

CULTURAL PROPERTY CRIME IN SERBIA¹

Review article

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Abstract:

Works of art and antiquities reveal the cultural identity of people, they have their own importance in a certain social, economic and historical environment as well as a valuable characteristic of being the witnesses of entire epochs, which is why their conservation is in the public interest. In Serbia, the places which are most endangered by theft and unauthorized archaeological works are sites from the Roman period, as well as religious buildings, particularly churches and monasteries, where liturgical objects are stolen (icons, old liturgical books, chalices, crosses, reliquaries with the relics of saints). Based on data from the Ministry of Internal Affairs of the Republic of Serbia for the period 2006–2014, a total of 1,472 criminal offenses that involve cultural property were carried out. The aim of this paper is to portray the state of crime that involve cultural properties in Serbia, by reviewing some of its forms and specific examples.

Keywords: *works of art, antiquities, liturgical objects, thefts, Republic of Serbia.*

INTRODUCTION

Illegal trade in stolen art and antiquities is the third most profitable illegal activity, right after drugs and arms trade, with a total value of stolen treasury of two to six billion dollars a year, most of which goes to the financing of international organized crime and terrorism (Charney, 2009). Cultural property crime in the Balkans was investigated in the

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domestic scientific and professional literature in the 90s of the 20th century, when the theft, smuggling and illegal trade of cultural property for commercial purposes meant a very lucrative business for individuals and well-organized criminal groups (Lakčević & Bošković, 1988). In the period from 1984 to 1988 in the former Yugoslavia there were 1148 criminal offenses involving cultural property, and 90% of them were theft and aggravated theft (Lakčević & Bošković, 1988). The rate of solved offenses was 39.7%. These thefts were mainly executed for greed, in order to be smuggled and sold abroad, usually to a known customer, and these thefts were organized by private collectors or middlemen from abroad (Jestratijević, 1988). In this way, the silver encased icons, stolen in 1982 in the Christian Orthodox monastery Krupa near Obrovac, were later found in the Netherlands; two marble sculptures, stolen in 1987 from the Museum at the archaeological site of Mediana in Niš, were later found in Munich; while the paintings of Paja Jovanović, stolen in 1986 from Orthodox Church in Vršac, were found in Trieste (Jestratijević, 1988). Antique arts that were not under any special protection were also smuggled to foreign countries – the numismatic and philately collections, antique books, valuable old vintage newspapers and magazines, medals, antique firearms (Jestratijević, 1988). Antique art customers were foreign tourists and businessmen who were staying in Yugoslavia and they took these antique arts abroad. Authors M. Živković and M. Todović (1995) in the book *The theft of cultural and national heritage of Yugoslavia* for the first time in one place, created a catalogue of stolen art and antiquities in the former Yugoslavia which are being searched for. These authors classified the history of art theft in Yugoslavia into three periods:

- 1) *The period from 1945 to 1955*, which is considered to be the darkest one in the cultural history, when the new government and its representatives and officials robbed movable cultural property from museums, archives, galleries and private collections of pre-war bourgeoisie, by using receipts and borrowings from the museum, and at the end of the 1940s this documentation was deliberately and consciously destroyed;
- 2) *The period from 1950 to 1980*, is known for new forms of theft, criminals who were still inept and ‘without leaders and underground market’, and who were quickly found, caught and sentenced;
- 3) *The period of the eighties to the nineties of the last century*, is known for ‘the emergence of rich collections and collectors, skilled thieves and a good network of dealers’. Živković and Todović (1995) claim that the *art mafia* in Yugoslavia was still largely under the control of the police. Thefts of antique arts were prepared, associates ‘well-established’ and the cooperation with foreign clients and criminal gangs at the international level was well organized. Perpetrators of thefts of works of art and antiquities were in fact criminals who took part in illegal drugs and weapons trade. In intelligence work, in this period the police had their aides-informants among the participants in large thefts, and they were often *forgiven* and *pardoned* for their thefts of antique arts (Todović & Živković, 1995). In a monumental monograph *Legal protection of cultural property* by Đorđe Đorđević it is pointed out that with the increase in the importance and value of cultural property, it is increasingly becoming a subject of criminal attacks and threats, which is why there is a need for constant improving of the measures for legal protection and proper system of legal regulations in order to adjust legal protection to the needs for combatting this form of crime (Đorđević, 2001).

The aim of this paper is to shed light on the present state of crime which involves cultural property in Serbia as a modern security problem, reviewing some of its forms and specific examples. Works of art and antiquities reveal and represent the cultural identity of nations; they have their own significance in a particular social, economic and historical environment and enable an understanding of the history of nations, which is why their conservation is in the public interest.

1. DEFINITION

A Canadian criminologist Conklin (Conklin 1994:2) simply defines *art crime* as all criminally punishable acts that involve works of art. This category includes vandalism, fakery or forgery, deceit, art theft, excavation and looting of antiquities, etc. It is a crime that takes place at museums, auction houses, galleries, restoration workshops and studios (Dobovšek & Samardžić, 2011).

The Law on Cultural Heritage RS (1994) defines immovable cultural properties as ‘items and creations of material and spiritual culture of general interest, enjoying special protection under this law’. Depending on the physical, artistic, cultural and historical properties, cultural properties are: monuments, spatial cultural-historical units, archaeological sites, and sights – immovable cultural property; artistic-historical works, archives, film material and old and rare books – movable cultural property. Principles for valorisation of cultural heritage are age, authenticity, rarity, artistic and aesthetic values, cultural and social and historical values. In this Law, depending on its significance, cultural property is sorted under three categories:

1. Cultural goods
2. Cultural goods of great importance, and
3. Cultural goods of exceptional importance.³

Besides cultural property, law also recognizes properties under preliminary/previous protection – those which are assumed to be of particular importance to culture, art and history and which have not been classified as cultural property yet. The right of ownership over cultural property that is under preliminary protection cannot be acquired and exported abroad.⁴ Cultural property is divided into immovable and movable. The Government of the Republic of Serbia determine immovable cultural goods, while movable cultural goods are

³ Cultural heritage of exceptional importance should have one of the following criteria:

1. to embody special significance of social, historical and cultural development of people in terms of national history, i.e. development of their national history, i.e. natural environment;
2. testifies to crucial historical events and figures and their influence and activities in the nation’s history;
3. is a unique (rare) representation of creativity of that time or it is a unique example from natural history;
4. has had a major impact on the development of society, culture, science;
5. exhibits exceptional artistic or aesthetic value.

⁴ In accordance with the Article 28 of the Law on Cultural Heritage, the one who digs out outside an organized research of excavation from land, or takes from water a property/good which is under prior (preliminary) protection, shall immediately, no later than 24 hours, notify the institution in charge of cultural property protection and the ministry of internal affairs. Matic (2006) points to the example of a judgment when the defendant was convicted of selling 31 bronze coins from the Roman period and 14 different items from that period, which represented heritage under prior protection and had special cultural and historical significance, and he came into possession of them by shovelling on the well-known archaeological site. This means that

determined by the institutions that are responsible for protection of cultural property (museums, archives, film and television archives, and libraries) which keep a register of cultural goods. The Ministry of Culture and Information of the Republic of Serbia, Republic Institute for Protection of Cultural Monuments, National Museum in Belgrade, National Library of Serbia, Archives of Serbia, and Yugoslav Film archive take care of movable and immovable goods in the Republic of Serbia. Article 118 of the Law regulates the issuing of permits for temporary and permanent removal and export of cultural goods.⁵

2. SITUATION IN SERBIA

Based on the data given by the Ministry of Internal Affairs of the Republic of Serbia for the period 2006–2014, a total of 1,472 criminal offenses that involve cultural property were carried out. Further analysis regarding the structure of criminal offenses by legal qualification showed that most criminal offenses are grand larceny in the cultural property crime domain. The territory of Serbia, where many cultures had left their specific marks, starting from European prehistory, the Roman civilization, Byzantine and Serbian art from the Middle Ages and up to the present day, is known primarily for its archaeological sites and medieval monasteries which are material, cultural and spiritual history. Sites from the Roman period, as well as religious buildings, particularly churches and monasteries are the ones which are most endangered by theft and unauthorized excavation. Crime sites are museums, galleries, churches, monasteries, archaeological sites, flats and homes of private collectors, and among stolen items are paintings, numismatic materials, gold and silver liturgical objects – icons, old liturgical books, chalices, crosses and reliquaries with the relics of saints, old weapons and other.⁶

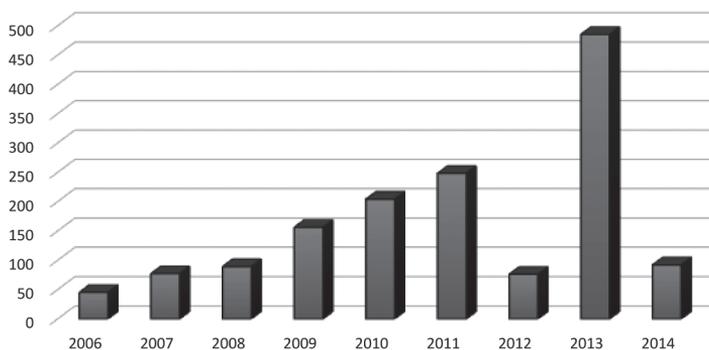


Chart 1: Total number of criminal offenses that include cultural property on the territory of the Republic of Serbia for the period 2006–2014. (According to the Ministry of Internal Affairs of RS)

based on the Law on Cultural Heritage the offense of concealment and alienating of cultural property can be committed in terms of objects which are under prior (preliminary) protection.

⁵ Cultural property may be exceptionally exported or transferred abroad for justifiable reasons. Authorisation for permanent or temporary export of cultural property is issued by the Ministry of Culture in accordance with the provisions of the Law on Cultural Heritage and the Law on General Administrative Procedure.

⁶ The section ‘other’ includes medals, decorations, tapestries, old rugs, antique furniture, photographs, maps, jewellery, etc.

According to the structure of crimes, just in 2013 the following crimes were recorded: theft (130), grand larceny (337), larceny (1), robbery (5) and other offenses (12). The crime scenes included apartments and houses (348), churches (77), museums (5), galleries (2), monasteries (3) and archaeological sites (11). The seized property counted 107 paintings, 13 books, 1,558 articles of gold and silver, 11 icons, 26 cases of numismatic value and 518 other objects. Among the objects found and returned, most objects were from the category 'other' (177).

Sculptures *Angel with the Lyre*, a cultural monument under state protection, the work of sculptor Marina Studina from 1924, and *Prelja*, the work of sculptor Anthony Augustinčić, were stolen at the Old Cemetery in Niš. Sculptures have not been found yet and it is suspected that these sculptures were stolen in order to be melted into metal, which points to another way of making a profit from stolen works of art – selling raw materials as waste (usually for a small value). Three chalices were stolen from the Catholic Church of St. Louis in Bor, and from the Orthodox Church in Kladovo a flabellum (ripidion- liturgical fan), a chalice and liturgical books were stolen too. Only one of these thefts was solved. The bust of Jovan Vučković was stolen from the plateau in front of the railway station in Bor and was found later and returned to the Museum of Mining and Metallurgy. On the territory of Požarevac police department, unauthorized illegal archaeological excavations were carried out during 2006 and that endangered the archaeological sites Viminacijum Lederata (Ram) and ancient Margum Dubravica. Three criminal charges were filed against two persons who had committed the crimes. They were charged for crimes of *Evasion* (Article 207 CC RS) and *Cover-up* (Article 221 CC). On several occasions, the police from Veliko Gradište found and temporarily confiscated numismatic items from persons who were caught red-handed at the archaeological sites, but criminal charges for the crime of *Unauthorized archaeological excavation* could not have been filed against them, since the legal grounds for it had not been introduced into the Criminal Code of the Republic of Serbia in 2006.⁷ During the attempt of smuggling of archaeological objects, objects were confiscated by the customs officers on the basis of the Customs Act, since the police had no legal grounds for their seizure. The activity of the customs officers in detecting attempts of smuggling of works of art and antiquities outside the borders of Serbia and at border crossing Nikola Tesla in Belgrade, Horgoš, Batrovci, Kelebija, ruins, etc. were also very productive.

During 2012, the German police, using submitted information and data by the Ministry of Internal Affairs RS, found and took a painting called 'The Road to Egypt' by Jan Brueghel, which was stolen in late 2011 in Paris. In fact, after finding out that the painting was in Belgrade, the Ministry of Internal Affairs RS arrested two persons. However, the painting had already been smuggled to Germany in order to obtain the necessary certificates and organize the next sale. On that occasion, two icons were also found with the persons arrested, which were suspected to have come from criminal offenses committed in the countries of Western Europe.

⁷ The Criminal Code, which was implemented and entered into force in 2006 did not include the sanctioning of crimes that were provided in the previous Criminal Code: *The concealment of cultural property*, *Unauthorized archaeological excavations* and *The destruction or concealment of archival materials*.

3. PRACTISE CASE STUDY

Avar belt (Sremska Mitrovica -Sirmium)

A golden Avar belt was discovered by accident in July 1992 in a field near the village of Divoš near Sremska Mitrovica (Sirmium), at a depth of two meters, during unauthorized archaeological excavations, with the use of metal detectors (Popović, 1997). Being discovered, it was very quickly sold again through an intermediary to an antiques dealer in Belgrade. According to the estimates of archaeologist Dr Ivana Popović from the Institute of Archaeology in Belgrade in 1997, its market value would amount to around one million euros. The Avar belt was discovered thanks to the conflict about the belt between two dealer networks which wanted to come into its possession illegally. The Department for Combating Organized Crime of the Ministry of Internal Affairs RS arrested the main participants and accomplices, and charges for crimes of illegal trade, tax evasion and unauthorized archaeological excavation⁸ were filed against them. The trial ended with a conviction on three years' probation for each of them.



Picture 1: *Avar belt (detail), VII century, illegally excavated on the site of Sirmium*

The Avar belt weighs 1088.43 kg of gold and consists of 10 vessels (buckles, five pseudo-buckles, large strap end, small strap end – loops, circular belt fittings and fittings for hanging). It was made in the first half of the seventh century and it is assumed to be discovered in the tomb of a prominent person, probably quaghan. It is one of the most luxurious findings in this part of Serbia from the time of the first wave of the Avar domination. Belts with pseudo-buckles in Avar clothing represented symbols of a certain dignity and set the hierarchical rank of their owners. The Sirmium belt is the work of a master from a Byzantine imperial workshop in Constantinople and the way of acquiring this kind of belt for Avar dignitaries was to either receive it as a gift or order it (Popović, 1997).

Any accidental discovery of elements of archaeological heritage must be reported to the authorities so they can be submitted to scientific research and evaluation. As

⁸ The belt was found on the territory of the village of Divoš near Sremska Mitrovica by farmer Slavko Kozak, with the help of a metal detector, which he got from an antique dealer Mitke Simeonovskog. Slavko and his brother Bogdan Kozak sold the belt to Simeonovski for 120,000 euros, thereby committing a crime of evasion and a criminal offense of illegal trade. But before Simeonovskog, the brothers had also contacted dealer Zoran Lalić, who was later informed that the work had been completed.

indicated by Charney (2009), the problem is that they are items which are taken directly from under the ground, they had not been known or recorded before they were illegally excavated, they were not documented and therefore they do not appear in the registry of stolen works of art. No one is looking for these items, therefore trafficking in these goods is much easier on the open art market at full price, even with a false provenance. Looting and theft of antiquities otherwise account for 75% of all crimes that include antique art and its perpetrators is hard to catch, and since the rate of recovered stolen art is around 5–10% this criminal activity has become attractive to criminals, which is on the other hand more profitable and less risky than drug trafficking (Charney, 2009). Antiquities circulating on the market come from three types of sources: from existing collections, taken from monuments (buildings and their remains), or from archaeological sites (O’Keefe, 1999). While the first two sources are rather limited, the third one is considered to be the main source for supplying international antiquities market. The European Convention on the Protection of Archaeological Heritage in Article 9 refers to the sensitization of the public in order to raise awareness about the value of archaeological heritage crucial to understanding the past.

The throne icons of the iconostasis of the church of St. Nicholas in Sibac

Perpetrators in Serbia target and try to steal liturgical objects, especially icons. In Russia and in the area of Balkans icons trade was very widespread until the early twentieth century, thanks mainly to retailers and travelling iconographic groups. Illegal trade of icons stolen from churches and monasteries in Cyprus, Greece, Russia, Armenia and Serbia boomed in the late seventies and eighties, when they were sold openly in the US and European markets, in famous auction houses and antique shops (Roux & Paringaux, 1999). Serbs have a long history of dealing with thieves of liturgical objects who had even been mentioned in *The Karyestypicon*, one of the oldest Serbian documents in the monastery Hilandar, in which the one who dares to steal and alienate a book, an icon or any other religious item is cursed. Other criminal codes which were written later in Serbia also considered and treated ‘svjatostatstvo’ (the theft in church) in a specific way. Today, these thefts are driven by strong demand for Orthodox icons, because the customers are located all over the world, and the icons can be found mainly in Russia and the Balkans.

Two icons were recovered and returned to Serbia in October 2006 – *Mother of God with the Christ* and *St. Peter and Paul*, which had been stolen in 1971 from the iconostasis of the church of St. Nicholas in Srem area, in village Sibac, which was, up to the moment of the theft of these icons, considered to be the best-preserved and kept altar screen from the first half of the eighteenth century (Leseck, 2000). Sibačka church was broken into twice, when the icons of St. Peter and St. Paul, *Mother of God with the Christ* and *Christ the Great Hierarch*, as well as ten icons that depict the apostles and prophets from the upper zones of the iconostasis, which were found and returned to the church municipality. Two throne icons of the *Mother of God with Christ* and *St. Peter and Paul*, were found in 2006, 35 years after the theft, while the third stolen throne icon – *Christ the great hierarch* is still searched for.



Picture 2: *The throne icons of the iconostasis of Church St. Nicholas in Sibač⁹*

Art thieves in Serbia also target relics. The term relic in the broadest sense means ‘remains’ which are respected as sacred – *the relics of martyrs and saints* (the whole body or its physical remains) as well as the *items* which the holy persons were in contact with (weapon they were killed or tortured with, clothing, etc.). In October 2003 three Bulgarian citizens stole the miraculous relics of Saint Cosmas and Damian from the Sopoćani monastery (transferred to Sopoćani in 1999 after the demolition of the Zočište monastery in Kosovo). The stolen relics were found by the police and returned to the monastery. Bulgarian citizens were deprived of their liberty and they were charged with a criminal offense of grand larceny. The offender P. P. was sentenced to six months, P. V. to three months and M. M. to one year in prison. In the same year, the relics of St. Haralampije from the Church of the Nativity of Christ’s in the town of Pirot were stolen, but the theft has not been solved yet. Unidentified perpetrators stole the reliquary with the relics of St. Paraskeva from the St. Paraskeva monastery in Petkovic near Šabac in 2006.

According to Bourguignon and Choppin (1994), art thieves today are more interested in richly decorated reliquaries (silver and gold) in which the parts of saints’ relics are kept than the relics themselves. First stories about thefts of relics – *furta sacra* – are characteristic of medieval hagiographical literature – a monk or another priest goes on a pilgrimage, he stops in a town or a village in which the relics of saints lie and touched by what he hears about the saint’s life, about virtues and miracles, he decides to steal them for his own monastery. With the stolen reliquary he returns to his place, where he is greeted by a crowd of believers (Geary, 1993). As indicated by Geary (1993), when a relic is stolen or sold it is impossible to steal or sell in its initial form. As a physical, material item without its specific context, the relic is devoid and deprived of meaning, and when you move it from one community to another it does not transmit its original fixed code or meaning. Transferring of the relics of St. Mark from Alexandria and St. Nicholas from

⁹ Photographs: Ministry of Internal Affairs RS

Myra are two most significant medieval urban thefts committed by Italians, which showed that the possession of stolen relics could compensate for the shortcomings in other economic or political domains (Geary, 1993).

Theft of works of art from museum's collections and galleries

One of the biggest art thefts from museums in Serbia, in recent times, occurred in 2006 in the City Museum of Novi Sad, when two masked offenders, at a gunpoint, stole four paintings from the collection of foreign art which was given as a legacy to the museum by Ratko Ilić: *The Head of Christ*, by an unknown author of the German or Dutch school of painting from the sixteenth century, *Landscape with a fisherman* by Francesco Mola from the seventeenth century, Rubens' *Seneca* from the seventeenth century and Rembrandt's *Portrait of the father* from the seventeenth century, which was thanks to the action of the Ministry of Internal Affairs found and returned to the museum in 2013. Also, from the Museum in Arandelovac, in March 2001, at the exhibition 15 paintings, sketches and studies by a Serbian painter Paja Jovanović were stolen. The police found them and returned them to the National Museum in Belgrade. The thieves' target was also the private collections in Belgrade, Sremska Mitrovica and Novi Sad, and among the stolen works were the paintings of Sava Sumanović and Uroš Predić.

On 14 March 1996 the famous Renoir's painting *The Bather* (1915) was stolen from the permanent display of foreign art at the National Museum in Belgrade; the picture was bought by Prince Paul in 1935 and donated to the National Museum. The painting, which could have been worth up to several million dollars on the market, was stolen by cutting the canvas with a scalpel from the frame, which damaged the painting. The thieves wrapped it up in a roll and took it out of the museum. It took the inspectors of the Belgrade Police four days upon the theft to find and recover the painting and the thieves were handed over to the investigating judge. After being restored, the painting was returned to the National Museum in Belgrade (Kajganić, 1996).¹⁰

Works of art attract the attention of criminals due to high prices they can reach, their limited offer on the art market, and also the fact that they are often considered a good investment, can be used as a deposit or means of payment in transactions with drugs or for money laundering obtained through drug trafficking and other criminal activities

¹⁰ Renoir's painting *The Bather* was stolen on 14 March 1996, between 3.30 pm and 4.00 pm, on the second floor of the museum. The police were alerted at around 4.30 pm. During the investigation, several fingerprints were found on the frame of the painting, and later it was confirmed that they belonged to D. L. At that moment around 100 visitors were present at the museum, and they were all searched. Checking of other rooms of the museum, as well as a conversation with two security guards (each of them looked after three connected rooms) gave no result. The inspectors immediately made a list of possible suspects (who were in the businesses of thefts of works of art), and Z. S. was also on the list. The list of suspects was eventually reduced to 7 or 8 names, eliminated one by one by checking their alibis during the theft. Most suspicious was Z. S, already known for similar offenses, who had visited the museum on more than one occasion several days before the theft. After being detained Renoir's painting was found in the basement of his apartment building, wrapped in newspaper. D. L. stole the painting for Z. S, who was supposed to repay a debt of 11.000 German Marks, and they went to the museum together. Z. S intended to sell the painting to a known buyer for 30.000 German Marks, and he wanted to use money to pay off his debt, and to share the rest of the money with D. L. Z. S. decided to steal *The Bather* because the canvas could be cut out from the frame, including the place where the painting was exhibited – it was a 'blind spot for the guards.

(Dobovšek & Samardžić, 2011). Bourguignon and Choppin say (1994) ‘when prices rise, criminals steal’. The myth that artworks are more protected if they are more famous has ‘survived’ because too famous works may be sold only if the offender belongs, or is in connection with an organized network of criminals at the international level, someone who knows the market even before the theft occurs (Briginole-Saracco, 1990). The police usually use the advantage of the fact that in most cases criminals after the theft have no idea about how to sell the stolen works of art. Otherwise, they can circulate for years on the closed market before showing up one day.

CONCLUSION

In the Republic of Serbia the protection of cultural property against theft and other forms of crime that include antique arts is regulated by the Criminal Code, the Law on Cultural Property and the Customs Act. Within the Ministry of Internal Affairs of Serbia, since 2001, special Department for fighting Smuggling of Cultural Goods has been operating. Customs Administration has conducted significant activities in detecting attempts at smuggling works of art and antiquities outside the borders of Serbia, primarily Roman coins, antique jewellery, but also paintings and valuable books. Part of the stolen items is illegally transferred outside the borders of Serbia, and one part is sold on the domestic illegal market. For illegal transfer of antique and art items, according to the analysis of cases from the Customs Administration, the smugglers usually use their own vehicles, bus drivers or people who often travel to countries of Western Europe.

It is for sure that there are always some legal norms upon which this type of crime could be pursued, but if the state does not have interest and priorities in the matter, there is little that can be done. And art thieves simply take advantage of these situations, when there is not enough protection, as well as legislative gaps that hinder the conduct of investigations by geographic barriers, such as lack of national and international laws that regulate this area. The greatest difficulty is the diversity of legal systems, as well as problems in exchange of information, because it is a crime that is international.

In order to conduct a successful search for the stolen items there is a need for a centralized database, which should be created at the national level by the Ministry of Internal Affairs RS, in accordance with the standards of Interpol (*crigen/art*), in the same way many European countries have done it. Thus, all the buyers and sellers of cultural property would be obliged to consult this database before making any transactions. When creating this kind of database in Serbia, the problem is the lack of photos of the stolen items, which makes it difficult for the police to carry out the process of searching. Certainly, a bad penalty policy in this field, as one of the preventive measures has led to a greater number of these offenses.

Prevention is primarily important – educating and informing the public. People need to be educated, attracted to art, they need to become aware of its historical and cultural values. From the standpoint of criminology, theft of works of art and antiquities proved to be a very complex problem, and humanistic approach calls for an unconditional need to protect them, which is in the interest of every country, including Serbia, to preserve its cultural identity.

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