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Street Children, Juvenile Delinquency and the Limits of Legal and Social Reforms in the Kingdom of Yugoslavia, 1918–1941¹

Abstract: *This article discusses the impact of government measures for addressing youth criminality and the wider problem of child protection in the Kingdom of Yugoslavia before the Second World War, at the same time detailing the motives that underpinned government intervention in these years. Focusing on both the social and legal aspects of dealing with juvenile delinquency, it suggests that, while the experts' and governments' legal approach, inspired by contemporary European trends, placed Yugoslavia among the countries with a modern understanding of child protection in the interwar period, there was overall little concern about the implementation of social programmes for preventing delinquency and assisting released minors.*

Key Words: Kingdom of Yugoslavia, History of Crime, Juvenile Delinquency, Criminal Code, Penal System, Reformatories, Social Protection of Children.

In the winter of 1919–1920, it was hard to tell whether Milan Makismović was twelve or seventeen. Most likely, he was fourteen. He was short and skinny, with a flat head on the sides, which explained his street nickname – Pikavac [cigarette butt in Serbo-Croatian]. He knew neither father nor mother. He lost count of years, but

¹I would like to thank Professor Simon Constantine (University of Wolverhampton) and Dr Maja Korać-Sanderson (Research Affiliate, Belgrade University) for suggestions and comments.

thought that he had been a thief for at least seven years. He ended up in prison for the first time in 1914, just before the outbreak of war, for robbing a woman of 5.000 dinars in Niš. After the war, a new country brought new opportunities for opportunists, and, in 1919, Pikavac ended up in prison in Zagreb. However, he escaped by squeezing between the iron bars of the window. That winter, he robbed three retail shops in Belgrade city centre, all in one night, together with two other youngsters, an 18-year-old Roma boy called Milan Čamora, a known thief from Belgrade, and 14-year-old Bogoljub “Selja” Petrović, from a village near Kuršumljica (Serbia). In his own words, as told to the police, Pikavac did not plan it; however, it was a cold day, he was hungry and did not have a penny in his pockets, and his shoes were leaking. The other two ran into him by chance, although in their words, they were specifically looking for him. That night, thanks to his build, Pikavac managed to squeeze between the bars – this seemed to be his speciality – of a small, low cellar window of the department store in Kralja Petra Street and get as many rolls of silk and other fabrics as the three of them could carry. He also stole new clothes and shoes for himself. After hiding the fabrics nearby, they all entered the next shop through a broken window. Here, they did not take anything, but spent some time eating prunes. When they were full, they broke into the third shop, in Knez Mihajlova Street, after Pikavac again had squeezed between the bars and opened the window for his accomplices. Here they stole some money, Austro-Hungarian koronas and Serbian dinars, left at dawn, and went to Dorćol, part of Belgrade next to the Danube River, where they sold the stolen fabrics to two Jewish merchants.

Pikavac was arrested that evening and did not hesitate much to confess his actions and the names of his accomplices. While waiting for trial in the prison of the Belgrade police, he got bored with the cold cell and the presence of other inmates, so he faked illness by rubbing soap around his privates, convincing the personnel it was gonorrhoea, and was sent to the hospital. This respite from the prison cell lasted fifteen days. To get himself a better accommodation again while still awaiting trial, the boy then faked madness and was sent to the psychiatric ward of the Belgrade hospital. During his regular daily walks to town, secretly from his guardian, he even managed to buy tobacco and resell it to other patients. On the day of the trial, he cried so passionately before the judge that the owners of the stores the three youngsters had robbed, moved by his tears, withdrew their charges against them. Telling all this in an anecdotal form, Pikavac demonstrated his remarkable ability to cry at will to a gathering of Belgrade detectives and policemen in the station. He and Petrović were released, while Čamora was sentenced to six months in prison.

A few months later, he was detained again by the police for stealing 400 dinars from a woman in a Belgrade church. However, as he was a minor, Pikavac was again released, ending up back on the street. Fascinated with this boy, a Belgrade detective who would not sign his name, wrote an article for the Belgrade-based monthly

Policija [Police] in April 1920, starting with the following statement: “Our criminal laws provided for the opening of reformatories for underage offenders. However, it has been decades since the laws were written, and nothing has been done [in this regard], therefore we may conclude that nothing will be done in future.”²

Introduction

The story of Milan Makismović, a boy who had no address and whose age, parents and place of origin were uncertain, contains all the elements of the drama surrounding juvenile delinquency in Yugoslavia between the two world wars: a gang of youths who roamed the streets of Yugoslav towns, unrestrained, with loose morals, and only one idea in mind – to survive the day; a seeming lack of strategy, vision, or will of state and society to help these young people; an outdated legislature which was either returning them to the streets, or sending to prisons, where they served their sentences together with adult offenders, often seasoned criminals; and the absence of institutions that could work on their protection, education, correction and resocialisation. This article addresses the problem of juvenile delinquency in the Kingdom of Yugoslavia, analyses whether there were any comprehensive government policies to prevent or combat the criminality of underage people as part of a wider strategy of child protection, and if there were, what was the motivation behind them. What were the roots of children’s criminality? Did policy-makers care, and if they did, what concerns were raised about the neglect and impoverishment of children *before* they ended up on the streets? What measures were introduced to prevent youth crime, and what was done to assist released young offenders and support their resocialisation? The article approaches the problem from two different, yet mutually inclusive, dimensions: social and legal. The former addresses the issue of the socio-economic conditions of young offenders, such as poverty and poor parenting; the latter addresses the changes in legal comprehension of children’s criminality. Ultimately, what can it all tell us about the interwar Yugoslav state and society?

This topic has been overlooked or neglected in the scholarship to date. In all fairness, any such analysis is challenging in the absence of documentary sources that survived the Second World War. At the same time, only a few studies have been undertaken to date, even in broader fields such as child protection in Yugoslavia between the wars. In 2025, Tamara Kosijer summarised the social policies for child protection in interwar Yugoslavia.³ Analysing the most important motivating factors behind them, Kosijer indicated a shift in approach to child protection, from the dominant role of the

² „Najmlađi kriminalni naraštaj u Beogradu“ [The Youngest Criminals in Belgrade], *Policija*, April 1920, 356–364.

³Tamara Kosijer, „Prilog proučavanju zaštite dece u Kraljevini Jugoslaviji 1918–1941.“, u: *Nova istraživanja jugoslovenske prošlosti: perspektive sa postjugoslovenskog prostora. tematski zbornik*, ur.

state and public institutions in the 1920s, towards the increasing role of the private sector in the 1930s. However, disregarding who was in charge, the problem of trained personnel was consistent throughout the interwar period. In 2021, Sonja Dujmović published a book titled *Pod državnim okriljem*, on the history of child protection in Bosnia and Herzegovina, touching briefly on the issue of juvenile delinquency before 1941.⁴ The main sources, primary and secondary, therefore, remain contemporary expert literature and newspapers. Most of the expert opinions analysed for this paper were articles printed in the monthly *Policija*. It published news, articles and debates on policing, public order and safety, legal issues, latest theoretical advances in criminology, and practical advice for police officers. It was started in 1910 by Vasa Lazarević, an official of the Belgrade police, and after a break in the war years, it was published regularly until 1940. Lazarević prided himself on the independence of his publication, but in reality, each year after 1919, the Yugoslav Interior Ministry urged local police and municipal authorities across the country to subscribe.⁵ This provided financial stability, but also resulted in the lack of critique of questionable police practices or any mention of police brutality in Yugoslavia on the pages of *Policija*. However, with Archibald Reiss as one of the contributors, others being a cohort of the most important Yugoslav police, penal and legal experts, university professors, judges and high-profile lawyers, it is beyond doubt that *Policija* stimulated an open debate on its pages, playing an important educational role in raising the standards of police work, legal processes, and modern criminology, at the same time distancing itself from political problems of the Yugoslav state.

Yugoslavia was a hodgepodge of a country, made up of different territories, nations, religions, and traditions, with a diverse historical and economic development, brought together as one country in December 1918. Understandably, from its inception, such a newly-founded state faced many challenges. One of the problems, neglected by historiography on the first Yugoslavia which mainly focused on political and diplomatic history, was legal in nature, namely, that throughout the 1920s, there were several criminal codes, originating from different legal traditions, regulating justice and safety in the different historical territories of Yugoslavia; this meant that the same offence would be tried under different laws in different parts of the country. The 1860 Serbian Criminal Law was in use on the territory of the former Kingdom of Serbia and was influenced by Prussian criminal law. The Kingdom of Montenegro codified its criminal law in 1906. As of 1852, the courts in Croatia and Slavonia,

Natalija Dimić Lompar, Ognjen Tomić i Nikola Koneski, (Beograd: Institut za noviju istoriju Srbije, 2025), 393–414.

⁴Sonja Dujmović, *Pod državnim okriljem: istorija djetinjstva u Bosni i Hercegovini 1878–1941.*, (Sarajevo: Institut za historiju Univerziteta, 2021).

⁵Stefano Petrunaro, “Police and Prostitution in Yugoslavia: a Nuanced Relationship”, *European Review of History*, 29, no. 2 (2022), 174.

Slovenia and Dalmatia, applied the 1803 Austrian Criminal Code, and the same penal code was introduced in Bosnia and Herzegovina in 1879. Lastly, the courts in Vojvodina and Međumurje ruled in accordance with Act V of the 1878 Hungarian Criminal Code.⁶

In terms of a legal approach to youth delinquency and child protection, the situation was even more problematic. In Zagreb, on 13 December 1918, less than two weeks after the new country was founded in Belgrade, Antun Mihalović, Ban of Croatia and Slavonia, decreed a law for the protection, detention and punishment of minors, which defined a child as any person younger than fourteen, and introduced special courts for minors. This law made Croatia, in its borders as they were in 1918, a pioneer of child protection in South-Eastern Europe.⁷ The situation in the eastern parts of the new country could not have been more different. According to the Serbian Criminal Code, children were considered unaccountable for their actions only up to the age of twelve; young people between twelve and sixteen were considered immature, and between sixteen and twenty-one underage. Only one article of this law dealt with offences of young people, Article 56, and it was the only article which mentioned educational or correctional institutions for minors. However, in the nearly seventy years that this criminal code was in effect, only one such institution was established, a reformatory in Belgrade, which was opened in late 1913, closed during the war, and reopened again in 1920. In this regard, the situation was not much better in the western parts of the country. There were only two reformatories there before 1914, one in Ljubljana, the other in Glina (Croatia). This lack of institutional facilities and legal institutions for dealing with delinquency resulted in gross neglect throughout the 1920s, meaning that detained youths who broke the law were either released or sent to prisons where they served sentences together with adults.⁸

As indicated by the story of Milan Makismović Pikavac, there were several distinctive aspects of the problem of juvenile delinquency in Yugoslavia and the response, or the lack of it thereof, by state and society: the social basis for children's criminality in the form of thousands of orphaned and neglected children in Yugoslav streets; the press-incited panic; the expert response in an attempt to apply modern European trends in this field; the positive changes in legislature in the form of the new 1929 Yugoslav Criminal Code; and the recommended changes in the organisation of Yugoslav reformatories in line with new laws. The last two seem to be at odds with the general assertion of Michele Foucault and his insistence that the development

⁶ Vidoje Miladinović, „Povrat u našem krivičnom zakonodavstvu“ [Recidivism in our Criminal Legislation], *Zbornik radova Pravnog fakulteta u Nišu*, 22 (1982), 300.

⁷ Marija Ilić, „Razvoj i današnje stanje zaštitnih mera za čuvanje dece i mladeži“ [Development of Measures for Nowadays Children's and Youth Protection], *Policija*, April 1929, 299.

⁸ Dimitrije Protić, *Krivično-pravni položaj maloletnika* [The legal Position of the Underage Persons], (Beograd: Dom, 1925), 55, 72.

of the modern criminal law and penal system, of which the reformatory is a part, is the government's strategy for the rearrangement of power to punish, making power more effective, while diminishing the punishment's economic and political costs.⁹ Foucault wrote his most influential work, *Discipline and Punish*, in 1975, after carefully studying the Western penal system in the context of a capitalist society, and it might seem unfair to criticise his assertions from a distinctly Yugoslav viewpoint. Still, modernising tendencies of a new country, even one belonging to the so-called European periphery, should not be easily dismissed. Reform from above was a strong tradition in Central and Eastern Europe, where absolutist rulers historically were known to take the lead in modernising their societies to enhance their personal power.¹⁰

Although King Alexander was one of those absolutist rulers, it was a group of Yugoslav penal and legal experts who led the charge for a new, more humane treatment of underage offenders and their protection before the law. Yugoslavia had its modernisation problems and lagged behind Western Europe in many fields, but Yugoslav intellectuals were part of the growing international network of experts sharing ideas around child psychology, criminology, penal reform and social policies. Aware of deficiencies of their own country, they looked to other nations for inspiration and were eager to advocate for solutions tested elsewhere. Of course, the question a historian always has to ask is to what extent experts were influential in decision-making. As will be seen, they were asked to voice their opinion and participate in drafting various proposals for the modernisation of the Yugoslav legal and penal system. Yet, the dynamics of change were always on the side of political decision-makers. Yugoslavia had many other, more pressing problems from the perspective of political elites. As will be seen, children's criminality was an issue of importance only to the extent that some of its social and legal aspects were relevant to the wider process of modern nation-building.

Street children

One of the consequences of the tremendous loss of human lives during the First World War was a high number of orphaned and abandoned children. In an economically deprived country which had suffered an unprecedented material destruction, especially in its eastern parts, they were soon joined by the cohorts of neglected children from the poorest families. Yugoslav towns and cities were filled with idle and misbehaving youngsters, and for the remainder of the interwar period, juvenile delinquency and children's criminality in Yugoslavia became associated with these

⁹ Michael Foucault, *Discipline and Punish: The Birth of the Prison*, (London: Penguin Books, 1991), 80–81.

¹⁰ Jürgen Kocka, "The Middle Classes in Europe", *The Journal of Modern History*, 67, no. 4 (1985), 793.

so-called street children, who were regarded as “an unfailing source of juvenile misdemeanour, caught, punished and locked by police. It is a [social] environment for the recruitment of underage delinquents, who would later turn into adult offenders and criminals.”¹¹

Children living on the streets were therefore quickly recognised as something problematic, and the press was eager to promote any alleged link between the street children and juvenile delinquency. What captivated its attention throughout the interwar period was not the gravity of these children’s living conditions, but the perceived danger they posed to public safety. In 1920, the Split-based *Novo doba* demanded a solution to the problem of “hordes of idle children who roam the streets. Today they steal, but when they grow up, they will turn into criminals.”¹² *Večernja pošta* from Sarajevo, warned in 1921 about the rising number of criminal acts committed by the boys aged between six and fourteen, “among whom lately there is a growing number of girls... They are a recruiting ground for various types [of dangerous characters] foretelling of what a danger to society and state they are to become.”¹³ *Slobodna misao*, published in Nikšić (Montenegro), focused on the situation in the former capital, Cetinje, writing in 1925 about “hundreds of boys [in the streets] aged ten to eighteen; left on their own, they earn any way they can, selling newspapers, smuggling tobacco and the rolling paper, distributing leaflets, and so on ... Every half an hour, there is a fight on the streets. They attack peaceful citizens, and on market days, they steal from the farmers. They have no fear of authorities...”¹⁴

Reports like these from all over the country paint a grim picture of the Yugoslav post-war reality. One could be tempted to point to the consequences of the recently ended war and the initial struggles of the new authorities to integrate all the different territories into a new political entity. However, similar press complaints about the street children in Yugoslavia, and the problems they caused, continued into the late 1920s and the 1930s. Zagreb-based *Večer* reported in the early 1930s about the gangs of reckless youths on the city streets, who stole, begged, and misbehaved.¹⁵ Even the semi-official *Politika*, a Belgrade-based daily newspaper with the largest circulation in Yugoslavia, frequently wrote about juvenile delinquency in the interwar period, usually in a sensationalist manner, with little respect for the personality and age of detained youngsters and placing a clear onus of responsibility on the young perpetrators who broke the law, rarely if ever questioning the circumstances which

¹¹ Jovan Jovanović, „Ulična deca“ [Street Children], *Policija*, February 1920, 125.

¹² „Opet raspušteni dečaci“ [Again about the Idle Boys], *Novo doba*, February 21, 1920.

¹³ Quoted in: S. Dujmović, *Pod državnim okriljem*, 248–249.

¹⁴ „Cetinjski uličnjaci“ [Cetinje Street Children], *Slobodna misao*, August 24, 1925.

¹⁵ „Organizirana banda malih prosjaka u Ilici“ [An Organised Gang of Little Beggars in the Ilica Street], *Večer*, January 21, 1931; „Čime se zabavljaju zagrebački derani“ [What do Zagreb Brats do for Fun], *Večer*, June 2, 1931.

led them to do so.¹⁶ As late as 1935, the complaints about street children were the same as they were fifteen years earlier: “In daytime, one can see them in streets and squares, around the corners, in pubs, in front of theatres and cinemas, at football games, everywhere; at night, especially in the summer, they sleep in parks, construction sites, attics, basements, sheds, stables, on the peripheries... Police reports inform us about their misbehaviour and tell us that each day they record more of these [children] than the day before. These youngsters, who beg, steal and commit petty crimes [today], will turn into serious criminals [in future].”¹⁷ The press referred to the groups of misbehaving street children with a derogatory term, “the Apachi.”¹⁸

The sign of the times

At the same time, the slow penetration of the modern European view about childhood and children’s criminality led to a gradually changed perception of how vulnerable youths should be treated. The end of the First World War marks a watershed moment in the history of crime control and punishment in Europe, corresponding with the religious revival, the resilience of social controls in working-class communities, and the moral campaigns of various reform organisations.¹⁹ The gradual understanding that prisons were ineffective institutions for reforming and correcting convicts led to the theory of penal-welfarism. It revolved around the ideas that crime was a symptom of inequality, that criminals needed to be understood rather than stigmatised, and that punishment was less useful than treatment. Two unquestioned axioms of penal-welfarism were that social reform could reduce crime and that the state should be responsible for caring for offenders. Therefore, the state needed to be the agent of care, as much as of control, and of reform as much as of punishment. It was believed that, if the governments’ efforts to control crime remained focused on reactive sanctioning rather than on preventing crime, they would fail because, focused on consequences, they would not address the roots of criminality.²⁰ As part of this general shift, new approaches to child protection and juvenile delinquency led to the adoption of the concept of prevention, rather than intervention and, since the early 20th century, the expansion of child-welfare programs across Europe. Delinquency was increasingly seen as a social, rather than moral or biological problem; at the

¹⁶ For more on this, see: Miomir Kostić, Dušica Miladinović–Stefanović and Marko Dimovski, „Izveštavanje o delinkvenciji maloletnika u dnevnom listu *Politika* 1929–1933. godine“ [Reporting on Juvenile Delinquency in *Politika*, 1929-1933], *Peščanik*, 7 (2009), 169–199.

¹⁷ M. Pavlović, „Deca ulice“ [Street Children], *Policija*, June 1934, 526–531.

¹⁸ „Apaši“ [The Apachi], *Pravda*, December 28, 1921.

¹⁹ David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, (Oxford: Oxford University Press, 2001), 33–34.

²⁰ *Ibid.*, 35–39.

same time, there was a growing understanding of a connection between issues such as juvenile delinquency, neglect, abuse, infant mortality, infanticide, or illegitimacy.²¹

These ideas reached Yugoslavia. Regarding the problem of juvenile delinquency, there was a developing recognition among the experts that the state needed to address the social and economic circumstances of children's neglect before they ended up in the streets, to treat youths who broke the law in courts differently from adults, and to develop policies for their inclusion after they left reformatories. Writing about the problem of street children in Belgrade, Čedomir Mitrović, a law professor at Belgrade University, summed up this attitude in 1920, saying, "It is easier to prevent moral decay than to treat those already corrupted."²² Milorad Nikićević, warden of the reopened Belgrade reformatory, was another one: "In many a cultured nation, especially in America, a new method was tested and showed best results. They started to search for the roots of criminality and did all they could to remove them."²³

The same goes for the second axiom of the modern contemporary theory of crime control – correcting rather than punishing. Nikićević was again the most vocal proponent of radical changes in the existing practices: "[Our] state spends five million dinars on a giant apparatus for protecting public safety, catching criminals, putting them on trials and their imprisonment. [Our] state does not give a dime to correct and rehabilitate at least some of them, and make them useful citizens, especially those underage... And what do we do to prevent all those children from becoming seasoned criminals? We chase them like beasts, and arrest them together with the worst bandits..."²⁴ This was an attitude that could not easily reach the wider strata of people in a traditional society, where punitive treatment was seen as a fitting retribution for the suffering.²⁵ In other words, punishment was traditionally seen as retaliation, rather than a tool for correction, and this is how most state officials treated offenders immediately after the war. Those who suffered the most from such an approach were minors. Numbers for Belgrade in the first six months of 1919 are very telling: out of a total of 508 offenders sentenced by the Belgrade district court, eighty-nine were minors; out of 170 offenders sentenced by the Belgrade trial court, fifty-four were children, while the Belgrade police for the same period detained a total of 384 minors.

²¹ Edward Ross Dickinson, "Until the Stubborn Will is Broken: Crisis and Reform in Prussian Reformatory Education", *European History Quarterly*, 32, no. 2 (2002), 192–194.

²² Čedomir Mitrović, „Ulična deca“ [Street children], *Policija*, September 1920, 694.

²³ Milorad Nikićević, „Dom za vaspitanje maloletnika u Beogradu“ [Belgrade Reformatory], *Policija*, January 1920, 22.

²⁴ Milorad Nikićević, „Moralno posrnula deca“ [Morally Degraded Children], *Policija*, December 1919, 140.

²⁵ Ivana Dobrovojević, „Kazneni zavodi u Kraljevini Jugoslaviji, 1929–1935.“ [Correctional institutions in the Kingdom of Yugoslavia], *Istorija 20. veka*, 24, no. 1 (2006), 57.

On October 21, 1919, there were sixty-three minors out of a total of 187 prisoners in Belgrade prisons; one in three inmates was underage.²⁶

Yugoslav children and social policies for child protection

Throughout the interwar period, many children did not have one or both parents; many lived in unsanitary conditions; and many were abused. Many parents did not have enough means to provide food for their children, or lacked either the time or the ability to control where their children were and what they were doing.²⁷ It would seem that the wider issue of child neglect was at least one of the factors in the rising juvenile delinquency in Yugoslavia, if not the most important.²⁸ In the first post-war year, it was assessed that, of five million children in the newly formed state, half a million were orphaned and neglected.²⁹ Not only had the situation not improved towards the end of this period, but it progressively worsened; out of fifteen million Yugoslavs in 1939, nearly 1.100.000 were extremely vulnerable, and an additional 2.750.000 were vulnerable children in rural households who needed social protection. The number of children categorised as neglected in towns was 365.000 for the same year.³⁰ It was hard to be a child from the lower classes in Yugoslavia before 1941, even for those children who would not be classed as neglected. For example, child labour in the most inhumane conditions was widespread; according to Slobodan Vidaković, in the early 1930s, more than a quarter of all industrial workers in Yugoslavia were children under the age of sixteen.³¹ Domestic violence in towns, among the working-class families, was common – a social problem periodically addressed in press reports from the era; the situation was potentially even worse in remote, isolated and poorly connected rural areas.³² But worse than poor parenting, it was a bad economic situation in the family that increased the likelihood of juvenile delinquency, not only by making children and minors prone to aggression and misbehaviour, but also forcing them to provide for themselves in any way they could. Some stories of girls who turned to prostitution, before they found refuge in the Belgrade *Shelter for*

²⁶ Jovan Jovanović, „Ulična deca“ [Street children], *Policija*, February 1920, 125.

²⁷ T. Kosijer, „Prilog proučavanju zaštite dece u Kraljevini Jugoslaviji“, 395–396.

²⁸ Šilović pointed at alcoholism and poor parenting as dominant causes of delinquency in Croatia at the turn of the century. Agneza Szabo, „Štamparov suvremenik Josip Šilović“ [Štampar's Contemporary Josip Šilović], *Acta Medico-Historica Adriatica*, 13, no. 1 (2015), 52.

²⁹ T. Kosijer, „Prilog proučavanju zaštite dece u Kraljevini Jugoslaviji“, 394.

³⁰ Slobodan Vidaković, *Nekoliko istina o socijalnoj zaštiti dece u Jugoslaviji* [Some Truths about the Social Protection of Children in Yugoslavia], (Beograd: Jugoslovensko učiteljsko udruženje, 1939), 46.

³¹ *Ibid.*, 59.

³² Ž. D. Karić, „Današnji radnički svet i njegov život“ [The World of the Workers and Their Lives], *Leskovački glasnik*, November 19, 1927.

Morally Depraved Girls, are very telling. After both her parents died, a ten-year-old girl turned to work, becoming a shepherdess. One day, she was raped by her male colleagues; this continued day after day, before she eventually turned to prostitution. Another eleven-year-old girl turned to prostitution after being raped while working as a waitress in a pub in Jatagan-mala, a notorious Belgrade slum suburb.³³

Post-war governments made some attempts to improve legal and practical measures for child protection in the interwar period. According to Tamara Kosijer, the state did most in this field in the first postwar years, primarily by establishing a Department for Child and Youth Protection in February 1919. Later that year, the department came under the Ministry for Social Policy, with a task of supervising and linking all the state and private organisations working with children; it had branches in every regional and county seat across the country. This network of branches assisted a certain number of orphaned and neglected children over the next three years. However, the new Law for Child and Youth Protection in 1922 reduced the Department's authority and limited its budget, before further downgrading it, leaving it responsible only for orphans and children with no parents. This law was frequently criticised, but it remained in effect throughout the interwar period. In 1929, the Ministry for Social Policy was merged with the Health Ministry, and child protection was entrusted to the newly founded banovinas [the largest administrative units in the country] and to local private societies and organisations.³⁴ Although more research on this topic is required, it would seem that even if there were ever a comprehensive social program to protect children in need, it would have failed. All the misery of Yugoslav children and failure of the authorities to protect them could be summed up by a case from Kragujevac (Serbia) reported in the local press in August 1939: four brothers aged four through ten were found living abandoned in a shed, "naked, hungry and covered with a swarm of flies". They knew no father, and according to their neighbours, their mother had left them "a long time ago, leaving with her lover God knows where".³⁵

Reformatories in Yugoslavia

Institutions for the support of children and minors in need in Yugoslavia ranged from children's homes, kitchens and shelters, to foster care and the so-called children's colonies, the first one being opened in Lukovica pri Damžalah (Slovenia) in

³³ Rade Vuković, „Uticaj društvene sredine na moralnu zapuštenost dece“ [The Impact of the Social Surrounding on Moral Deprivation in Children], *Nedeljne novine*, 21, July 11, 1935. These journal articles, published in sequence in the Leskovac-based weekly *Nedeljne novine*, were later that year printed as a booklet.

³⁴ T. Kosijer, „Prilog proučavanju zaštite dece u Kraljevini Jugoslaviji“, 399–401, 405.

³⁵ „Četvoro muške dece žive u jednoj šupi potpuno gladni i goli“ [Four boys live in a shed naked and hungry], *Odjek Šumadije*, August 15, 1939.

1926.³⁶ However, none of them were set up to work with convicted youngsters. As one third of locked up prisoners in Belgrade prisons were underage in the first post-war years, and the statistics were probably similar for the rest of Yugoslavia, as already mentioned, a small group of penal experts, university professors and intellectuals invested in the problem, called for reforms.³⁷ They first advocated for the separation of underage detainees from adult inmates in prisons; otherwise, in their view, prisons would be nothing but a school for turning young delinquents into adult criminals. One newspaper article described the horrendous conditions the author witnessed in the courtyard of the Niš prison, where underage inmates were mixed with seasoned adult criminals, socialising together in an overcrowded space. Without additional sources, it is hard to assess whether this limited public pressure could have influenced decision-making; however, in December 1919, in a letter to the Yugoslav Government, the Yugoslav Justice Ministry raised a concern about the harmful mixing of young offenders with adults in state prisons.³⁸

What followed was the reopening of the Belgrade reformatory in April 1920, the first tangible step towards assisting convicted children from the capital. Its full name was *Belgrade Home for the Education of Children*, and its main purpose was to correct young offenders' behaviour through education and hard work and to transform them into respectable and useful citizens. This was to be done through character-building and teaching them useful skills. It had fifty places for boys aged between twelve and sixteen, who would be placed there by either a court decision, a police decision with parental approval, or at the parents' (or guardians') request. The reformatory was under the jurisdiction of the Yugoslav Justice Ministry; however, the building for housing the institution was provided by the Belgrade City Council, meaning that only minors from the jurisdiction of the Belgrade courts could be placed in this reformatory.³⁹

Apart from this one reformatory in the capital, there were only five more educational and correctional facilities for minors in the Kingdom of Yugoslavia, all in the western parts of the country. The oldest one was in Slovenia, opened in 1835 as "the police house for correction". For nearly a hundred years, this reformatory was located in Ljubljana, before it moved to nearby Ponoviče in 1929. The 1873 Austrian Vagrancy Act made a distinction between younger minors, under the age of eighteen and older minors, over that age. The Ljubljana reformatory followed the law, immediately creating separate departments for older and younger minors in the

³⁶ For more on foster care in interwar Yugoslavia, see: Victoria Schmidt, "The Vicissitudes of Foster Care in Interwar Yugoslavia and the Global History of Child Protection", *Balkanistic Forum*, 3 (2024), 31–54.

³⁷ M. Nikićević, „Moralno posrnula deca“, 140.

³⁸ M. Nikićević, „Dom za vaspitanje maloletnika u Beogradu“, 22.

³⁹ Archives of Yugoslavia (further AY), Ministry of Justice (further 63), Folder 39, Justice Ministry to Belgrade Trial Court, Belgrade, May 29, 1920.

building. In Croatia, owing to the persistent efforts of the renowned legal expert and children's rights activist Josip Šilović, the first effort to address juvenile delinquency was the 1902 Forced Education of the Underaged Act. This legal act sanctioned the opening of the first reformatory in Croatia, in Glina, in August 1902. It housed only boys younger than fourteen, those who either committed a crime or "were prone" to vagrancy, begging, or idleness. At the end of the War, in 1918, the reformatory changed its statute to include minors under eighteen. It was the only reformatory in interwar Yugoslavia to offer vocational training in agriculture. The reformatory in Pahinsko near Varaždin was opened in 1925 for boys under fourteen, after the boys' section in Slavonska Požega was transferred there to separate boys from girls. Slavonska Požega thus remained the only institution in Yugoslavia for underage girls. It was opened in 1916 in Vrginmost, before being moved to Pahinsko in 1918, and finally relocated to Požega in 1921. Initially, it was the only mixed institution of this kind; however, attempts to house young men and women in the same place proved problematic. After 1925, the all-girls' reformatory offered several courses in housekeeping for its residents. When Pahinsko was opened in July 1925, boys under fourteen from both Glina and Slavonska Požega were moved there. The only privately run reformatory in Yugoslavia was Amruševo, in Klinča Sela, near Zagreb. It was more of an orphanage, officially named *College for the Education of Children*, located on the country estate endowed by Milan Amruš, the former mayor of Zagreb. It welcomed children aged seven to fourteen, who were detained for minor offences, provided they were physically and mentally fit, orphaned, and had been born in Zagreb or lived there for at least the past five years. It was run like a trust under the administration of the Zagreb City Council. All six institutions combined primary school teaching with vocational training for their detainees.⁴⁰ But there was no agreed-upon system at the level of Yugoslavia, or a set of regulations, rules, or instructions. As a result, administrations in each of these reformatories ran their institutions according to regulations granted by different legal authorities under various laws, isolated from one another, and with limited financial support from the new state.

Except for the Belgrade reformatory, we have limited sources about the organisation and work of other reformatories in Yugoslavia before the Second World War. For this reason, we can take the surviving description of the Belgrade reformatory and assume that others were organised similarly, despite variations. The first annual report on the functioning of the Belgrade reformatory sheds light on life inside. This was an educational facility, supposedly for boys aged twelve to sixteen. The precondition for sending a boy here was that he had already been living on the streets. A year after the reopening, in June 1921, there were forty-six pupils, aged eleven to

⁴⁰ Anton Skala, „Zavodi za vaspitanje dece i mlađih maloletnika u našoj državi“ [Reformatories for children and younger minors in our country], *Policija*, September, October–December 1933, 849–857, 950–958, 1148–1154.

twenty-one. Most boys, twenty-four of them, were fifteen and sixteen. The building housed an elementary school and a vocational school, teaching them cobbler's, tailor's, carpenter's, photographer's and bookbinder's crafts. Detainees could learn other crafts outside the reformatory if they expressed an interest or showed a particular aptitude for another trade. One boy was trained to become a locksmith in the nearby workshop; another to become a barber in the shop on Belgrade's main street. This came in handy to the reformatory itself, as the Board did not have to pay for services that the detainees, in time, learned to do themselves. Also, all the money they earned from their trade during their stay in the reformatory would be paid to them upon their release. The boys were constantly employed; they would spend six hours a day in the workshops with their masters and supervisors, and two hours a day in the school classrooms. Having spent none, or only one to two years in primary school at most, the majority of them were either illiterate or had only basic reading and writing. For this reason, they were divided into two classes based on their level of literacy; both classes ran throughout the school year, taught by teachers provided by the Ministry for Education. During the summer holiday, when the elementary school inside the reformatory was closed, boys spent eight hours a day working in the workshops. The Belgrade reformatory also had musical, drama and sports sections, and the children even organised concerts with paid entrance for the guests. However, the Board's report stated that the reformatory's success would be limited unless wider social and legal reforms were undertaken. It recommended establishing more reformatories, setting up special courts for minors, and unifying all the existing criminal laws across the country.⁴¹

Ignorance about the institutions for assisting young offenders, their social role and purpose was widespread. Faced with the scepticism of the police and the lower echelons of the legal system, even the limited capacity of the Belgrade reformatory was not fully utilised at the beginning. In most cases, after their arrest for smaller offences, minors were usually briefly detained in police prisons and then released. For severe offences, they would be taken to court and either released due to their young age or, if sentenced, locked up in adult prisons. In the first year after the reopening of this reformatory, its warden, Milorad Nikićević, sometimes had to visit Belgrade's prisons and request that arrested or sentenced minors be moved to his institution.⁴² But once courts and police got used to the idea of an institution for detaining young offenders, they started to send them to the reformatory without thinking about whether the child was fit for this institution. Nikićević complained about the lack of empathy

⁴¹ „Izveštaj o radu doma za vaspitanje maloletnika u Beogradu za 1920. i 1921. školsku i radnu godinu“ [The 1920 and 1921 Belgrade Juvenile Home School Report], *Policija*, July and September 1921, 740, 936.

⁴² Jovan Jovanović and Čedomir Mitrović, „Deca ulice“ [Street Children], *Policija*, February and September 1920, 121, 691.

and understanding of the children's psychology typical of the capital's policemen and judges, who would send vagrant children to his reformatory, even for the pettiest of reasons, such as stealing food out of starvation, and further complained that no judge or policeman ever came to his reformatory to "see what it is, who the detainees are, and if there is any available capacity for all the hundreds of children [in need]."⁴³

Legislation

The new, or rather the first Yugoslav Criminal Code, was enacted in January 1929 and marked important changes to the legal traditions hitherto in use.⁴⁴ Most of its regulations were drafted by the end of 1921; however, it took more than seven years for it to come into force. In August 1919, Marko Trifković, Yugoslav Justice Minister, founded a committee of the most prominent Yugoslav legal experts, mainly from Belgrade and Zagreb, but also from other regional centres, to draft a new penal code and code of criminal procedure.⁴⁵ It was decided to take the Serbian Criminal Code and the Croatian Code of Criminal Procedure as a basis for the new codes, despite both needing "to be adapted in line with the modern [legal] trends to respond to the contemporary requirements [of the new state]."⁴⁶ From the perspective of child protection, it is unusual that the Serbian penal code was taken as a starting point, for reasons already mentioned. It bears mentioning the names of the most important members of this committee who worked for nearly two years on drafting the text of new legal codes: Mihailo Jovanović, President of the Court of Cassation in Belgrade, Stjepan Posilović, President of the Court of Cassation in Zagreb, Metod Dolenc, Law Professor at Ljubljana University, Toma Živanović and Boža Marković, Law Professors at Belgrade University, and Josip Šilović, Law Professor at Zagreb University, among others. By December 1921, the committee members had finished their work, and the first and most important draft of the new criminal code was published in April 1922 for public debate. However, it never reached the legislative stage of a parliamentary debate. Despite the urgency in this matter,⁴⁷ the new criminal

⁴³ Milorad Nikićević, „Povodom podizanja doma za vaspitanje maloletnika“ [On the occasion of the Opening of the Belgrade Reformatory], *Policija*, April 1922, 365.

⁴⁴ Much of it is irrelevant for this analysis; however, it merits mentioning a shift from the legal systems which had previously recognised only the institutions of criminal act and punishment, to the one which also recognised the personality of a culprit. This change marked a watershed moment in the way criminality was understood by law in the first Yugoslavia. The new criminal law also introduced the concepts of probation and conditional discharge.

⁴⁵ AY, 63, Folder 37, Minute by Marko Trifković, Belgrade, August 1, 1919.

⁴⁶ AY, 63, Folder 37, Toma Živanović to the Yugoslav Justice Ministry, Belgrade, June 28, 1920.

⁴⁷ "This job is urgent, because one legislation for the whole country is the first and foremost ingredient of a good constitution... It cannot be prolonged..." (AY, 63, Folder 37, Minute by Marko Trifković, Belgrade, December 8, 1920)

code would not be enacted until January 1929, due to Yugoslavia's chronic political instability, bureaucratic inefficiency, and frequent changes of ministerial cabinets in the 1920s.⁴⁸ Nevertheless, when it finally came, this code, and the subsequent Code of Criminal Procedure enacted in February 1929, became a blueprint for the treatment of underage offenders and juvenile delinquents in the 1930s, indicating an acceptance of the greater need for protection, care, education and vocational training, rather than mere punishment. In the field of the protection of underage persons, this was a significant step forward.⁴⁹ As no records of committee sessions were made, it is challenging to analyse in depth the work on this first and most crucial draft of the new criminal code; however, we may assume that Josip Šilović played an important role in adopting the modern concept of legal treatment of underage persons. In this way, the legal side of child protection was harmonised across Yugoslavia.

The new criminal code was followed by legal acts which further regulated various aspects of the legal and penal systems. Some of these acts regulated the procedures for establishing new reformatories, as well as the educational standards and rules of daily life within them. The Justice Ministry deserves credit for asking the opinion of people most knowledgeable about the reformatories. In the spring of 1930, wardens of reformatories in Pahinsko and Glina were invited to attend a meeting in Belgrade with legal experts from the Justice Ministry and the Ministry of Education, to draft a set of regulations for implementing new educational standards in all present and future Yugoslav reformatories for children and younger minors. The draft was confirmed and signed by the ministers for justice and education on April 24, as the Educational Procedures in Educational Reformatories for Children and Younger Minors Act. Two other similar acts were also passed as laws in 1930: the Procedures for Creation and Work of Educational and Correctional Reformatories Act, enacted on January 18, and the Educational Procedures in Correctional Reformatories for Children and Younger Minors Act, enacted on November 10.⁵⁰

The following brief overview is based on a series of expert articles by university professors and legal and penal experts, published in *Policija* from 1930 to 1933, as well as Ljiljana Stankov's 2011 unpublished doctoral thesis on the educational role of institutions for child protection in Serbia. The key changes can be summarised as follows:

⁴⁸For more details on efforts for the unification of criminal law, see: Dunja Pastović, "Unification of Criminal Law in the interwar Yugoslavia", *Krakowskie Studia z Historii Państwa i Prawa*, 12, no. 4 (2019), 555–574.

⁴⁹It was a progress in the steps of the liberal Western countries, namely the United Kingdom and the United States, whose legal examples were followed. (Milica Anđelković, „Šestojanuarska diktatura i krivični zakonik Kraljevine SHS“ [The Dictatorship and the Criminal Code of the SHS Kingdom], unpublished Master thesis, (University of Niš, 2018), 67.

⁵⁰Ilija Jelić, „Kazneni i drugi slični zavodi Kraljevine Jugoslavije“ [Prisons and Other Penal Institutions in the Kingdom of Yugoslavia], *Policija*, December 1930, 1119–1120.

Firstly, there were new definitions of a child and a minor. According to Article 14, children were persons younger than fourteen, younger minors were those aged fourteen to seventeen, and older minors were those from seventeen to twenty-one. Depending on their age and other circumstances, they could be considered accountable or unaccountable for their actions. There were now also to be two types of reformatories where children and younger minors could be sent, differing in the levels of discipline: one was an educational reformatory, and the other was a correctional reformatory, with tighter security and stricter rules. Children could not be sentenced to detention and were instead supposed to be sent back to their families or guardians; in extreme situations, they could be sent to educational reformatories, but could not stay there after they turned seventeen. Younger minors could be sent back to their families or to educational or correctional reformatories, depending on the nature of the offence and the assessment of courts, but could neither stay in educational reformatories after they turned twenty-one, nor in correctional reformatories for longer than ten years. Children and younger minors were now considered unpunishable, and upon their release from reformatories, they could not have a police record. Instead, they would continue their lives with a clean slate and would be considered of good character.

Older minors were considered accountable for their actions in any situation. All sentences over one year of imprisonment would be served in special institutions called penal colonies, which were supposed to teach them the basics of agriculture and offer vocational training. For short-term sentences, less than a year, older minors would be sent to local prisons, but kept separately from other prisoners. Although they were punishable by law, their prison sentences were to be shorter than those of adults convicted for the same offences. They could not be sentenced to death or life in prison, and for the most gruesome crimes, for which adults would be sentenced to death or life in prison, older minors could be sentenced to between eight and twenty years in prison.

Other important changes included the requirement to group peers in reformatories by their age to avoid intergenerational groups. Boys and girls in educational reformatories who demonstrated satisfactory progress through good behaviour and hard work were also allowed to continue their education in public schools outside the reformatories. If this was not possible, for example, because there were no secondary schools or opportunities for continued vocational training in the place where the reformatory was located, the new regulations allowed a transfer from one reformatory to another, where this would be enabled. A younger minor who demonstrated improvement during their time in a correctional reformatory could be rewarded by transfer to an educational reformatory. Minors released from reformatories were supposed to be supervised for some time to ensure their proper resocialisation.

The new legislation also advised special care for released older minors; it was left to their institution's wardens to provide them with support upon release. If the

wardens were unable to do this, they were supposed to contact private societies and charities for the support of released prisoners and older minors. This was a new institution sanctioned by the law, to be financed from the state treasury. Their responsibility was to assist older minors in finding jobs upon their release and to place younger minors in families with good records. Younger minors would also be supervised, and reports about their continued rehabilitation were to be sent to the juvenile courts that sentenced them. Finally, the approach that guilt should not only be attributed to the personality of the young offenders but also social circumstances leading them to commit wrongdoing, the new criminal code left it to judges to apply the punishment in accordance with the circumstances and the context of the committed crime.

The greatest novelty in the way youth delinquency was treated by new legislation was the introduction of courts for minors aged between fourteen and seventeen. First pioneered in the United States in the 1890s, this institution of child protection soon attracted considerable attention in Europe. The Netherlands introduced juvenile courts in 1905, while France, Germany and the United Kingdom developed their systems by 1910.⁵¹ As already mentioned, juvenile courts existed in Croatia since December 1918, but the new law made them mandatory in other parts of Yugoslavia. Specially selected judges were, in this way, given a wider social role in the treatment of young offenders and were supposed to follow their rehabilitation if they were granted probation, and even after their release if they were sent to the reformatory.⁵² Overall, the new legislation was modern and based on the principle that young offenders should be educated and resocialised, rather than punished and stigmatised.

How effective was it? According to Dragoljub Branković, an official of the Education Ministry, who actively participated in the meetings at the Justice Ministry where a new set of regulations and legal acts about the organisation and functioning of Yugoslav reformatories were discussed in 1930, neither of the existing reformatories met the standards set by the new criminal code and the following legal acts.⁵³ In addition, only two prisons in Yugoslavia met new requirements for housing older minors separately from adult prisoners: the male prison in Stara Gradiška in Croatia, and the female prison in Begunje in Slovenia. However, even their adaptation was done earlier, implementing the recommendations of the 1922 Protection of Security

⁵¹ Kate Bradley, "Inside the Inner London Juvenile Court, C. 1909–1953", *Crimes and Misdemeanours* 3, no. 2 (2009), 38.

⁵² I. Jelić, „Kazneni i drugi slični zavodi Kraljevine Jugoslavije“, 1114–1121; Boža Marković, „Društvo za zaštitu oslobođenih osuđenika i maloletnika“ [Society for Protection of Released Prisoners and Minors], *Policija*, April 1931, 305–311; Mara Đurđević, „Sudovi za mlađe maloletnike“ [Courts for Younger Minors], *Policija*, December 1932, 1213–1215; A. Skala, „Zavodi za vaspitanje dece i mlađih maloletnika u našoj državi“, 849–857, 950–958, 1148–1154; Ljiljana Stankov, „Vaspitna uloga ustanova za zaštitu dece i omladine u Srbiji, 1918–1941“ [Educational Role of Institutions for Child and Youth Protection in Serbia], unpublished PhD dissertation, (University of Belgrade, 2011), 217–218.

⁵³ Lj. Stankov, „Vaspitna uloga ustanova za zaštitu dece i omladine u Srbiji“, 217–218.

and Order Act and its regulation for creating labour camps for older minors detained for vagrancy, idleness and prostitution.⁵⁴ When Anton Skala, another official of the Yugoslav Education Ministry, wrote a series of articles on Yugoslav reformatories for *Policija* in 1933, other than the Belgrade reformatory, other reformatories still adhered to old regulations; three reformatories in Croatia were organised and functioned according to the 1902 Act, while the reformatory in Ponoviče followed the regulations sanctioned by the local authorities in 1917.⁵⁵ The result was that some reformatories accepted children under the age of fourteen, even though they were supposed to work only with younger minors. Another visible problem for the rest of the decade was a lack of properly trained staff, especially among the supervisors, who, according to the rules, had to be paired with the teachers in classrooms and dormitories and monitor the behaviour of the pupils. Many junior officers released by the army and former policemen unfit for police service worked as supervisors in reformatories, although they were untrained to work with children.⁵⁶

Apart from the introduction of courts for minors, which did materialise, there were only a few other positive effects of the new legislation in the decade that followed. In March 1931, the *Society for the Protection of Released Prisoners and Minors* was founded in Belgrade. It was only the third of its kind in Yugoslavia, the other two being the societies in Maribor, founded in 1891, and Zagreb, founded in 1910. They were supposed to be the first line of support for released prisoners and minors and a liaison between the state and these people. As the name suggests, the purpose of these charities was to assist prisoners and older minors upon their release, support them in finding jobs, offer legal advice, employment references, and even financial support. Experts from these societies were to assist minors and judges in juvenile courts, offering expertise in pedagogy and work with troublesome minors. These societies were also tasked with finding suitable families to accommodate younger minors. For these reasons, the new criminal code ensured that any such private society qualified for financial support from the state treasury.⁵⁷ A society with the same name and task was also founded in Sarajevo in May 1938.⁵⁸ Finally, in 1937, the *Department for Child Policing* was founded in Belgrade. In its jurisdiction were cases of juvenile delinquency and, in general, everything related to underage persons in the context of criminal activity. It kept records of the numbers and names of the city's street children, provided temporary accommodation for some, and helped return those who

⁵⁴ „Za suzbijanje vagabondaže i profesionalne prostitucije kod naše mladeži“ [Suppression of Youth Vagrancy and Prostitution], *Policija*, December 1925, 906.

⁵⁵ A. Skala, „Zavodi za vaspitanje dece i mladih maloletnika u našoj državi“, 956.

⁵⁶ Lj. Stankov, „Vaspitna uloga ustanova za zaštitu dece i omladine u Srbiji“, 218.

⁵⁷ B. Marković, „Društvo za zaštitu oslobođenih osuđenika i maloletnika“, 305–310.

⁵⁸ S. Dujmović, *Pod državnim okriljem*, 249.

were not from Belgrade to their registered domicile. The Department also served as a temporary shelter for children who were taken off the streets.⁵⁹

The limitations

One of the consequences of these moderate successes was that the excitement with the new legislation soon wore off among the experts. No new reformatories were opened before 1939, and no new private societies for the support of minors were founded in Yugoslavia before the outbreak of the Second World War. In September 1938, a total of six Yugoslav reformatories provided care for only 455 boys and girls.⁶⁰ This was just a drop in the ocean of neglected children in the streets of Yugoslav cities and towns, whose number rose as a consequence of the economic crisis in the early 1930s.⁶¹ This prompted the Justice Ministry in 1935 to ask the local and regional courts across the country whether the crisis had affected the rise of juvenile delinquency in territories under their jurisdiction. Most, in fact, did not report a significant increase from the usual numbers, but in some places the situation had clearly changed for the worse. The local state prosecutor in Split sent a report to the Justice Ministry in Belgrade in July, warning about an alarming rise in juvenile delinquency in his town and its surroundings. The report included parts of the testimony of a 16-year-old young offender named Josip Blajić Šimunov. The boy was detained with three other minors after a series of thefts. After confessing, Josip said “[that] he did not feel guilty of his actions. They were only natural, because neither he nor his friends had a life, and their families had no food to feed them. They were mistreated at home and felt it was better to roam the streets and steal. He concluded his testimony with an eerie prediction: ‘There are more like us, and in a few years, there will be thousands of us in Split. Every five or six adult criminals who get convicted will be replaced by hundreds of youngsters who keep coming.’” The state prosecutor went on to say that the attitude of these youths was identical to that of most other young men who were detained for various offences across the jurisdiction of the Split Court of Appeal. He concluded that the main culprits for the spike in juvenile delinquency and the “moral decay of the young generation” were the economic crisis and unemployment.⁶²

⁵⁹ „Dečija policija u Beogradu“ [Child Police in Belgrade], *Policija*, September 1937, 865.

⁶⁰ Anton Skala, „Vaspitanje i zaštita nedovoljno razvijene i defektne dece u Kraljevini Jugoslaviji, 1918–1938“ [Education and Protection of Insufficiently Developed Children], *Učitelj*, 53, no. 6 (1939), 352.

⁶¹ Vasa Lazarević, *Za spas napuštene dece* [Towards the Salvation of Abandoned Children], (Beograd: Grafika, 1935), 31.

⁶² AY, 63, Folder 39, State attorney in Split to Justice Ministry, Split, July 1, 1935.

Just like prisons for adults in Yugoslavia, which suffered from overcrowding, various facilities and institutions for the temporary sheltering of abandoned and neglected children and youth delinquents, such as detention centres, asylums, and local court and police prisons, were also overcrowded.⁶³ And despite the existence of some policies and programmes in support of child protection, which sought to address the problem of children's criminality, or the modernisation of Yugoslav prisons and reformatories, there was always the problem of finding the finances to support them. For most of the interwar period, Yugoslavia had budget deficits, namely in the first half of the 1920s and the first half of the 1930s, and budget surpluses in the second halves of both decades were only a result of extending borrowing, rather than improved economic parameters. Corruption was endemic, the bureaucratic apparatus huge, and more than twenty per cent of the budget went to the army and for defence each year.⁶⁴ It would hardly be a surprise that, in an inefficient country with such a bad fiscal policy, child protection and juvenile delinquency were low on the list of priorities.

The impact of the legal reforms of 1929–1930 on the rehabilitation of detained minors is hard to judge. According to one claim from 1933, there were many success stories, and rehabilitated minors became exemplary citizens, starting their own families, securing jobs after learning a craft while living in the reformatories, and with some even starting their own workshops. However, the same report also mentioned that many young detainees who had run away from reformatories had returned to the old ways that had led them into trouble and ultimately into reformatories in the first place.⁶⁵ In the first nine months of 1937, Belgrade police detained 988 children and younger minors living on the streets, on average 110 a month, of which only 282, or less than thirty per cent, were born in Belgrade. Between March and September that year, out of 104 of these children detained in the *Home of Child Police* in Belgrade, fifty were returned to their parents, and twenty-three, or more than one-fifth of them, were, by the orders of courts for minors, sent to reformatories. To reform some of them, nine out of the remaining thirty-one were sent to private workshops to teach them a craft; however, eight of those nine ran away on the first day and returned to the streets.⁶⁶

Changes in legislation led to changes in the recording of statistics, and one suspects that official statistics did not reflect the reality of the children's criminality in interwar Yugoslavia. The number of convicted children and minors under the age of sixteen throughout the 1920s was relatively steady, ranging between 648 in

⁶³I. Dobrivojević, „Kazneni zavodi u Kraljevini Jugoslaviji, 1929–1935“, 53; Stenografske beleške Senata Kraljevine Jugoslavije [Stenographic Notes from the VI Session of the Yugoslav Senate], VI Redovni sastanak, Beograd, March 23, 1939, 77.

⁶⁴Ivan Becić, *Ministarstvo finansija Kraljevine Jugoslavije, 1918–1941* [Kingdom of Yugoslavia's Finance Ministry], (Beograd: Institut za savremenu istoriju, 2012), 510–513.

⁶⁵A. Skala, „Zavodi za vaspitanje dece i mladih maloletnika u našoj državi“, 1154.

⁶⁶„Dečija policija u Beogradu“, 866.

1924 and 978 in 1929. The changes brought by the new Criminal Code and Code of Criminal Procedure in 1929 affected the number of convictions among children and younger minors, which dropped in the 1930s. Already in 1930, there were only 326 convicted children and younger minors, and by 1935, the number had fallen to 129.⁶⁷ This led some legal experts to conclude triumphantly that in Yugoslavia, “just like in other countries that pay more attention to social protection of children, and offer more help to private institutions [for child support], one can detect a steep decline in children’s criminality”.⁶⁸

However, the number of convictions among the category of older minors did not change in the 1930s compared to the 1920s. In the first post-war decade, there were between 2.000 and 3.000 convictions per year, and this number rose in the first half of the 1930s, following the outbreak of economic crisis, reaching its peak in 1931 with 3.267 convictions of young people aged seventeen to twenty, that is, older minors.⁶⁹ This suggests that, despite fewer convictions, the number of offences committed by children and younger minors most likely did not change either. Changes in statistical data for the 1930s resulted from the redefinition of how the law treated young offenders after 1929. Statistical changes alone could be misleading if the analysis of legal and social factors and policies behind those changes is not taken into consideration. There is a further problem with the accuracy of statistical data for the 1920s. The rigidity of the criminal laws and laws of criminal procedure in use before 1929, especially in eastern parts of Yugoslavia, combined with the lack of proper institutional support, the conservative views of police and court officials, and the harsh conditions of everyday life of street children, which is all already discussed, imply that the available statistics should be approached carefully when analysing youth criminality in interwar Yugoslavia in the 1920s.

Failed policies or no policy at all?

That the reform of criminal law in Yugoslavia appears to have had little impact on the problem of youth criminality requires further analysis. It is very telling, however, that after years of careful debating of the country’s leading experts, the new criminal code was suddenly enacted just three weeks after the proclamation of King Alexander’s dictatorship on 6 January 1929. The decision-makers were warned about the harmful rushing of things, for example, regarding the 1930 Regional and County Courts Act, which regulated the founding of courts for minors and offices of

⁶⁷ *Statistički godišnjak Kraljevine Jugoslavije, 1929* [Statistical Yearbook], (Beograd, Državna štamparija, 1929), 458.; *Statistički godišnjak Kraljevine Jugoslavije, 1934–1935*, 407.

⁶⁸ Sergije Bubelj Jarocki, „Socijalna zaštita dece i kriminalitet maloletnika“ [Social Protection of Children and Criminality of Underage People], *Policija*, June 1938, 526.

⁶⁹ *Statistički godišnjak Kraljevine Jugoslavije, 1934–1935*, 407.

state prosecutors for criminal proceedings against underage persons.⁷⁰ The president of the Skopje Court of Appeal warned the Justice Ministry in Belgrade that the act of criminal procedure for younger minors had come into effect on January 10, 1931, upon publishing in *Službene novine* [Official Gazette], before the ministry requested the courts to appoint local state prosecutors. This placed the courts in an absurd situation of having to decide on detentions and appeals in cases against younger minors, with no state prosecutor to lead the case.⁷¹ The application of these new legal requirements confused local courts. A few months later, the same president of the Skopje Court of Appeal abruptly reminded the Justice Ministry that setting up new courts for minors required more preparation, careful examination, and time than the ministry had given them. In his words, such preparations required careful assessment of which local and regional courts had judges experienced enough to preside over the cases involving minors, as well as taking into consideration technical problems, such as if there were adequate facilities and space inside the court buildings, and whether the towns hosting the new juvenile courts, usually small in population, had enough educated laymen and private associations for assisting the younger minors at trials.⁷²

Similarly, when the Justice Ministry invited the wardens of the Glina and Pahinško reformatories to come to Belgrade and discuss the wording of the new regulations for reformatories in Yugoslavia, Đorđe Gavrilović, the warden of Glina reformatory accepted the invitation, but replied: “It is my honour to reply that the required draft of the act of education of minors, is of such an importance for the successful work of these institutions [reformatories], that it cannot be done in haste and to such a short deadline. If we had been contacted earlier, everything would have already been done, and the whole thing would have been handled much easier”.⁷³ However, they were not given more time, and once they arrived in Belgrade, the two wardens were pressed to attend six sessions in six days, from April 5 to 10, at the Justice Ministry. As already mentioned, the text was signed by Justice Minister Milan Srškić and Education Minister Božidar Maksimović on April 24, 1930.

Historically, the development of criminal justice in Europe was part of a wider process of modernisation of the state and society.⁷⁴ In the case of Yugoslavia, modernising the legal system went hand in hand with the very act of building a new nation. On the day King Alexander’s dictatorship was proclaimed, the 1921 Yugoslav constitution

⁷⁰ AY, 63, Folder 39, Justice Ministry to the Courts of Appeal in Belgrade and Skopje and High Court in Podgorica, Belgrade, December 24, 1930.

⁷¹ AY, 63, Folder 39, President of the Skopje Court of Appeal to the Justice Ministry, Skopje, March 7, 1931.

⁷² AY, 63, Folder 39, President of the Skopje Court of Appeal to the Justice Ministry, Skopje, June 4, 1931.

⁷³ AY, 63, Folder 39, Warden of the Glina Reformatory to the Justice Ministry, Glina, February 18, 1930.

⁷⁴ D. Garland, *The Culture of Control*, 32.

was suspended and the National Assembly dismissed. However, there was a need to create a legal basis for the new political order. It was all made easier because, without the constitution and the assembly, laws, codes, and legal acts would come into effect simply by the king's or an accountable minister's signature. After the enactment of initial laws and codes for regulating the king's authority and protecting the state, on January 27, 1929, Yugoslavia got the new Criminal Code.⁷⁵ Thus, ten years after the country's political unification, the criminal code and the laws of court procedure were finally harmonised. Politically, it was an important moment because the legal system is one of the pillars of a nation-state. The new criminal code and the subsequent laws and acts replaced the previous regional criminal codes, thus symbolically manifesting the country's unity. Once this victory was achieved, the lawmakers did not seem to bother about the practical implementation of the procedures they enacted. This was summed up in one sentence by Ante Bošnjaković, a Sarajevo lawyer who specialised in assisting minors in courts, who said in a March 1930 interview for the local newspapers: "We have laws, but no consistency, we don't apply them."⁷⁶

What was further needed for the protection of underage people in Yugoslavia were measures for improving the social and economic environment of young offenders and their families. This demanded political will at the highest level and coordination between ministries of justice, education, health and social policy, economy and internal affairs at least, as well as an open dialogue between all the stakeholders, state-actors and non-state actors alike, to create a wider national strategy for preventing juvenile delinquency and for supporting rehabilitated minors and institutions for their rehabilitation. Instead, once the legislation was enacted, the problem was brushed aside by the political elite. The new criminal code, with its spirit of protection, education and rehabilitation of minors, was a step in the right direction. Still, with no new reformatories or additional trained staff, no new charitable societies and no money to support the institutions, the minors and their families, either before they ended up on the street, or after they were released from reformatories, its potential could not fully be utilised. As late as 1939, the Yugoslav Senate still debated about the "provisional state of affairs" of improper mixing of adult prisoners with minors, in a sterile political language: "[We] will do whatever it is in our power to move all the minors from the court prisons to new, modern institutions..."⁷⁷

⁷⁵ M. Anđelković, „Šestojanuarska diktatura i krivični zakonik Kraljevine SHS“, 15–19.

⁷⁶ S. Dujmović, *Pod državnim okriljem*, 248.

⁷⁷ *Stenografske beleške Senata Kraljevine Jugoslavije*, 76–77.

Conclusion

The problems of child neglect, juvenile delinquency and the reform of the Yugoslav legal and reformatory systems were closely intertwined. The constantly growing number of children in the streets and their misbehaviour alarmed the public and the press, but also prompted social reformers, inspired by modern social and legal trends in Europe, to advocate a change in the way young offenders were viewed and treated by the legal system and in reformatories. Eventually, the changes made were in accordance with the expert recommendations. And yet, they produced few positive results. Why was this, and what does it tell us about interwar Yugoslav society?

In the absence of more historical studies on the first Yugoslavia's legal and social history, criminality, penal system and policies, we can draw parallels with similar, but more researched and better documented situations elsewhere. Let us fast forward half a century and move to New York City, where in 1978, fifteen-year-old Willie Bosket committed two murders. A shared context for New York in the late 1970s and the Kingdom of Yugoslavia in the 1920s is: juvenile delinquency on the rise, loud press demands for action, and important legal changes that followed. It draws enough points of connection for a comparison. Only fifteen at the time, Bosket robbed people on the New York subway for a few months that year, before fatally shooting two passengers who confronted him. However, with sixteen being the minimum age of criminal responsibility in New York, Bosket could not be tried in criminal court and was instead tried before the juvenile court. This caused a public outcry, which led to the change of law in the state of New York – in future, minors as young as thirteen could be charged with murder. Similar to many Yugoslav street children, Bosket had a long history of conflict with the law. He was first brought to the juvenile court when he was only nine, and had afterwards spent only a year and a half outside correctional institutions before committing the murders in 1978. However, in the midst of the resulting media frenzy about the dangers posed by juvenile delinquency in the city, reports emerged that Bosket had demanded help from the institutions before committing his crimes, and rather modest queries were made about whether the system had actually failed him. In addition, there was a suggestion that at the time of the legislation changes triggered by the Bosket crimes, the New York State Governor was in an election campaign and felt pressured to act by accusations that he was soft on crime.⁷⁸ Criminologist Simon Singer makes an interesting case:

Perhaps in a different period of time... Willie Bosket might have been portrayed as a repeated victim of violent abuse. His impoverished home environment might have been highlighted, as well as the culture of violence in his neighbourhood and the institutions where he was repeatedly placed. Recommended reforms might have

⁷⁸ Simon Singer, *Recriminalizing Delinquency: Violent Juvenile Crime and Juvenile Justice Reform*, (Cambridge: Cambridge University Press, 1996), 5–8.

followed, which would have reinforced political and organisational interest in treatment and juvenile justice rather than punishment and criminal justice.⁷⁹

William Bosket's case marked the beginning of the re-criminalisation of juvenile delinquency in the United States and the West in general, as part of the wider trend of punishing, rather than correcting offenders, underage and adult alike. We can say that the trend has reversed. In the words of David Garland, the image of a youth delinquent as a disadvantaged person in need of support has disappeared, and instead, since the 1980s, we have the reemergence of a dangerous predator and a career criminal.⁸⁰

The Bosket case seems to be a reflection of interwar Yugoslavia's problem with juvenile delinquency. Indeed, as Singer assumed, if Bosket had committed his crimes fifty years earlier, he would have received different treatment by the authorities in the United States, and from everything we analysed thus far, in the Kingdom of Yugoslavia as well, especially after the changes in legislation made in 1929–1930. This suggests that legal and social reforms and conceptions are susceptible to broader cross-national cultural trends.

It is worth mentioning that, although Bosket triggered the response by the authorities, his crimes were only the tip of the iceberg of the wave of violent crimes committed by underage persons in late 1970s New York, which sparked public outrage and led to drastic legal changes. In contrast, in interwar Yugoslavia, the press had little impact on government policy. After the introduction of censorship in 1929, it was mainly a tool of government propaganda and, as such, had no real power to exert policy change. In an authoritarian country, public opinion was irrelevant in decision-making. Therefore, unlike in contemporary democracies, the interwar Yugoslav press, although reporting on it, did not politicise the issue of street crime, which leads us to the question of whether protecting the public from crime or juvenile delinquency would have been a motive for Yugoslav policy-makers. Given the present state of research, it is hard to answer this question, although this author leans towards a negative reply.

Another important difference is that the Kingdom of Yugoslavia's new legislation and the changes it decreed for Yugoslav reformatories were not a response to any particular event, nor even to a series of events, that might have changed the way the legal and penal system dealt with juvenile offenders. They aimed at responding to a challenge of a different kind; the 1929 Yugoslav Criminal Code was a response to the problem of modern state-building and nation-building, and the motivation of decision-makers went beyond concerns for public safety. A legal system unified across the country and the nation is the founding stone of nation-states, and this harmonisation was the prime motivator behind the new legislation.

⁷⁹ Ibid., 9.

⁸⁰ D. Garland, *The Culture of Control*, 10.

On the other hand, new legislation and regulations in this field were tailored according to expert opinion, provided it did not challenge the political sensitivities of the newly established dictatorship of King Alexander. Many penal and legal experts from the east and west of Yugoslavia, often with the rank of university professor, who published and debated on the pages of *Policija*, actively participated in drafting legal proposals. Their views bore weight. With respect to the problem of juvenile delinquency, the roots of their approach were concerns for children's welfare and fears of recidivism in the case of failure to rehabilitate young offenders. Bringing in expert opinion resulted in the first Yugoslavia jumping onto the bandwagon of the modern understanding of child protection in interwar Europe and, at least in writing, synchronising its laws and regulations with those of the most progressive countries.

Admittedly, an attempt to modernise legislation was one of the rare positive responses of the Yugoslav state to the problem of juvenile delinquency. However, it was a response to the problems of nation-building, rather than the forward march towards child-welfare reform. And without a comprehensive child welfare programme, the Kingdom of Yugoslavia could not make a decisive shift from the policy of mere intervention to a strategy of prevention. Ten years of working on harmonising different Yugoslav criminal laws into a single criminal code for the entire country suggest that achieving legal unity required not only good intentions and legislative effort, but also political stability. Social protection for the most vulnerable, on the contrary, was not dependent on political stability, but rather required more good intentions and financial resources. However, interwar Yugoslavia had no money, and it is questionable whether there was goodwill among the elites to assist the most vulnerable.

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Резиме

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Деца улице, малолетничка делинквенција и границе правних и социјалних реформи у Краљевини Југославији, 1918–1941.

Овај рад тежи да попуни постојећу празнину у историографији о разумевању и односу према проблему малолетничке делинквенције у Краљевини Југославији, од стране власти, стручњака и јавности, анализирајући социјалну и правну страну приступа феномену дечјег криминалитета. Док су разне владе у Београду имале прече проблеме у изградње нове државе и нове нације, улице југословенских градова биле су преплављене запуштеном и децом без родитеља и родитељског старања, као последица комбинације ратних разарања и страдања и превладавајућег сиромаштва великог броја Југословена. С правне стране, доношење новог Кривичног законика Краљевине Југославије у јануару 1929. године, који је био у духу модерне правне праксе водећих европских држава, био је корак у правом смеру. Ускладио је законе на нивоу читаве државе, довео до промене правне дефиниција појма „малолетник“ и модернизовао моделе, како њихове заштите, тако и њихове кривичне одговорности, увео судове за малолетнике и препоручио реформу постојећих и правила за оснивање нових поправних домова, те прописао већу улогу приватних друштава за помоћ малолетницима отпуштеним из поправних домова и казних завода. Међутим, посматрано из угла социјалне политике, изостао је шири програм за сузбијање основних друштвених узрока делинквенције. Иако резултати борбе са овим друштвеним феноменом, као дела ширег проблема дечје заштите у Југославији током међуратног периода, нису били значајни, требало би имати у виду и неке олакшавајуће факторе, пре свега недостатак новца, те постојање воље законодаваца да консултују стручњаке. Ипак, у складу са постојећим стањем историографије и расположивих извора за ову тему, може се закључити да ни разумевање проблема и потреба најугроженијих социјалних категорија, као ни спремност да се крене у свеобухватније реформе за превенцију сиромаштва малолетника као једног од основних узрока делинквенције, и њихове ре-социјализације након отпуштања из поправних домова, нису биле на завидном нивоу. У исто време, мотив за модернизацијом правне стране овог проблема се пре налазио у потреби југословенских власти за изградњом модерне државе и нације, него у бризи за малолетнике или заштити јавне безбедности.

Кључне речи: Краљевина Југославија, историја криминала, малолетничка делинквенција, Кривични законик, казни систем, поправни домови, дечја заштита.