

# Forgery and Credit cards fraud – A Specific Criminal Offense against the Economy in the Criminal Legislation of Serbia

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## Abstract

*Forgery and credit card fraud is a specific criminal offense against the economy, whose protective object is stability of payment operations in the country. It is prescribed in Article 225 of the Criminal Code of Serbia. The aim of the paper is that, in addition to theoretical and legal definitions, closely analyzes the criminal offense Forgery and credit cards fraud, than through the relationship with the overall crime in Serbia, then with a group of criminal offenses against the economy, and finally, with the other individual crimes against the economy. In this paper was primarily applied normative method, complemented with analytical method, the basic quantitative data analysis and deductive methodological approach. The primary legislative source is consulted in the paper is the Criminal Code of Serbia. The research part of the paper included information on the number of reported adults and enacted convictions for the crime of Forgery and credit card fraud for all crimes on the territory of the Republic of Serbia, for the group of criminal offenses against the economy and for individual crimes against the economy, for the period 2012-2015. After analyzing the work of judicial authorities in Serbia in these areas, this paper provided discussion of the results and about conclusions that were drawn.*

**Keywords:** *Forgery and credit card fraud, crime in economy, crimes against the economy, the Criminal Code.*

## Introduction

Economic crime in Serbia is characterized by a complex crimes, especially in finance, accounting, banking, foreign trade, as well as in the privatization process.

Economic crime was, above all, the problem of societies based on socialist system, because of the particular nature of state ownership of the means of production. With the refraction of socialism in terms of establishing a new economic order, a society in transition have faced an increase in crime and new forms of socially harmful behaviors in the economy for which there were no adequate mechanisms to oppose it.<sup>1</sup>

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<sup>1</sup> Tanjević, N.: Economic crime in Serbia: Suggestions for improving the criminal legislation, *Revija za bezbednost*, Vol. IV, No. 4, 2010, pp. 348–361, p. 349.

In Europe today there is probably no country in which the tendency of crime trends as much interest to criminologists, such as is the case with Serbia.<sup>2</sup> In addition to ownership transformation, the introduction of multi-party political system and reforms in all public sectors, it is noticeable the global economic stagnation, financial instability of the monetary system, rising unemployment, a certain cultural decadence and erosion of morality.<sup>3</sup>

Unlike crime at all, which involves the totality of all crimes in a particular time and space, and therefore, is a mass phenomenon, economic crime is a narrower concept in relation to the concept of crime, generally defined. It is the special area of crime and has the aim of acquisition of material or other benefits, regardless of their shape and individual values. Therefore, economic crime consists of all forms of criminal activities that operate against the economic system of the economy of a country.<sup>4</sup>

All offenses in the sphere of economic crime in the Republic of Serbia are penalized by the Criminal Code.<sup>5</sup> The greatest number of crimes that are an integral part of economic crime, belong to the group of criminal offenses against the economy.

Forgery and credit card fraud is a crime that falls under the category of specific crimes against the economy and is regulated by Article 225 of the Criminal Code. Protective object of this criminal act is the stability of the payment system in the country. Basis for this criminalization is in the Constitution of the Republic of Serbia<sup>6</sup>. Namely, Article 82, paragraphs 1 and 2 of the Constitution of the Republic of Serbia stipulates that economic planning in the Republic of Serbia shall be based on a market economy, open and free market, freedom of entrepreneurship, independence of business entities and equality of private and other forms of property. The Republic of Serbia is a unique economic area with a unique commodity trade, labor, capital and services.

The aim of this paper is that in addition to the theoretical definition of economic crime, its forms, the concept of payment cards, as well as the characteristic manifestational forms of their abuse, closer analyzes the crime of Forgery and credit card fraud, and that through the research part, which will be based primarily on quantitative analysis data, presents its relation with overall crime in Serbia, than with the quantitative data of the group of crimes against the economy, and finally, with the other individual crimes against the economy.

## 1. Theoretical and legal definitions

In theory there is no unanimity on the concept of economic crime. For example, Ignjatovic believes that the justification for the Identification with of criminality terms "white collar" and "crime corporation", as same is because both criminal activities are

<sup>2</sup> Ignjatović, Đ.: *Crime in Serbia: analysis of statistical data*. In: Đorđe Ignjatović (ed.), *Crime in Serbia and legal means of action*, Faculty of Law, University in Belgrade, Belgrade, 2007, p. 11.

<sup>3</sup> Tanjević, N., *op. cit.*, p. 350.

<sup>4</sup> Arežina, N., Stefanović, D., Mizdraković, V., Džamić, V. and Alčaković, S.: *Representation of crimes against the economy and economic offenses in the Republic of Serbia*. In: *Economic crime and modern business*, XV International Scientific Conference SINERGIJA 2014, Bosnia and Herzegovina, Bijeljina, 2014, pp. 1-6, p. 1.

<sup>5</sup> The Criminal Code, "Official Gazette of the Republic of Serbia" No. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014.

<sup>6</sup> Constitution of the Republic of Serbia, "Official Gazette of the Republic of Serbia" No. 98/2006.

carried out in the same areas and in the same way, and victims are either all citizens or organization that employs the offender, or second, competitive company. They are carried out by the same persons, where is the crime, "white collar" understood in the narrow sense, only more pronounced personal selfish motive. With these two terms we have largely exhausts the area that we call economic crime.<sup>7</sup>

Regardless of the different approaches in defining economic crime as a general concept, it is indisputable that there is a considerable number of forms of economic crime, all the more complex in structure and more dangerous in the field of application.

The forms of crime against the economy and economic systems include offenses that are directed against the economic activity and economic system. The forms of crime in this area are known for their ability to be adapted to the specific socio-economic and political conditions so that they experience certain transformation, but there are also new forms of crime. They include those criminal activities that occur in the field of industries and production, construction and urban planning, trade (buying and selling), foreign trade (imports and exports), as well as crimes that are related to the process of ownership transformation.<sup>8</sup> Banovic classified economic crimes according to the forms that they appear in, classical and contemporary. Classical forms include forms of crime in the production, domestic trade, and in foreign trade. In modern forms of economic crime, that are the result of new tendencies in the social, political and economic relations, are included forms of crime in the area of fiscal liabilities, bank operations, ownership transformation (privatization), cybercrime, money laundering and others.<sup>9</sup> The content of contemporary forms of economic crime is much more diverse and complex compared to its content in the past, especially during the dominant role of social ownership. Contemporary economic crime is characterized primarily by the conditions in which it is expressed, referring to the commercial and economic conditions the given country, as well as regional and international economic order. Therefore, the content of economic crime is highly variable, which is quite logical, because of its conditionality emerging socio-economic and political relations which inevitably creates the conditions for change and the emergence of new forms.<sup>10</sup>

What particularly characterizes contemporary forms of economic crime are its organized forms, or cohabitation of organized crime and modern forms of economic crime. In that context, it is necessary to start from the basic common characteristics of organized crime and economic crime, and that is the pursuit of acquiring illegal material benefits or maximizing profit and power. Also, it is important to specify the key difference between these two forms of crime, and that is a way of acquiring and increasing profits. In fact, economic crime is about the unlawful activities of individuals and institutions that have entered into a business that could gain profit by legitimate business, while organized crime includes illegal activities of entities whose aim from the

<sup>7</sup> Ignjatović, Đ.: *Criminology*, Belgrade: Nomos, 1998, p. 212.

<sup>8</sup> Šikman, M., Domuzin, R.: Phenomenological dimension of economic crime, *Bezbjednost, policija, građani*, Vol. IX, No. 3-4/2013, pp. 1-20, p. 6-7.

<sup>9</sup> Banović, B.: *Preservation of evidence in criminalistic process of criminal acts of economic crime*, Belgrade-Zemun: Police College, 2002.

<sup>10</sup> Bošković, M.: *Economic Crime*, Banja Luka: Faculty of Security and Protection, 2009, p. 10.

beginning was the acquisition and maximizing profit by illegitimate means.<sup>11</sup> However, it can be concluded that "the transition to the market economy, the free movement of people and capital, the non-transparent privatizations, the dissolution of the authority of the state authority are just some of the factors which favored the amplification of the manifestations of organized crime".<sup>12</sup>

Typical criminal acts of economic crime, which belong to the group of criminal offenses against the economy are: counterfeiting money and stocks, forgery and abuse of credit cards, tax evasion, smuggling, money laundering, abuse in connection with public procurement, causing bankruptcy, causing false bankruptcy, abuse of authority in economy, etc.

Forgery and abuse of credit cards is a specific criminal offense against the economy, whose protective object is stability of payment operations in the country.

Assets, the economy, the financial system, official duty, legal system are just some of the legally protected terms that are affected by long-term effects of actions related to the crimes against the economy.<sup>13</sup>

Generally speaking, crimes against the economy represent those activities that indicate an attack or threat to the economy, as the basis of social relations and to further expanse of society.<sup>14</sup>

According to the definition of the Criminal Code (Article 225), forgery and abuse of credit cards makes the person who makes a false payment card or alters a genuine payment card with intent to use it as a real one or by the use of such false card as genuine. The basic form of this offense is punishable by imprisonment of six months to five years and a fine. If the offender obtained unlawful material benefit by using fake credit cards, he will be punished by imprisonment of one to eight years and a fine. If the offender illicitly gained the amount that exceeds one million five hundred thousand dinars, shall be punished by imprisonment of two to twelve years and a fine. Those fines shall be imposed on the offender who comits those illegal activities by using someone else's card or confidential data that uniquely regulate the card in the payment system. Person that obtains a fake bank card in order to use it as genuine, or whoever obtains information with the intention to use them for making false payment cards, shall be punished by a fine or imprisonment up to three years. According to the legal definition the false bank cards will be confiscated.

Payment card is a contemporary and specific non-cash payment, plastic cards issued by banks or other financial institutions that allows the user to pay for goods and services or withdraw cash.<sup>15</sup> According to the application, payment cards are divided into credit, debit, cash and electronic cash cards. Bank card users are clients who have signed a contract with the banks, which together with the general rules include the

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<sup>11</sup> Petrović, D.: *Organization of a criminal association*, Belgrade: Serbian Association for Criminal Law, 1996, pp. 38-39.

<sup>12</sup> Pašca, I.C.: Evolution of the Legislation on Preventing and Combating Organised Crime, *Journal of Eastern-European Criminal Law*, No. 1, 2014, pp. 128-134, p. 129.

<sup>13</sup> Pavlović, Z., Bošković, A.: Place of the crime of money laundering within the criminal law of Serbia, *Journal of Eastern-European Criminal Law*, No. 2, 2015, pp. 81-91, p. 83.

<sup>14</sup> Čejović, B., Kulić, M.: *Criminal Law*, Novi Sad: Faculty of Law for Commerce and Judiciary, University Business Academy, 2014, p. 463.

<sup>15</sup> Kresoja, M.: Criminal protection of payment cards in banking business, *Pravo-teorija i praksa*, Vol 27, No. 1-2, 2010, p. 44.

manner and conditions under which the card can be used. Payment card can be used only by the person whose name is on the payment card. To misuse of payment cards in comes when the card is used by the person who is not original owner of the card or either authorized by the user to do so.

There are many ways how to misuse the payment cards, and the forms from day to day changes in the formation of new or improvement of existing forms, and all because of finding new ways to circumvent security measures.

From the definition of the offense it can be seen that there is a clear distinction between counterfeiting payment cards and misuse of payment cards so as specifically prescribed making false payment cards, obtaining false payment cards and data as well as modification, whereas paragraph 4 prescribed unauthorized use of payment cards.

The action of the basic form of the offense was determined by the alternative and consists in creating fake payment cards, alteration of real payment cards with the aim to use them as genuine, and the fraudulent use of payment cards. The action of this crime consists in undertaking any action that is determined by legal forms as being a criminal offense. By creating, means making false payment cards of the items that was not previously a payment card.

Under the remaking of the payment card is considered a change in the nature, appearance and content of the payment card, or restatement of real payment card so that it gets a different look than the one it has, all in order to be used as unmodified payment card.<sup>16</sup>

When we say use, we are talking about placing false or modified payment cards in circulation, *i.e.* their use. Therefore the action of this crime represents any use of false or altered payment card as they are real.<sup>17</sup>

Forgery and credit card fraud have two qualified forms, considering the height of illegal proceeds generated by criminal act. The Criminal Code stipulates same sanctions for qualified forms as in the case when an offender commits criminal act by unauthorized use of someone else's payment card or confidential data that uniquely regulate the card in the payment system.

And with the privileged forms acts is alternatively determined and consists in obtaining fraudulent payment card in order to be used as a real one, or to obtain information in order to use it to make fake debit cards.

With regard to the type of crime, if it comes to the creation and modification of the payment card, the offender may be any person who has the necessary professional and technical skills and equipment. In the case of using the payment cards, this requirement is not necessary.

In terms of culpability, this offense can only be done with intent, but that is in some form requires the need and intention of the offender (for example, mentioned the creation and modification of payment cards).

The specificity of the offense of Forgery and credit card fraud is, that in its basis is a theft, and that as in the case of misuse of the payment card that need to be illegally, most often through theft, obtained, and when it comes to counterfeiting payment cards, by using specific way of theft from computer systems of commercial banks, data about

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<sup>16</sup> Ivanović, R., A.: Forgery and abuse of credit cards, *Perjanik*, Vol. 9, No. 26, 2011, p. 7.

<sup>17</sup> *Ibid.*, p. 8.

existing payment cards is stolen, which can then be used in order to create new payment cards based on the data illegally obtained.<sup>18</sup>

Despite the fact that there is a large number of new payment methods, the number of users who use payment cards is growing rapidly and is increasingly shopping activity on the Internet. At the same time, credit cards are the most vulnerable when using the Internet because of the possibility of being compromised and subsequent abuse. Throughout the world the perpetrators of criminal acts that deal with abuse of payment cards in the context of organized criminal groups commit crimes over the Internet, usually in the hope to obtain significant unlawful material benefit.<sup>19</sup>

## 2. Methodology, legal and data sources used

The goal of this this paper, in addition to theoretical and legal definitions, is to closely analyzes the offense Forgery and credit card fraud, and through the relationship with the overall crime in Serbia, followed by the quantitative data for entire group of crimes against the economy, and finally, with the other individual criminal offenses against the economy.

In this paper is primarily applied a normative method, complemented with analytical method for the theoretical analysis of the content and deductive methodological approach when drawing conclusions. The primary legislative source that was consulted in the paper is the Criminal Code of Serbia.

In the section devoted to the results of the work of judicial authorities regarding the initiated and conducted criminal proceedings for the crime of Forgery and credit card fraud, the basic quantitative data analysis shall be concluded.

## 3. Analysis of the results of the judicial authorities in Serbia in criminal proceedings against adult perpetrators of crimes against the economy and the total number for all crimes on the territory of the Republic of Serbia for the period 2012-2015

In this part of the paper that is going to analyze the results of the judicial authorities in Serbia in criminal proceedings against adult perpetrators of crimes against the economy and the total number for all crimes on the territory of the Republic of Serbia, we will analyze the relationship between the number of reported adults and issued convictions for the crime Forgery and abuse of credit cards, the number of reported adults and enacted convictions for the group of criminal offenses against the economy during the period 2012-2015., then for all crimes on the territory of the Republic of Serbia in this period, and will, in the end to do a comparative review of the number of reported adults and enacted convictions for other individual crimes against the economy.

<sup>18</sup> Janković, S.: Forgery and credit card fraud as a manifestation of the computer crime, *Bezbednost*, Vol. 53, No. 1, 2011, p. 181.

<sup>19</sup> Urošević, V., Uljanov, S.: Impact of carder's forum on the expansion and globalization of misuse of credit cards on the Internet, *NBP – žurnal za kriminalistiku i pravo*, No. 2, pp. 13-24, 2010, p. 15.

**Table 1. Number of reported adults for crimes against the economy and the total for all crimes on the territory of the Republic of Serbia in the period 2012-2015.**

Criminal offenses	2012. year	2013. year	2014. year	2015. year
<b>TOTAL – ALL CRIMES ON THE TERRITORY OF THE REPUBLIC OF SERBIA</b>	<b>92.879</b>	<b>91.411</b>	<b>92.600</b>	<b>108.759</b>
Crimes against the economy	<b>3221</b>	<b>3397</b>	<b>3347</b>	<b>3526</b>
<b>INDIVIDUAL CRIMES:</b>				
Counterfeit money	167	128	119	178
Counterfeiting of Securities	9	7	9	2
<b>Forgery and credit card fraud</b>	<b>193</b>	<b>264</b>	<b>503</b>	<b>397</b>
Falsifying marks for value	28	19	102	21
Making, procuring or providing other means of forging	1	/	6	/
Issuing check and use of payment cards without coverage	487	296	169	172
Avoidance of Withholding Tax	1132	106	62	63
Tax Evasion	103	1051	712	715
Smuggling	141	106	98	155
Money laundering	21	3	9	14
Abuse of monopolistic position	4	2	7	3
Unauthorized use of another's business name and other special mark of goods or services	38	26	80	111
Dereliction of business operations	59	/	/	/
Abuse in connection with public procurement	/	11	17	32
Abuse of the position of the responsible person	/	542	684	697
Causing bankruptcy	14	16	19	13
Causing false bankruptcy	15	27	3	5
Damage to the creditor	47	61	52	50
Abuse of authority in economy	514	478	396	352
Deterioration of business reputation and credit standing	1	3	2	6
Disclosure of trade secrets	8	7	3	5
Disabling of control	9	9	6	10
Illegal manufacturing	18	20	35	87
Illegal trade	195	191	226	410
Deceiving buyers	8	12	25	15
Forging character, or government stamps for marking goods criteria and articles of precious metals	9	12	3	13

Source: Republican Bureau of Statistics: Press release - Justice Statistics, no. 199, vol. LXIII, 2013, p. 5; Republican Bureau of Statistics: Press release - Justice Statistics, no. 191, vol. LXIV, 2014, p. 5; Republican Bureau of Statistics: Press release - Justice Statistics, no. 192, vol. LXV, 2015, p. 5; Republican Bureau of Statistics: Press release - Justice Statistics, no. 189, vol. LXVI, 2016, p. 5.

**Table 2. Number of convicted adults for crimes against the economy and for all crimes on the territory of the Republic of Serbia in the period 2012-2015.**

Criminal offenses	2012. year	2013. year	2014. year	2015. year
<b>TOTAL – ALL CRIMES ON THE TERRITORY OF THE REPUBLIC OF SERBIA</b>	<b>31.322</b>	<b>32.241</b>	<b>35.376</b>	<b>33.189</b>
Crimes against the economy	<b>932</b>	<b>1169</b>	<b>1543</b>	<b>1609</b>
<b>INDIVIDUAL CRIMES:</b>				
Counterfeit money	89	82	70	68
Counterfeiting of Securities	9	/	2	3
<b>Forgery and abuse of credit cards</b>	<b>74</b>	<b>111</b>	<b>88</b>	<b>101</b>
Falsifying marks for value	4	3	2	5
Making, procuring or providing other means of forging	2	1	3	3
Issuing check and use of payment cards without coverage	127	143	133	82
Avoidance of Withholding Tax	24	22	44	30
Tax Evasion	246	290	400	449
Smuggling	78	112	72	95
Money laundering	1	3	2	2
Abuse of monopolistic position	1	/	5	/
Unauthorized use of another's business name and other special mark of goods or services	9	10	24	32
Dereliction of business operations	8	/	/	/
Abuse in connection with public procurement	/	/	2	1
Abuse of the position of the responsible person	/	94	337	317
Causing bankruptcy	1	4	5	2
Causing false bankruptcy	/	1	/	1
Damage to the creditor	25	19	22	23
Abuse of authority in economy	135	154	230	183
Deterioration of business reputation and credit standing	/	3	/	1
Disclosure of trade secrets	2	1	1	/
Disabling of control	/	/	/	2
Illegal manufacturing	13	4	5	25
Illegal trade	81	103	90	181
Deceiving buyers	3	7	4	3
Forging character, or government stamps for marking goods criteria and articles of precious metals	/	2	2	/

Source: Republican Bureau of Statistics: Press release - Justice Statistics, no. 199, vol. LXIII, 2013, p. 9; Republican Bureau of Statistics: Press release - Justice Statistics, no. 191, vol. LXIV, 2014, p. 9; Republican Bureau of Statistics: Press release - Justice Statistics, no. 192, vol. LXV, 2015, p. 9; Republican Bureau of Statistics: Press release - Justice Statistics, no. 189, vol. LXVI, 2016, p. 9-10.



#### 4. Discussion of the results of the judicial authorities in Serbia in criminal proceedings against adult perpetrators of crimes against the economy and for all crimes on the territory of the Republic of Serbia

As seen from the analysis results of judicial authorities, had presented the number of reported adults and enacted convictions for all offenses from Chapter XXII of the Criminal Code in the period 2012-2015. The goal was to look at the representation of the offense Forgery and abuse of credit cards in relation to the number of reported adults and enacted convictions for the group of criminal offenses against the economy, compared to the total crime in the territory of the Republic of Serbia, but also make a comparative review of other individual criminal offences that belong to the group of criminal acts against the economy.

From Table 1 it can be seen that the individual crimes against the economy for which is filed the most criminal charges against adults (in relation to the number of criminal charges for the entire group of criminal offenses against the economy, and in relation to the number of criminal charges for all crimes in the Republic of Serbia) is as follows: Avoidance of Withholding Tax (2012.-1132 criminal charges), Issuing check and use of payment cards without coverage (2012.- 487; 2013.- 296 criminal charges), Abuse of authority in economy (2012.- 514; 2013.- 478; 2014.- 396; 2015.- 352 criminal charges), Tax Evasion (2013.- 1051, 2014.- 712; 2015.- 715 criminal charges), Abuse of the position of the responsible person (2013.- 542; 2014.- 684; 2015.- 697 criminal charges), Forgery and abuse of credit cards (2013.- 264; 2014.- 503; 2015.-397 criminal charges), Illegal trade (2014.- 226; 2015.- 410 criminal charges). Of all the individual crimes against the economy, criminal charges that most were filed in 2012 are for the crime Avoidance of Withholding Tax (1132), and in 2013, 2014 and 2015 for the crime Tax Evasion (2013.-1051; 2014.- 712 and 2015.- 715).

Forgery and abuse of credit cards, in relation to the total number of crimes in Serbia, is performed in the following proportions: 2012- 1:482; 2013.- 1:347; 2014.- 1:184; 2015.- 1:274, and we can see that during the four-year period of study there is no constant in the number of crimes, and the number of reported adults, in relation to the total crimes.

Forgery and abuse of credit cards, in relation to all offenses from the group of crimes against the economy, conducted in the following proportions: 2012- 1:17; 2013.- 1:13; 2014.- 1:7; 2015.- 1:9, and we can also see that even in this case there is no continuous progression of the number of reported adults, in comparison to the group of crimes against the economy, but the values obtained vary.

If we do a comparative review of each individual criminal act, it can be seen that Forgery and abuse of credit cards is one of the most represented offense from the group of criminal offenses against the economy.

From Table 2 can be seen that the individual acts against the economy for which enacted the most convictions against adults (in relation to the number of condemnatory judgment for the entire group of crimes against the economy, and in comparison to the number of the same, for all offenses in the Republic of Serbia) is as follows: Forgery and abuse of credit cards (2013.- 111, 2015.- 101 conviction) Issuing check and use of payment cards without coverage (2012.- 127, 2013.- 143, 2014.- 133 convictions), Tax Evasion (2012.- 246; 2013.- 290; 2014.- 400; 2015.- 449 convictions), Smuggling (2013.- 112 convictions), Abuse of the position of the responsible person (2014.- 337; 2015.- 317 convictions), Abuse of authority in economy (2012.- 135; 2013.- 154; 2014.- 230;

2015.-183 convictions), Illegal trade (2013.- 103; 2015.- 181 convictions). Of all the individual crimes against the economy, since 2012.-2015, most of the convictions were issued for the crime of Tax Evasion (2012.- 246, 2013.- 290, 2014.- 400, 2015.- 449).

The scale number of enacted convictions for Forgery and abuse of credit cards, in relation to the total number of crimes in Serbia, is: 2012- 1:423; 2013.- 1:291; 2014.- 1:402; 2015.- 1:329, and we can see that in the case of the number of condemnatory convictions for Forgery and abuse of credit cards in relation to the total number of convictions in Serbia, during the four-year period varies, *i.e.* there is no progressive (or regressive) continuity.

The scale number of enacted convictions for Forgery and abuse of credit cards, in relation to the group of crimes against the economy is: 2012- 1:13; 2013.- 1:11; 2014.- 1:18; 2015.- 1:16, and we can see that in this case, as previously, the results, according to their values, vary by years.

If we do a comparative review to the number of enacted convictions for other individual criminal acts, it is evident that Forgery and abuse of credit cards, according to this criterion, also belongs to the group of highly present crimes against economy.

## Conclusion

At the end of the fifties and sixties of the XX century, following the development of financial transactions, give rise to a number of payment cards. Credit card use was spreading quickly, not only for business and tourist travel, but also for carrying out commercial activities, using them from the hotel to the agency rent-a-car and commercial houses. Today, anyone can pay with credit card almost everywhere.<sup>20</sup> In contrast to many benefits, the use of credit cards carries certain risks, which relate to various aspects of the abuse and counterfeiting them. Payment cards can be misused in various ways and forms change of the day-to-day bases because of the formation of new or improvement of existing ones.

From the analysis results of judicial authorities in Serbia in criminal proceedings against adult perpetrators, it is evident that there is no proportional increase nor proportional decline in the number of reported adult perpetrators, nor enacted convictions for Forgery and abuse of credit cards in relation to all crimes in Serbia and crimes against the economy, for the reference period from 2012 to 2015. Although, it can be concluded that the Forgery and abuse of credit cards is highly represented criminal offense, from a group of specific crimes against the economy, and we can not deny the fact that the possibilities for abuses in the use of credit cards far outweigh the submitted applications and enacted judgments. This points to the fact that in this area there is a „dark number“ in detecting offenses, which means that a significant number of crimes in this sphere in general are not even detected, or they are covered by some other crime.

“Dark number“ of a misconduct means first of all that there is no reliable information on the volume, structure, dynamics and other important indicators of the importance it represents for the community. Every form of crime is inherent in this

<sup>20</sup> Pavlović, Z.: *Protection of payment cards by Criminal Law*. In: Proceedings „New solutions in the criminal legislation and experiences in their implementation“, Association for Criminal Law and Criminology, Zlatibor, 2006, pp. 164-171, p. 164.

characteristic. Practice has shown that it is very difficult to collect reliable and accurate data on the prevalence of the offense Forgery and abuse of credit cards, because of the multitude of ways in which payment cards can be falsified and misused.

The increase in the volume of cash transactions paid by credit cards in recent years in Serbia is following world trends. The use of debit and credit cards has been constantly growing for years. That plastic money is slowly replaces paper, depicted by the fact that during 2008 in Serbia there were registered about 5.8 million credit cards and through them in the first nine months of this year a record turnover of around 250 billion had been achieved.<sup>21</sup>

There are many advantages of using payment cards as cashless payment method. It is clear that the credit card business will constantly develop in the future. Strengthening the system of computer data processing in Serbia, Europe and the world gives impetus for the development of card business. It is evident that the forms of abuse in this segment and in qualitative and in quantitative terms become more complicated and dangerous. Therefore, the treatment of credit cards deserves special attention.

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