to monitor and study the relations and social phenomena important for the realization of their function and, for to report its observations to the Parliament of the Republic of North Macedonia and to make proposals for the prevention of dangerous and harmful phenomena for the society as well as for the strengthening of the rule of law. The Public Prosecutor's Office also has the right and duty to inform the public about the state of crime and other problems and phenomena of

¹¹Article 3 of Law on Police of Republic of North Macedonia.

general importance, which it has noticed in its work. Information can also be provided for specific cases in which it acts, but within the legal limits and in accordance with the interests of the procedure.

The role of the Court in preventing acts of theft

Courts are independent state bodies to which the judiciary belongs. They protect the rights and freedoms of citizens, the rights defined by law and the interests of legal entities, and they ensure the constitutionality and legality. The court is a basic subject of criminal procedure. It exercises the function of trial in criminal procedure, but its function is not limited only to the function of trial. As an independent body it judges according to the constitution and law and based on international agreements ratified in accordance with the Constitution.

According to Article 22 of the Law on RNM courts the basic courts, the courts of appeal, the Administrative Court, the Higher Administrative Court, and the Supreme Court of the Republic of North Macedonia shall exercise the judicial power within the judicial system. The Supreme Court of the Republic of North Macedonia is the highest court in the Republic, and it ensures the unique application of the laws by the courts. Basic courts are established for one or more municipalities and have basic or extended subject matter jurisdiction. The court in Debar is a Court with basic subject matter jurisdiction.¹² The basic courts with basic competence for the territories for which they are established according to Article 30 of the on RNM courts shall have jurisdiction to decide, in first instance, upon crimes and misdemeanors, as follows: on crimes for which the law defines an imprisonment sentence of up to five years as a primary sentence, if jurisdiction of another court is not foreseen for particular criminal cases, on criminal acts for which a special law establishes jurisdiction of a court with basic competence, to conduct investigation or investigative actions for criminal acts falling within its competence; on all types of misdemeanors, except for misdemeanors which by law are within the competence of a state administrative body or organization or another body exercising public powers, and on appeals and complaints against the procedures within the competence of these courts.¹³

Sanctioning the perpetrators of the criminal offenses of theft and tightening the punitive policy will affect the prevention of criminal offenses against property.

¹² Ibidem p. 68

¹³ Law on Courts of the Republic of Macedonia, Article 30

PREVENTION

Many state bodies, societies and institutions are involved in prevention of crime in the practice of contemporary criminal policy. They are considered as bearers of this activity as special preventive forces. In the process of preventing the fight against crime, it is of great importance to define precisely and concretely the roles, tasks, and goals of certain subjects of the preventive activity.¹⁴

In order to prevent the perpetration of criminal offenses of theft, the factors that influence the occurrence of this criminal offense must be carefully studied and analyzed.

In the following section, we present general statistical data related to the criminal offenses of theft.

Research data on the paper, statistics obtained from the State Statistical Office of the Republic of North Macedonia

Table 1 below illustrates the general statistical data related to the criminal offenses of theft, regarding the perpetrators and the sentences imposed for these offenses in the RNM obtained by the State Statistical Office of the Republic of North Macedonia.

2017	Convicted	Main convictions	Alternative measures
Theft of electricity	627	53	574
Thefts	495	173	322
Serious thefts	699	401	298
Robbery	39	32	7
Predatory thefts	8	7	1

Table 1

¹⁴ Vesel Latifi, POLITIKA KRIMINALE, Prishtinë, 2011, p.179

The table shows the number of total convicts for these offenses, how many of them have been sentenced to one of the main convictions, and how many of them have been convicted to alternative measures for the year 2017.

Based on these data, it can be observed that for theft of electricity in 2017 there were a total of 627 convicts, of which 53 persons were sentenced to the main sentences and 574 persons were sentenced to alternative measures. For the criminal offense of theft, a total of 495 persons were convicted, of which 173 of them were sentenced to main sentences and 322 of them were sentenced to alternative measures. For the criminal offense of serious theft, we have a total of 699 convicts, where 401 of them were convicted to one of the main sentences and 298 of them were convicted to alternative measures. For the criminal offense of robbery, we have a total of 39 convicts where 32 of them were convicted to main sentences and 7 of them were given alternative measures. For the criminal offense of predatory theft in 2017 we have a total of 8 convicts, where 7 of them were convicted to the main sentence and one was given an alternative measure.

As it can be seen, among the criminal offenses of theft the most prominent for 2017 in the RNM is the criminal offense of serious theft with a total of 699 convicts. It is also noted that the largest number of main sentences imposed for the criminal offenses of theft is for the criminal offense of serious theft, with a total of 401 major convictions. Regarding alternative measures, we note that they are most often imposed in cases of theft of electricity, where out of 627 convicts, 574 of them have been convicted one of the alternative measures. The smallest number of participants in the criminal offenses of theft is that it is the criminal offense of predatory theft with a total of 8 cases where 7 of them have been sentenced to prison and in 1 case an alternative measure.

Table 2

2018	Convicted	Main convictions	Alternative measures
Theft of electricity	536	36	500
Thefts	430	168	262
Serious thefts	793	502	291
Robbery	46	39	7
Predatory thefts	12	8	4

The table above shows general statistics on the criminal offenses of theft in the Republic of North Macedonia, namely: total convicts for these offenses, how many of them have been sentenced to one of the main convictions, and how many of them have been convicted to alternative measures for the year 2018.

Based on these data, it can be observed that for the criminal offense of theft of electricity there are a total of 536 convicts, where 36 of them have been sentenced to the main sentence, and 500 of them have been imposed alternative measures. For the criminal offense of theft there are a total of 430 convicts, where 168 of them were sentenced to the main sentence, and 262 of them were sentenced to an alternative measure. For the criminal offense of serious theft there are a total of 793 convicts where 502 of them were sentenced to the main sentence, and 291 of them were sentenced to an alternative measure. For the criminal offense of robbery there are a total of 46 convicts, where 39 of them were sentenced to the main sentence, and 7 of them alternative measures. For the criminal offense of predatory theft there are a total of 12 convicts, where 8 of them were sentenced to the main sentence, and 4 others to alternative measures. As it can be observed from the table, the largest number of convicts for 2018 for the criminal offenses of theft in RMV is registered for the criminal offense of serious theft, with a total of 793 convicts. It is also observed that for this offense mainly main sentences were imposed, and 502 cases convicted. For theft of electricity mainly alternative measures were imposed, where out of 536 convicts against 500 of them alternative measures have been imposed. The smallest number of cases was recorded for the criminal offense of predatory theft, where a total of 12 convicts were registered, of which 8 of them were sentenced to the main sentence, and 4 to alternative measures. Compared to 2017, the intensity of the criminal offenses of theft is almost the same, the most frequent criminal offense in both years is serious theft, also the largest number of main sentences was imposed for this offense in both years, the largest number of alternative measures was imposed for the criminal offense of theft of electricity in both years, and the lowest number of cases was registered for the criminal offense of predatory theft in both years.

The following is a table with statistics regarding the conviction of the main sentences for adults, for the criminal offense of theft in the RNM for the years 2017-2018.

Thefts	2017	2018
Total imprisoned	85	88
Life imprisonment	-	-
20 years imprisonment	-	-
Imprisonment from 10-15 years	1	-
Imprisonment from 5 -10 years	-	-
Imprisonment from 3-5 years	1	-
Imprisonment from 2-3 years	4	1
Imprisonment from 1-2 years	22	8
Imprisonment from 6 months to 1 year	27	31
Imprisonment up to 6 months	30	48
Total punishment to a fine	88	79
Fine up to 5000 denars	3	7
Fine from 5001 up to 10.000 denars	3	1
Fine from 10001 up to 30.000 denars	42	38
Fine over 30001 denars	40	33

Table 3

The table above shows the statistics regarding the conviction of the main sentences for adults, for the criminal offense of theft in the RMV for the years 2017-2018.

From the above table it is observed that in 2017 for the criminal offense of theft there is a total of 85 prisoners, of which 1 person was sentenced to prison from 10 to 15 years, prison from 3 to 5 years was also imposed on 1 person , in 4 cases a prison sentence of 2 to 3 years was imposed, in 22 cases a prison sentence of 1 to 2 years was imposed, a prison sentence of 6 months to 1 year was imposed on 27 persons, and a prison sentence of 6 months was imposed on 30 persons.

Punishment to fines for 2017 were imposed with a total of 88 sentences: fines up to 5000 denars were imposed in 3 cases, fines from 5001 to 10000 denars were also imposed on 3 persons, 42 persons were fined from 10001 to on 30,000 denars, and 40 persons were fined over 30001 denars, life imprisonment, imprisonment with a term of 20 years and imprisonment with a term of 5 to 10 years was not imposed in any case during 2017 for the criminal offense of theft.

As it can be seen from the table, the largest number of prison sentences imposed is a sentence of up to 6 months, while in terms of fines we have more fines imposed from 10001 to 30,000 denars.

With regard to the year 2018, there is a total of 88 people imprisoned for the criminal offense of theft, in 1 case imprisonment was imposed with a duration of 2 to 3 years, in 8 persons imprisonment was imposed from 1 to 2 years, in 31 cases imprisonment from 6 months to 1 year was imposed, and in 48 cases the sentence was imposed with imprisonment for a period of 6 months, life imprisonment, temporary imprisonment, 20 years imprisonment, from 10 to 15 years, imprisonment from 5 to 10 years and imprisonment from 3 to 5 years has not been imposed in any case for 2018 for the offense of criminal theft.

There is a total of 79 punishments to a fine for 2018, a fine of up to 5000 denars was imposed on 7 persons, a fine from 5001 to 10,000 denars was imposed in one case, a fine of 10001 to 30,000 denars was imposed on 38 persons while in 33 cases a fine of over 30001 denars was imposed. It is also noted that in 2018 the same as in 2017 the largest number of prison sentences is imprisonment for a period of 6 months, also for the same fine as in 2017 the largest number of convicts is fined by 10001 up to 30,000 denars.

Serious theft	2017	2018
Total imprisoned	368	466
Life imprisonment	-	-
20 years imprisonment	-	-
Imprisonment from 10-15 years	-	-
Imprisonment from 5 -10 years	4	2

Imprisonment from 3-5 years	27	12
Imprisonment from 2-3 years	53	30
Imprisonment from 1-2 years	118	118
Imprisonment from 6 months to 1 year	102	169
Imprisonment up to 6 months	64	135
Total punishment to a fine	31	29
Fine up to 5000 denars	2	1
Fine from 5001 up to 10.000 denars	3	1
Fine from 10001 up to 30.000 denars	4	22
Fine over 30001 denars	22	5

Table 4

The table above shows the statistics regarding the main sentences against adults for the criminal offense of aggravated theft for the years 2017-2018 in the RNM.

From the above table it is observed that in 2017 for the criminal offense of serious theft there is a total of 368 prisoners, 4 convicts were sentenced to prison for a period of 5 to 10 years, 27 others were sentenced to prison with a duration of 3 to 5 years, 53 persons were sentenced to prison with a duration of 2 to 3 years, 118 persons were sentenced to a prison of 1 to 2 years, in 102 cases were convicted with a prison sentence of 6 months to 1 year, and imprisonment of up to 6 months has been imposed on 64 persons, life imprisonment, imprisonment with a term of 20 years and imprisonment with a term of 10 to 15 years has not been imposed in any case for 2017 for the criminal offense of serious theft.

There is a total of 31 convictions to a fine where 2 of them are fines up to 5000 denars, a fine from 5001 to 10,000 denars was imposed on 3 persons, in 4 cases a fine from 10001 to 30,000 denars was imposed, in 22 cases a fine over 30001 denars was imposed. As it can be observed from the table, the largest number of convicts was sentenced to 1 to 2 years in prison with 118 convicts, while the largest number of fines is a fine of over 30001 denars.

In 2018, the total number of prisoners is 466, of which 2 persons were sentenced to prison from 5 to 10 years, 12 others were sentenced to 3 to 5 years in prison, 30 persons were sentenced to prison from 2 to 3 years, 118 persons were sentenced to imprisonment from 1 to 2 years, 169 persons were sentenced to imprisonment from 6 months to 1 year and 135 persons were sentenced to imprisonment for a term of 6 months, life imprisonment, imprisonment for a term of 20 years and imprisonment for a term of 10 to 15 years was not imposed in any case in 2018 for the criminal offense of serious theft.

There is a total of 29 convictions to a fine for the criminal offense of theft for the year 2018, where 22 of them were fined from 10001 to 30.000 denars, 5 of them were fined over 30001 denars, 1 person was fined up to 5000 denars and 1 other was fined from 5001 to 10,000 denars. As it can be observed from the table, the largest number of convicts for prison in 2018 was sentenced to 6 months to 1 year in prison with 169 cases, 67 more cases compared to 2017, and in terms of fines in most cases, a fine of 10001 to 30,000 denars was imposed.

Theft of electricity	2017	2018
Total imprisonment	10	6
Life imprisonment	-	-
20 years imprisonment	-	-
Imprisonment from 10-15 years	-	-
Imprisonment from 5 -10 years	-	-
Imprisonment from 3-5 years	-	-
Imprisonment from 2-3 years	-	-
Imprisonment from 1-2 years	2	-
Imprisonment from 6 months to 1 year	1	-
Imprisonment up to 6 months	7	6
Total punishment to a fine	38	19

Fine up to 5000 denars	6	1
Fine from 5001 up to 10.000 denars	4	5
Fine from 10001 up to 30.000 denars	25	12
Fine over 30001 denars	3	1

Table 5

The table above shows the statistics regarding the main sentences against adults for the criminal offense of theft of electricity for the years 2017 - 2018, in the RNM.

From the above table it is observed that there is a total of 10 people imprisoned for 2017, 2 of them have been sentenced to prison from 1 to 2 years, one has been sentenced to prison with a duration of 6 months up to 1 year, and 7 others were sentenced to 6 months imprisonment, life imprisonment, 20 years imprisonment, imprisonment of 10-15 years, imprisonment of 5 -10 years, imprisonment of 3-5 years, imprisonment of 2-3 years was not imposed on no person for the criminal offense of theft of electricity for 2017.

In total there are 38 convictions to a fine, where 6 with fines up to 5000 denars, 4 with fines from 5001 to 10,000 denars, 25 with fines from 10001 to 30,000 denars, and 3 with fines over 30001 denars. The largest number of prisoners was sentenced to up to 6 months in prison, while the largest number of convicts was fined from 10001 to 30,000 denars.

In 2018, imprisonment was imposed in 6 cases, six of them were sentenced to imprisonment with duration of up to 6 months, none of the other prison sentences was imposed. Convictions to a fine was imposed in a total of 19 cases, one was fined up to 5000 denars, 5 persons were fined from 5001 to 10,000 denars, 12 others were fined from 10001 to 30,000 denars, and 1 person was fined over 30001 denars. Unlike 2017, we have 4 fewer cases of imprisonment, and 20 fewer cases of fines, the largest number of convicts is fines from 10001 to 30,000 denars.

Robbery	2017	2018
Total imprisonment	32	39
Life imprisonment	-	-
20 years imprisonment	-	-
Imprisonment from 10-15 years	3	5
Imprisonment from 5 -10 years	7	5
Imprisonment from 3-5 years	9	10
Imprisonment from 2-3 years	7	3
Imprisonment from 1-2 years	1	5
Imprisonment from 6 months to 1 year	4	7
Imprisonment up to 6 months	1	4
Total punishment to a fine	-	-
Fine up to 5000 denars	-	-
Fine from 5001 up to 10.000 denars	-	-
Fine from 10001 up to 30.000 denars	-	-
Fine over 30001 denars	-	-

Table 6

The table above shows the statistics regarding the main sentences against adults for the criminal offense of robbery, for the years 2017-2018, in the RNM.

From the above table it is observed that in 2017 there is a total of 32 prisoners for the criminal offense of robbery, 3 of them were sentenced to prison from 10 to 15 years, to 7 persons prison from 5 to 10 years was sentenced , 9 others 3 to 5 years in prison were sentenced, 7 persons were sentenced to 2 to 3 years in prison, 1 to 2 years in prison was sentenced to 1 person, 4 others were sentenced to 6 months to 1 year in prison, imprisonment for up to 6 months was imposed only in 1 case.

In 2018, a total of 39 people were imprisoned for the criminal offense of robbery, 5 of them were sentenced to 10 to 15 years in prison, 5 others to 5 to 10 years in prison, 10 people to 3 to 5 years in prison, 3 others imprisonment from 2 to 3 years, imprisonment from 1 to 2 years was imposed on 5 persons, imprisonment from 6 months to 1 year was imposed in 7 cases, imprisonment up to 6 months was imposed in 4 cases. Unlike 2017, there are 7 more cases of imprisonment, the fine has not been imposed in any case for these two years because for the criminal offense of robbery the criminal code does not provide punishment to a fine.

Predatory theft	2017	2018
Total imprisonment	7	7
Life imprisonment	-	-
20 years imprisonment	-	-
Imprisonment from 10-15 years	1	1
Imprisonment from 5 -10 years	3	-
Imprisonment from 3-5 years	2	2
Imprisonment from 2-3 years	-	-
Imprisonment from 1-2 years	-	1
Imprisonment from 6 months to 1 year	-	1
Imprisonment up to 6 months	1	2
Total punishment to a fine	-	-
Fine up to 5000 denars	-	-
Fine from 5001 up to 10.000 denars	-	-
Fine from 10001 up to 30.000 denars	-	-
Fine over 30001 denars	-	-

Table 7

The table above shows the statistics regarding the main sentences against adults for the criminal offense of predatory theft, for the years 2017-2018, in the RNM.

From the above table it is observed that in 2017 for the criminal offense of predatory theft 7 people were imprisoned, where 3 of them were sentenced to prison with a duration of 5 to 10 years, to 2 others were sentenced to prison from 3 to 5 years to 1 person was sentenced from 10 to 15 years, and against 1 person was sentenced up to 6 months.

In 2018, imprisonment was imposed in 7 cases, in 1 case imprisonment from 10 to 15 years, in 2 cases imprisonment from 3 to 5 years, in 1 case prison from 1 to 2 years, in 1 case prison from 6 months up to 1 year and imprisonment for up to 6 months has been imposed in 2 cases. As we can see from the table for both years there is no fine imposed because for the criminal offense predatory theft the RNM criminal code does not provide for a fine.

INSTEAD OF A CONCLUSION

Criminal offenses against property are those criminal offenses that appear in the taking of a foreign thing illegally committed intentionally and for the purpose of material gain for oneself or for the benefit of other persons or in its damage or destruction.

The crime against property throughout history has changed in terms of the form, types, ways and means by which it is committed. Thefts are crimes committed in any country and at any time by persons of different ages and for different purposes.

Subjectively, this criminal offense can be committed only intentionally, which means that they must include the perpetrator's awareness that he/she is taking the foreign thing from the ownership of another person.

In order to prevent this type of crime in the Republic of North Macedonia, sanctions are provided in the criminal legislation. For the criminal offense of theft, a fine or imprisonment of up to 3 years is provided.

REFERENCES

I – Books

- Atanacković, D. Krivično pravo, posebni dio, Beograd, 1981.
- Dragan Jovasević, Krivično pravo, posebni dio, Beograd, 2005
- Delo Meçani, E drejta penale, pjesa e posaçme, Tiranë, 2020
- Natasa Deliç- Krivično pravo, posebni dio, Beograd, 2021
- Vllado Kambovski-Kaznenno pravo-poseban del, Skopje, 2003
- Vllado Kambovski& Ismail Zejneli E drejta Penale pjesa e përgjithshme Tetovë 2018
- Franjo Baçiç, E drejta penale, pjesa e posaçme, Zagreb, 1999.
- Ismail Zejneli E drejta penale, pjesa e posaçme, Tetovë, 2007.
- Ismail Zejneli, Delikuenca e të miturve, Tetovë, 2018
- Ismet Salihu E drejta penale, pjesa e posaçme, Prishtinë, 2009.
- Ismet Salihu, E drejta penale e përgjithshme, Prishtinë, 2010
- Ismet Elezi, E drejta penale-pjesa e posaçme, Tiranë, 2003
- Aleksandar Stoinov, Nakazatelno pravo, osobena çast, Sofia, 1999
- Janko Tahoviç, E drejta penale -pjesa e përgjithshme, Beograd, 1968
- Bogdan Zlatariç, E drejta penale-pjesa e përgjithshme, Zagreb, 1970
- Lazareviç. Lj., Krivično pravo, posebni dio, Beograd, 2000
- Ejup Sahiti&Ismail Zejneli, E drejta e Procedurës Penale e Republikës së Maqedonisë, Tetovë, 2017.
- Ragip Halili, Kriminologjia, Prishtinë, 2011.
- Vesel Latifi, Politika kriminale, Prishtinë, 2011.
- Vesel Latifi Kriminalistika Prishtinë 2011.

II – Other sources

- <https://www.kultplus.com/tag/kanuni-i-leke-dukagjinit/>
- https://gruppostudentescoalbanesemilosao.files.ëordpress.com/2014/12/kanuni_i_leke_dukagjinit.pdf.
- <https://www.kultplus.com/tag/kanuni-i-leke-dukagjinit/>

- Kodi penal i Republikës së Shqipërisë botim i qendrës së botimeve zyrtare Tiranë Gusht 2017.
- Afrim Osmani – Kodi Penal i Republikës së Maqedonisë: teksti integral i përpunuar në gjuhën shqipe, me udhëzime dhe sqarime botimi i dytë - Furkan 2015.
- GAZETA ZYRTARE E REPUBLIKËS SË KOSOVËS / Nr. 2 / 14 JANAR 2019, PRISHTINË 1 KODI NR. 06/L-074 PENAL I REPUBLIKËS SË KOSOVËS.
- Enti shtetëror për statistika i Republikës së Maqedonisë së Veriut.

https://sq.wikipedia.org/ëiki/Organizata_joqeveritare

Neni 73 dhe 74 i Ligjit për shoqata dhe fondacione i Republikës së Maqedonisë së Veriut.

Ligji për Policinë i Republikës së Maqedonisë së Veriut neni 3. <https://vdocuments.site/mirsad-abazoviq-politika-e-luftimit-te-kriminalitetit.html>

Ligji mbi gjykatat i Republikës së Maqedonisë së Veriut neni 30.

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