

THE ROLE OF THE POLICE IN COMBATING DOMESTIC VIOLENCE IN MISDEMEANOR PROCEEDINGS

Sasa Markovic

Valjevo Police Department Ministry of Interior of the Republic of Serbia

Summary: Domestic violence is a topic that has drawn great attention and that mainly has been the subject of many nongovernmental organizations for the protection of women's rights in the developed countries of Europe and the world in the second half of the last century, while in Serbia, dealing with this social problem peaked at the turn of 21st century. International organizations (UN, EU), as well as the majority of developed countries in the world, under the pressure of the non-governmental sector have recognized domestic violence as one of the greatest contemporary social threats. Certain measures to prevent and combat domestic violence have been undertaken, through the legal defining of these phenomena as socially unacceptable and socially dangerous. In addition, in most countries, domestic violence is sanctioned through the criminal justice system. In Serbia, through the amendments to the Criminal Code of 2002, this phenomenon has been defined as a criminal offense. However, this does not mean that domestic violence was allowed, because even until then the criminal legislation contained many crimes with elements of violence through which domestic violence was punished. Taking into account that this number of "NBP – Journal of Criminalistics and Law" is dedicated to professor Ljubiša Lazarević, his opinion on this subject should be pointed out – he emphasized that by means of execution and consequences, criminal offence of domestic violence is identical with some other criminal offences, such as coercion, grievous bodily harm, light bodily injury, endangering safety, but that its ideal concurrence with these offences would not exist, but only domestic violence, for which, after all, more severe punishments are prescribed. In addition, in our country, domestic violence is sanctioned through the misdemeanor system – through misdemeanors with elements of violence from the area of the Law on Public Order and Peace. In this paper, the author will discuss ways to combat this phenomenon through possible misdemeanor proceedings, and present the advantages and disadvantages of this way of sanctioning of domestic violence.

Keywords: violence, family, domestic violence, misdemeanor, criminal offences.