UDC: 343.436:004
DOI: 10.5937/PDSC26030P

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THE CRIMINAL OFFENCE OF STALKING IN THE DIGITAL ENVIRONMENT – A STATISTICAL AND CRIMINOLOGICAL ANALYSIS

Abstract: The digitalization of social relations and communication has led to the emergence of new forms of crime, among which stalking committed through the use of information and communication technologies occupies a significant place. The digital environment enables continuous contact with victims through social media, communication applications, and electronic mail, thereby increasing the opportunities for both the commission and concealment of this criminal offence. The particular social danger posed by stalking lies in the fact that it often constitutes an introduction to, or precedes, the commission of more serious forms of violence and other criminal offences. Taking into account the importance of the digital environment for the manifestation of contemporary forms of crime, this paper analyses the criminal law, criminological, and statistical aspects of the criminal offence of stalking in the Republic of Serbia, with the aim of examining its basic characteristics, forms of manifestation, and prevalence under contemporary conditions of digital communication. Statistical data on persons reported, indicted, and convicted of the criminal offence of stalking provide insight into the prevalence, dynamics, and basic

characteristics of this form of crime in the Republic of Serbia. An examination of these aspects contributes to a more comprehensive understanding of the manifestations of stalking in the digital environment and the challenges it poses to the contemporary system of criminal law protection.

Keywords: *stalking, digital environment, digital victimization*

1. Introduction

Contemporary society is characterized by the rapid development of information and communication technologies, which have significantly transformed the way social relationships are established, communication is conducted, and information is exchanged. Digital platforms, social media, as well as numerous electronic communication applications, have become an integral part of everyday life, enabling rapid and unrestricted interconnection among their users. At the same time, the widespread and unrestricted availability of technology has created a space for the emergence of new forms of crime, as well as for the adaptation of traditional forms of criminal behaviour to the conditions of the digital environment.

With regard to the criminal offence of stalking, the Amendments to the Criminal Code adopted in 2016 introduced this offence into the Criminal Code of the Republic of Serbia (Article 138a). This brought domestic legislation into alignment with the international obligations arising from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), which has been ratified by the Republic of Serbia.

The need to introduce the criminal offence of stalking into domestic criminal legislation arose from the increasingly pronounced and persistent acts of harassing and following other persons, as well as establishing unwanted contact with them, both online and in person. The commission of this criminal offence seriously infringes fundamental human rights and freedoms, including privacy, personal safety, and psychological integrity, while also causing feelings of insecurity and fear. Ultimately, it may also endanger the right to life, given that the legislator has envisaged death as a possible consequence resulting from stalking.

Stalking can be defined in various ways; however, its defining characteristic is the continuous pursuit of contact with the passive subject against their will. The particular significance of criminalizing such conduct lies in the fact that it often constitutes an introduction to more serious forms

of violence. Therefore, a timely criminal law response performs an important preventive function and contributes to more effective victim protection, particularly in the digital environment.

The development of information and communication technologies has given rise to new modes of committing stalking. Unlike traditional forms of stalking, the digital environment enables offenders to maintain continuous unwanted contact with victims, monitor their activities, misuse their personal data, and engage in various forms of harassment without spatial or temporal limitations, often with a high degree of anonymity. This increases the intensity and duration of victimization, while simultaneously making the timely detection and proving of such forms of criminal behaviour more difficult. For this reason, contemporary criminal justice systems pay particular attention to the normative regulation of this criminal offence, as well as to the study of its phenomenological and criminological characteristics, particularly in the context of the accelerated digitalization of social relations.

The subject of this paper is an analysis of the criminal offence of stalking in the digital environment from criminal law, criminological, and statistical perspectives. The paper first examines the statutory elements of the criminal offence of stalking in the Republic of Serbia, followed by an analysis of its basic criminological characteristics and the specific features of its manifestation in the digital space. On the basis of official statistical data provided by the Statistical Office of the Republic of Serbia, the paper then examines the main trends concerning persons reported, indicted, and convicted of this criminal offence during the period from 2020 to 2024. The aim of the paper is to contribute to a more comprehensive understanding of this criminal offence through an integrated analysis of normative, theoretical, and statistical indicators.

2. Criminal Law Framework of Stalking

The criminal offence of stalking is prescribed by Article 138a of the Criminal Code of the Republic of Serbia. This criminal offence is committed by a person who, over a certain period of time, persistently engages in any of the alternatively prescribed acts.

The acts constituting the criminal offence include: unauthorized following or undertaking other acts with the aim of physically approaching another person against their will; attempting to establish contact with another person directly, through a third party, or by means of communication; misusing the personal data of another person or a person

close to them for the purpose of ordering goods or services; threatening to attack the life, body, or freedom of another person or a person close to them; and undertaking other similar acts in a manner that may substantially endanger the personal life of the person against whom the acts are directed or of a person close to them. The prescribed penalty is a fine or imprisonment for a term of up to three years (Criminal Code, 2005).

If the commission of this criminal offence causes a danger to the health or bodily integrity of the person against whom the offence was committed or of a person close to them, the offender shall be punished by imprisonment for a term of three months to five years. Where the consequence is the death of the person against whom the offence was committed or of a person close to them, imprisonment for a term of one to ten years is prescribed.

A prerequisite for the commission of this criminal offence is that the conduct be carried out persistently over a certain period of time. One of the primary issues that may arise in determining the elements of this criminal offence concerns the specified temporal requirement for its commission. Since the legislator does not provide a more precise indication of the relevant time frame, this may potentially create difficulties in the legal qualification of the offence. In addition, the requirement of persistently engaging in certain acts also raises the issue of the unspecified number of repetitions required. Based on the wording of the provision, it may be concluded that the actus reus will not exist if the conduct is undertaken only once. However, an act repeated twice does not, in itself, necessarily convey an impression of *persistence* in pursuing any intention, including the commission of a criminal offence.

The criminal offence of stalking may be committed by any person who intentionally performs one of the alternatively prescribed acts of commission, provided that the intent encompasses both the temporal element prescribed by law and the repeated undertaking of such acts. Thus, under the existing legal provision, it is essential that the offender's intent encompass the repeated undertaking of the acts over a certain period of time (Đokić, 2018, p. 184).

It is entirely irrelevant whether the offender acts with direct intent, where the offender is aware of their act and desires its commission, or with eventual intent, where the offender is aware that they may commit the offence and accepts that possibility (Ranđelović, 2016). In this regard, it appears indisputable that the offender's intent must encompass the decision to undertake the acts constituting the offence repeatedly over a certain period of time, since the repetitive nature of the acts of commission

represents one of the fundamental characteristics of stalking (Paunović, 2019, p. 35).

The subjective element of this criminal offence is reflected in the fact that the passive subject does not wish to have the contact that the offender seeks to establish with them, which may be manifested either actively or passively, and of which the offender must be aware (Dragojlović, 2025, p. 69).

With regard to the occurrence of a consequence of this criminal offence, the legislator has adopted a mixed approach. In most cases, the occurrence of a specific consequence is not required, since the offence is formulated in such a way that the mere commission of the prescribed acts constitutes a completed criminal offence. An exception is the fifth act of commission, where the consequence consists of "substantial endangerment of the personal life," which is likewise subject to broader interpretation. In such cases, the court must establish that the act undertaken is of such a nature that it may endanger the personal life of the passive subject. If this does not occur, the conduct constitutes an unpunishable attempt (Stojanović, 2017).

There is no universally accepted definition of stalking. However, one of the most frequently cited definitions describes stalking as "a pattern of behaviour directed at a specific person that involves repeated acts of establishing visual or physical proximity, unwanted communication, or verbal, written, or implied threats, or a combination of all such acts, which would cause a reasonable person to experience fear" (Stanković, 2021, p. 17). In some foreign legal systems, the criminal offence of stalking is classified as a result crime, in which case the relevant statutory provisions also require that the acts undertaken have caused serious adverse changes in the way of life of the passive subject (Stojanović, 2020, p. 523).

This criminal offence is distinctive in that it may encompass various modalities of conduct, both in person, through direct contact and communication with the passive subject, and through digital platforms, the latter of which has become increasingly common.

3. Criminological Aspects of Stalking in the Digital Environment

A criminological analysis of stalking in the digital environment entails examining this phenomenon through the characteristics of offenders and victims, patterns of offending, motives, as well as social and technological factors contributing to its prevalence. The development of information and communication technologies has significantly altered the ways in which stalking manifests itself, enabling offenders to continuously monitor, harass,

and establish unwanted contact with victims without spatial or temporal limitations. Such circumstances have contributed to the emergence of new forms of victimization, with the digital environment increasing the intensity and duration of the harmful consequences suffered by victims. Therefore, in addition to the criminal law framework, a comprehensive understanding of this phenomenon requires an analysis of its criminological characteristics, which enables a more thorough examination of the causes, forms of manifestation, and characteristics of stalking in contemporary digital society.

In the literature, traditional forms of stalking are defined as a pattern of behaviour involving repeated unwanted intrusions and communication directed towards another person. Some scholars associate the existence of such behaviour with a minimum level of intensity and continuity, namely at least ten separate intrusions or instances of communication over a period of at least four weeks. These forms include various types of physical surveillance and harassment, such as remaining in the vicinity of the victim, monitoring and direct approaches, as well as communication through letters, telephone calls, and other conventional means of communication. Under contemporary conditions, such patterns of behaviour have also extended to the digital environment, where similar acts are carried out through electronic mail, social media, and other information and communication technologies, thereby giving rise to a distinct form of stalking in cyberspace, referred to in the literature as cyberstalking (Roberts, 2005, p. 92).

Contemporary research indicates that stalking in the digital environment represents a complex and multidimensional phenomenon, the manifestation of which depends on the interaction between the individual characteristics of offenders and victims, the opportunities provided by digital platforms, and the broader social and normative context. At the same time, although information and communication technologies enable new patterns of offending and increase the intensity of harassment, stalking in the digital environment does not constitute an entirely new form of criminal behaviour. Rather, it is closely connected to traditional forms of stalking, with which it shares numerous phenomenological and victimological characteristics. Therefore, understanding this phenomenon requires an integrated examination of both the specific features arising from the digital environment and its continuity with conventional forms of stalking (Kaur et al., 2021, p. 1).

Building on this understanding of the nature of cyberstalking, criminological literature pays particular attention to the analysis of factors contributing to its occurrence and manifestation.

In understanding the etiology of cyberstalking, particular importance is attached to factors that contribute to its occurrence and the development of victimization. In this regard, individual and situational factors are particularly significant. Risk factors include previous victimization, prior interpersonal conflicts, as well as offender characteristics such as the need for control and dominance and recurring patterns of harassment. In addition, specific features of the digital environment, including user anonymity, the ease and speed with which repeated contact can be established, and the absence of temporal and spatial limitations, contribute to the increased accessibility of victims and a greater risk of continuous harassment (Kim, 2023).

The patterns of cyberstalking are adapted to the opportunities provided by contemporary information and communication technologies. They most commonly manifest through the repeated sending of unwanted messages via electronic mail, messaging applications, and social media; continuous monitoring of the victim's online activities; impersonation; identity misuse; the publication or unauthorized use of personal data; unauthorized access to user accounts; as well as various forms of harassment, threats of violence, unwanted sexually suggestive communications, and other forms of unwanted contact with the victim. Compared to traditional forms of stalking, the digital environment enables offenders to use multiple communication platforms simultaneously, act continuously, and often remain anonymous, thereby further increasing the intensity, frequency, and duration of harassment (Begotti & Maran, 2019, p. 2).

With regard to offenders' motives, the literature emphasizes that they are largely associated with a previous or desired relationship with the victim. The most frequently identified motives include attempts to restore a terminated intimate relationship, a desire for revenge following a breakup, the desire to establish an intimate relationship with the victim, as well as the need to exercise control and dominance over the victim. These motives largely correspond to those characteristic of traditional forms of stalking, indicating that the digital environment primarily changes the manner in which the offence is committed, while the underlying motives of offenders largely remain unchanged (Weekes, Storey & Pina, 2026, p. 1017).

The aforementioned theoretical findings are largely corroborated by the results of empirical research, which provide insight into the characteristics of offenders, the dynamics of offending, and the consequences of cyberstalking in practice.

Empirical research indicates that cyberstalking, in terms of its fundamental characteristics, course of offending, and consequences for

victims, largely corresponds to traditional forms of stalking, with former intimate partners continuing to represent the most prevalent category of offenders (Sheridan & Grant, 2007, p. 627).

Although cyberstalking occurs in a digital environment, its effects on the psychological well-being of victims are, to a large extent, comparable to those resulting from traditional forms of stalking. In a significant number of cases, offenders are complete strangers to their victims, which constitutes one of the relevant distinctions in comparison with conventional forms of stalking. Behaviours characteristic of cyberstalking may result in serious psychological, emotional, and financial consequences. Victims frequently experience symptoms consistent with the clinical presentation of post-traumatic stress disorder, including persistent hypervigilance and intrusive, unwanted recollections of traumatic events. These consequences may have a long-term adverse impact on an individual's everyday functioning, as well as on the quality of their social relationships and professional activities (Short et al., 2015, p. 30).

It may be concluded that cyberstalking represents a contemporary form of stalking whose distinctiveness lies primarily in the manner of commission and the opportunities provided by the digital environment, whereas its fundamental criminological characteristics, offenders' motives, and consequences for victims largely correspond to those of traditional forms of stalking.

4. Statistical Indicators of the Criminal Offence of Stalking in the Republic of Serbia

In order to examine the scope and dynamics of the criminal offence of stalking in the Republic of Serbia, an analysis was conducted of official statistical data provided by the Statistical Office of the Republic of Serbia concerning adult persons reported, indicted, and convicted of this criminal offence during the period from 2020 to 2024. The analysis of these indicators provides insight into the prevalence of the criminal offence of stalking, its main trends, as well as key indicators of criminal prosecution and judicial proceedings.

	2024	2023	2022	2021	2020
Total number of criminal reports	387	388	422	383	382
Total number of known offenders	343	339	358	336	326
Indictment – indictment proposal	177	163	166	142	142
Persons indicted	190	174	171	166	136
Conviction – defendant found guilty	152	141	149	133	110
Security measure imposed	19	22	14	19	16

Table 1. *Statistical Indicators of the Criminal Offence of Stalking in the Republic of Serbia (2020–2024) (Source: Statistical Office of the Republic of Serbia)*

The analysis of the presented statistical indicators shows that the criminal offence of stalking represents a continuously present form of crime in the Republic of Serbia. During the observed period, certain annual fluctuations in the number of reported cases can be observed; however, they are not of such magnitude as to indicate a pronounced upward or downward trend in this criminal offence. At the same time, the relative stability of officially recorded cases does not necessarily mean that the actual prevalence of stalking has remained unchanged, given the existence of the so-called dark figure of crime. Namely, victims often refrain from reporting stalking due to fear of the offender, emotional attachment to the offender, distrust in the effectiveness of institutions, or the belief that the reported conduct will not be adequately sanctioned.

A comparison of the number of reported cases and the number of known offenders indicates that, in a large proportion of recorded cases, the offender is identified. This relationship may be associated with the nature of this criminal offence, since stalking often occurs between persons who know each other or who have had a certain personal, intimate, or professional relationship. However, based on the available statistical data, it is not possible to determine which specific factors contribute to the identification of offenders, nor to analyse the manner in which this criminal offence is committed.

Statistical indicators concerning persons indicted and convicted point to a relatively stable level of prosecution for the criminal offence of stalking. It should be borne in mind, however, that data on persons reported, indicted, and convicted represent aggregated annual figures and do not allow the course of individual cases to be traced from the filing of a criminal report to the final conclusion of the proceedings. Consequently, no direct correlation

can be established between these categories, nor can conclusions be drawn regarding the effectiveness rate of criminal prosecution solely on the basis of the statistics presented.

The number of security measures imposed remains relatively low throughout the observed period, indicating that such measures are applied restrictively and only in cases where the statutory requirements have been met. This finding is not unexpected, given that the imposition of such measures depends on the existence of specific statutory prerequisites rather than on the frequency of commission of the criminal offence itself.

When interpreting the presented data, their methodological limitations must be taken into account. Official statistical records do not distinguish between stalking committed in the physical environment and stalking committed through the use of information and communication technologies. Consequently, it is not possible to statistically determine the proportion of digital stalking within the total number of recorded cases. Nevertheless, given the intensive digitalization of social relations and the increasingly widespread use of electronic means of communication, it can be expected that information and communication technologies will play an increasingly significant role in the commission of certain forms of stalking. Therefore, the presented statistical indicators provide an important framework for understanding the overall prevalence of this criminal offence, while the analysis of its digital manifestations must be based on case law, empirical research, and other data sources that extend beyond the scope of official criminal statistics.

CONCLUSION

The criminal offence of stalking represents a specific form of endangerment of an individual's freedom, safety, and psychological integrity, the characteristics of which have been further transformed by the development of information and communication technologies. An analysis of the criminal law framework demonstrates that the applicable legislation of the Republic of Serbia provides a basis for criminal law protection against stalking, while the criminological analysis indicates that the digital environment primarily changes the manner in which this criminal offence is committed, enabling offenders to engage in continuous harassment of victims, extend the reach of their activities, and often remain anonymous. At the same time, the motives of offenders, patterns of behaviour, and consequences for victims largely correspond to the characteristics of traditional forms of stalking. Therefore, cyberstalking may be regarded as a contemporary manifestation of an already existing criminal phenomenon.

An analysis of official statistical data for the period from 2020 to 2024 shows that the criminal offence of stalking represents a continuously present form of crime in the Republic of Serbia, with no significant fluctuations observed in the number of reported, indicted, and convicted adult offenders. However, the presented statistical indicators have certain methodological limitations, as they do not allow for a distinction between stalking committed in the digital environment and stalking committed through traditional means. For this reason, official statistics provide reliable data on the overall prevalence of this criminal offence, but do not allow for a precise assessment of the prevalence of its digital forms.

Given the increasingly intensive use of information and communication technologies in everyday social interactions, it can be expected that digital forms of stalking will become increasingly significant within the overall structure of this criminal offence. Therefore, in addition to the consistent application of existing criminal law protection mechanisms, it is necessary to improve the methods of recording and monitoring these forms of crime, as well as to encourage empirical and interdisciplinary research that will enable a more comprehensive understanding of their manifestations, causes, and consequences. Such an approach may contribute to more effective victim protection and to the further improvement of preventive and repressive measures in the field of stalking in the digital environment.

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