

## LEGAL REACTION TO PREVIOUS STAGES OF EXECUTION OF CRIMINAL ACTIONS IN CRIMINAL LEGISLATIONS IN THE COUNTRIES OF FORMER YUGOSLAVIA

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**Abstract:** legal reaction to criminality is based upon the regulations of criminal law which, by their content, represent an ultima ratio in fighting against criminality. Contemporary criminal legislations, as well as criminal legislations from the area of the countries of former Yugoslavia, have incorporated provisions by which legal intervention is tended to be achieved in so called previous stages of committing a criminal action. The above mentioned represents both traditional and necessary mean in fighting contemporary and more severe forms of criminality. In criminal legislations from the area of former Yugoslavia the area of punishment is in certain cases expanded to the stage of preparation of criminal actions, whether it is done by first or second model of legal regulations of this legal institute. The author of this work reflects the legal reactions of criminal legislations concerning previous stages of committing criminal actions.

**Key words:** criminal action, preparatory actions, criminal legislation.

### INTRODUCTION

In order to preserve the safety of its citizens and prevent criminality a legal country uses diversity of legal means. It is unquestionable to start from the so called "smoother" means of legal reaction when preventing and suppressing socially harmful behavior, and that only with the most dangerous forms of socially harmful behavior, that is, with criminal behavior, the norms of criminal law are applied that by their legal nature represent the utmost repressive merit. Still, there are certain forms of criminal behavior that contribute to committing certain criminal action, and that are, either by their features, or due to the object of legal protection that they endanger, severe to that degree that they are incriminated by contemporary legislations.

Namely, in most of the cases in the range of activities that are aimed at committing criminal action and by which one has approached the realization of their plans, certain stages of development can be distinguished through which the

agency of the doer before the criminal action is done. Thus, for example, after bringing a decision to commit a criminal action, a doer procures the means for committing it, informs itself about execution of the action, or performs some other actions that have the aim to ease the execution of that action, and only after realization of the mentioned activities, does a doer approach to the execution itself.

Concerning the above mentioned, a problem appears for the authorities that carry out penal policy, of determining on which position in the development of the activity aimed at committing a criminal action the legal intervention should start. Criminal law, as it is stated by Bačić, should give an answer to the question whether each action aimed at committing a criminal action, that is, the first outer action itself, is subject to a penalty, or for punishment it is necessary that the activity of the doer reaches certain phase.<sup>1</sup>

A special question that is abstracted with the legal institute of preparatory actions concerns their punishment, that is, non-punishment. For this question under discussion two main aims are connected and criminal law, as both science and branch of legal system, aims at their accomplishment. On one hand, there is an aim to protect the society from criminality, which withal represents one of the basic functions of criminal law, while on the other hand, there is the function of criminal law (and generally the policy of suppression of criminality) that implies the protection of human rights and freedom.<sup>2</sup>

A question is imposed whether the society (state) should "wait" and not assume any activities concerning the persons who clearly manifest criminal intentions, that is, perform certain activities that can be characterized as preparatory actions, thus making the values in society more subjected to criminal actions?

However, is it on the other hand justified to apprehend certain person and punish them for some activities that can be characterized as preparatory actions in the concrete stage of execution of criminal action, even though that person has still not started performing the criminal action? Does this not violate the rights and freedom of an individual in some society, that is, can authorities be sure that the stated person shall really commit a criminal action or not, or, possibly, having changed their mind, they will give up on their further actions and,

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1 See Bačić, F, *Početak izvršenja krivičnog djela i kažnjive pripremne radnje*, Doktorska disertacija (neobjavljena), Pravni fakultet, Zagreb, 1954. god., str. 27.

2 Generally known principles and, above all, functions of criminal law; namely, it is emphasized that in criminal law a care should be taken about protection of public safety, as well as protection of individual liberty, and a balance should be found between accomplishment of these two aims; see Stephen, M., „Criminal Attempts and the Subjectivism/Objectivism Debate“ in *Ratio Juris*; 2004; vol 17; issue 3; p. 329; Камбовски, В., *Казнено право– општ дел*, Правен факултет „Јустинијан први“, Скопје, 2006. год., стр. 460; see Saffering, J.M.C., „Die Abgrenzung zwischen strafloser Vorbereitung und strafbaren Versuch im deutschen, europäischen und im Völkerstrafrecht“ in *Zeitschrift für die gesamte Strafrechtswissenschaft*; 2006. jahre; Vol. 118; S. 682.

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even more, use the procured means for socially useful purposes?<sup>3</sup>

It is inconceivable and unjustified by a country and the penal policy it leads not to incriminate certain activities from the stage of preparation of criminal action. Incrimination of the activities from the previous stage of *iter criminis* represents a traditional form of legal reaction to socially negative behaviors in criminal legislations from the area of former Yugoslavia as well. Incriminations with this sign are present in all legislations: Criminal Code of Bosnia and Herzegovina, Criminal Code of Serbia, Criminal Code of the Republic Montenegro, Criminal Code of Croatia, Criminal Code of Slovenia, and Criminal Code of Macedonia.

For the beginning, it should be noted that preparatory actions represent a stage of committing a criminal action that appears after the made decision on its execution. The aim of this stage is to make the best conditions that will ensure easier execution of a criminal action. Unlike the activities pointed in the stage of making a decision on committing a criminal action, which, as it is emphasized, happen mostly in the human psyche and are not visibly emphasized, that is not the case with the activities in preparatory actions. In this phase there appear activities that are manifested in the outer world and that can cause certain consequences. Thus, preparation of criminal action represents the first stage, in which activities that contribute to execution of such an action are materialized.

Preparation of criminal action as a stage is preserved through a whole range of activities, which are not and cannot be taxatively counted. There are mainly the following groups of preparatory actions that can be perceived: procurement and enabling of means for committing a criminal action, removing obstacles that might disable future execution of criminal action, agreeing, making plans and organizing with others the execution of criminal action, and other activities that make the conditions for committing such an action. It can be seen that the named activities can be classified into three groups, and that at the end one formulation is given that anticipates that preparatory actions represent all the activities that create the conditions for committing criminal action, the function of which is to determine the character of preparatory actions to all those activities that can be listed under none of the given types.

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3 Maybe *Hamisch* demonstrates the mentioned problem in the best way, pointing out that criminal law: "permits the intervention on the basis of danger before the criminal action is completely executed, but the state intervention cannot be made too early, in the sense that freedom of individuals is not respected, including in the first place the freedom to decision-making, where individuals can change their minds and decide not to commit a criminal action.", see *Hamisch, S.: „The Centrality of the act Requirement for Criminal Attempts“* in: *University of Toronto Law Journal*; 2005. year; vol. 51.; p. 401.; see *Pelser, C. M.: „Preparations to commit a crime- the Duch approach to inchoate offences“* in *Utrecht Law Review*; year 2008.; vol. 4.; issue 3.; p. 63.; *Stojanović, Z., Krivično pravo – opšti deo*, Službeni glasnik, Beograd, 2001. god., str. 221.

## LEGAL NATURE OF PREPARATION OF CRIMINAL ACTION IN CRIMINAL LEGISLATIONS FROM THE AREA OF FORMER YUGOSLAVIA

Upon the decomposition of the former Socialist Federal Republic of Yugoslavia, on the territory of newly created countries independent criminal legislations came to existence. These legislations approached bringing up to date of criminal laws and implementation of new legal solutions, which concerned assignment of new legal norms into criminal laws, their modification, but also elimination of certain legal solutions. Preparatory actions belong to the group of legal institutes that have gone through many changes. In the following part of the text, it will be given a short presentation of legal solutions that concern the preparation of criminal actions. We have pointed out that in legal systems of the countries from the area of former Yugoslavia both models of legal regulation of preparatory actions as a stage of accomplishment of the criminal action are represented; the first model according to which preparation of criminal action is determined in the regulations of both general and special part of criminal laws, thus as an institute of criminal law and as a criminal action; and the second model according to which the stage of preparation of criminal action is regulated in special parts of criminal laws and through incriminations.

The first model of legal regulation of preparatory actions is today represented in the Criminal Code of the Republic of Macedonia. The rest legislations have regulated preparation of criminal actions in the provisions of the special part, that is, only in the form of criminal actions. The Criminal Code of the Republic of Macedonia<sup>4</sup> is the only legal act on the territory of former Yugoslavia that remained on the model from 1977, and in the provisions of the general part has enacted preparatory actions. Preparation of criminal action is regulated together with the attempt of criminal action under the frame of provisions that concern criminal action and criminal responsibility. According to the article 18 of the premise 1 of the Criminal Code of the Republic of Macedonia "a person who prepares for committing criminal action with the intention shall be punished only when that is strictly anticipated by the law".<sup>5</sup>

Article 2 anticipates: "preparatory actions can be defined in the law as special criminal action, or they can be determined by law as penal preparation of certain criminal action". It comes from this that preparatory actions appear as *delicta sui generis* and *delicta preparata*. The content of preparatory actions is determined in the article 3 from which it arises that: "preparation can be made of procurement and enabling of the means for execution of criminal action, removing obstacles for the execution of criminal action, agreement, planning or

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<sup>4</sup> Criminal Code of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia", No. 37/06);

<sup>5</sup> See Kambovski, V., *op. cit.*, p. 457;

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organizing with other doers of criminal actions, as well as other activities that create conditions for direct execution of criminal action and that do not represent the action of execution."<sup>6</sup>

Preparation of criminal action as an institute of general part is not included in the rest of laws from the area of former Yugoslavia. Criminal Code of the Republic of Serbia<sup>7</sup>, Criminal Code of the Republic of Montenegro<sup>8</sup>, Criminal Code of the Republic of Slovenia<sup>9</sup>, Criminal Code of the Republic of Croatia<sup>10</sup>, Criminal Code of Bosnia and Herzegovina<sup>11</sup>.

Hence, the above mentioned Criminal Codes in their general regulations do not contain preparatory actions, but in the special part they contain a whole range of incriminations that reflect preparatory actions. It is about incriminations in the form of independent and non-independent criminal actions. Only few of incriminations will be shown in this paper.

In the first place, a really unusual incrimination should be emphasized, which appears in criminal legislation of Bosnia and Herzegovina under the name Preparation of criminal action (article 248 of Criminal Code of Bosnia and Herzegovina, article 339 of Criminal Code of Federation of Bosnia and Herzegovina, article 333 of Criminal Code of District Brčko of Bosnia and Herzegovina and article 361a of the Law on amendments of Criminal Code of the Republic of Srpska). It is about the activities that were anticipated in former article 18 of Criminal Code of the Socialist Federative Republic of Yugoslavia and as it was anticipated in positive criminal legislation of the Republic of Macedonia, with the designation that Macedonian legislator anticipates sanctioning of these activities concerning criminal actions only when anticipated by the law. By this provision legislators in Bosnia and Herzegovina have made the stage of preparation of criminal action generally penal since sanctioning was anticipated for preparation of all criminal actions that can be sentenced to jail in the period over 3 to 5 years, if harder/special sentence is not anticipated for them.

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6 See Kambovski, V., *op. cit.*, p. 457; It can be seen that in the latter mentioned way of preparation of criminal action the legislator does not use the formulation "... when that is due to their social danger..." from the article 18, premise 3; in this legal act the legislator has also anticipated the provisions on voluntary withdrawal from preparatory actions (article 21), analogue to the most of criminal legislations that regulate preparatory actions in the general part of criminal law. It can be emphasized that Macedonian legislator decided for, as *Kambovski* points out, principle impunity of preparatory actions. According to legal provision, preparatory actions represent premeditation actions that precede the execution of a criminal action. This is how preparatory actions are in a functional connection to future criminal action

7 Criminal Code of the Republic of Serbia („Official Gazette of the Republic of Serbia“, No. 85/05 и 88/05) *see also* amendments of the Criminal Code 72/09; 111/09; 121/12;

8 Criminal Code of the Republic of Montenegro („Official Gazette of the Republic of Montenegro“, No. 70/04), *see also* amendments of the Criminal Code 47/06; 40/08; 25/10 и 32/11;

9 Criminal Code of the Republic of Slovenia (“Official Gazette of the Republic of Slovenia“, No. 55/08);

10 Criminal Code of the Republic of Croatia (“National papers of the Republic of Croatia“, No. 125/11);

11 Criminal Code of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina“, No. 03/03); The mentioned is the case with the rest of criminal codes in Bosnia and Herzegovina.

When it comes to other incriminations the mentioned laws (with the exception of the Criminal Code of the Republic of Slovenia) anticipate punishment for preparation of criminal actions that are aimed at endangerment of constitutional order and state, as well as activities from the stage of preparation that relate to the area of criminal actions against humanity and other values protected by international law. The activities from this range are made punishable due to the importance of goods they are aimed at. It is about general incriminations that relate to preparation of criminal actions, and that are formulated as Preparation of actions against constitutional order and safety of the Republic of Serbia (article 320), Preparation of criminal actions against the Republic of Croatia (article 350), Preparation of actions against constitutional order and safety of the Republic of Montenegro (article 373), Preparation of actions against constitutional order of the Republic of Srpska (article 310), and similar is anticipated by the article 326. of Criminal Code of the Republic of Macedonia.

From the group of criminal actions that protect a country another characteristic incrimination should be pointed out. It is about preparatory actions of organized character, that is, consociation for execution of these criminal actions. Thus, the Criminal Code of the Republic of Serbia in the article 319 contains incrimination Consociation for anti-constitutional activities, and a similar incrimination is the part of the Criminal Code of the Republic of Montenegro (article 372), while this incrimination in the Criminal Code of Bosnia and Herzegovina is formulated as Organizing associations for execution of criminal actions against constitutional order of Bosnia and Herzegovina (article 170), and this incrimination is contained in the Criminal Code of the Republic of Macedonia (article 324). It is interesting to point out that in the Criminal Code of the Republic of Croatia incrimination with such content is not found. Apart from the mentioned, in the area of criminal activities against humanity and values protected by international law, incriminations can be found with the designation of preparatory actions and in the Criminal Code of the Republic of Serbia Organization and encouragement to committing genocide and war crimes (article 375), article 431 of the Criminal Code of the Republic of Montenegro, that is, in the article 176 of the Criminal Code of Bosnia and Herzegovina<sup>12</sup>, while in the Criminal Code of the Republic of Croatia we can find incrimination Preparation of criminal actions against values protected by international law (article 103).

Apart from the mentioned, all legislations contain other "general" criminal actions that reflect preparatory actions. It is about "typified" incriminations that represent traditional instrument of confrontation to criminality. These are the criminal actions of Criminal association (article 401 of Criminal Code of the Re-

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12 More precisely, in the Criminal Code of Bosnia and Herzegovina incrimination appears under the name *Organizing a group of people and encouragement to committing criminal actions of genocide, crime against humanity and war crimes*

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public of Montenegro, article 394 of the Criminal Code of the Republic of Macedonia), Criminal association (article 294 of Criminal Code of the Republic of Slovenia, article 249 of Criminal Code of Bosnia and Herzegovina, article 383 of Criminal Code of the Republic of Srpska, article 328 of the Republic of Croatia), that is Association for execution of criminal actions (article 346 of the Criminal Code of the Republic of Serbia), as well as criminal action of Agreeing for execution of criminal action (article 345. Criminal Code of the Republic of Serbia, article 400 of Criminal Code of the Republic of Montenegro, article 393 of Criminal Code of the Republic of Macedonia, article 295 of Criminal Code of the Republic of Slovenia and article 327 of Criminal Code of the Republic of Croatia, article 247 of Criminal Code of Bosnia and Herzegovina, that is, article 384 Criminal Code of the Republic of Srpska). The criminal action of Production and procurement of weapons and means aimed at execution of criminal actions (article 347 of Criminal Code of the Republic of Serbia, article 306 of Criminal Code of the Republic of Slovenia, article 330 of Criminal Code of the Republic of Croatia, article 395 of Criminal Code of the Republic of Macedonia, article 398 of Criminal Code of the Republic of Srpska), that is Production and procurement of weapons and means aimed at execution of criminal actions (article 402 of Criminal Code of the Republic of Montenegro). In the same manner, all observed legislations contain provisions by which activities from the previous stage are incriminated, and that relate to system of payment. Those are the following incriminations Production, procurement and giving to others the means for forgery (article 271 of Criminal Code of the Republic of Macedonia, article 227 of Criminal Code of the Republic of Serbia), Production, procurement and giving to others the means and materials for forgery (article 262 of Criminal Code of the Republic of Montenegro, article 278 of Criminal Code of the Republic of Srpska), while in the Criminal Code of the Republic of Croatia this incrimination is found in the special group of criminal actions under the name Criminal actions of forgery (in the article 283).

Apart from the mentioned, legal reaction of the state through expansion of the zone of punishment it can be seen concerning other incriminations. Above all, it should be pointed out that in the legislation of Bosnia and Herzegovina, rather in the Criminal Code of Bosnia and Herzegovina the zone of punishment is expanded in relation to criminal actions from the area of terrorism to the activities of Financing of terroristic activities<sup>13</sup>(article 202), (it is similarly anticipated in the article 393 of Criminal Code of the Republic of Serbia, as well as in the article 109 of Criminal Code of the Republic of Slovenia, article 98 of Criminal Code of the Republic of Croatia, 394c of Criminal Code of the Republic of Macedonia), Training for execution of terroristic activities (202c) (it is similarly anticipated in the article 101 of Criminal Code of the Republic of Croatia in which the crim-

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<sup>13</sup> Incrimination of these activities is anticipated in the article 2 of International Convention on Suppression of Financing of the Terrorism 9<sup>th</sup> December 1999.

inal action appears under the name Training for terrorism, that is in the article 447b, premise 2 of Criminal Code of the Republic of Montenegro) and Organizing terroristic group (article 202d),<sup>14</sup> (in the Criminal Code of the Republic of Croatia and Criminal Law of the Republic of Montenegro it is about the criminal action of Terroristic association from the article 102, that is 449a), while in the Criminal Code of the Republic of Macedonia we can find incrimination under the name Terroristic organization (article 394a). Since special criminal actions can be found with the designation of preparatory actions provisions appear by which activities in the form of organizing or association for execution of criminal actions of slave trade, that is, from the area of computer crime. Thus, the Criminal Code of the Republic of Macedonia in the article 418c incriminates the activities of Organizing groups and encouraging the execution of criminal actions of slave trade, trade of minors and smuggling migrants while in the Criminal Code of the Republic of Serbia these activities are incriminated in the frame of criminal activities of the slave trade (article 388 premise 6). It should be also pointed out that in the mentioned criminal legislations preparatory actions that relate to execution of criminal actions from the area of computer crime are incriminated, where in the Criminal Code of the Republic of Serbia it can be noticed that the criminal action of Production, procurement and giving to others the means for execution of criminal actions against safety of computer data (article 304a), while in the Criminal Code of the Republic of Croatia criminal action of Abuse of devices can be found in the article 272.

### **CRITICAL REVIEW ON REGULATON OF LEGAL INSTITUTE OF PREPARATION OF CRIMINAL ACTIONS ON THE TERRITORY OF FORMER YUGOSLAVIA**

It can be seen that almost all criminal legislation from the area of former Yugoslavia on the line of contemporary criminal law concerning (above all) incrimination of preparation of criminal action. Namely, most of criminal legislations of the states created by decomposition of the former Socialist Federative Republic of Yugoslavia (Macedonia is isolated here) has resolved to regulate preparatory actions in special part of criminal laws.

In criminal codes of these countries we can find expansion of the zone of punishment concerning preparatory actions that relate to criminal actions that protect the country.

At the beginning, all laws incriminate the actions that consist of contribution and enabling of execution of criminal actions that protect the country.

Two standard criminal actions stand out, which concern associating for execution of these criminal actions, that is, generally on "*preparation*" of crimi-

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<sup>14</sup> 14 Law on amendments of Criminal Code of Bosnia and Herzegovina, ("Official Gazette of Bosnia and Herzegovina, No. 08/10);



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nal actions. The mentioned represents incrimination that is present in all criminal laws and relates to specific criminal actions from this area<sup>15</sup> with the designation that in criminal legislations of the Republic of Serbia and the Republic of Montenegro, that is Bosnia and Herzegovina, preparatory actions are incriminated, which appear in the form of "*departure and transfer of people, weapon, explosives, poisons, equipment, munition...*", with definition of "people" in the Criminal Code of Bosnia and Herzegovina as "*spies, commandos and terrorists*". Apart from the mentioned, the criminal legislation of the Republic of Serbia and the Republic of Montenegro incriminate *Associating for anti-constitutional activities*, and it is similarly anticipated in the criminal legislation of Bosnia and Herzegovina.

Unusual solution concerning these criminal actions are(not) contained in the Criminal Legislation of the Republic of Slovenia that does not anticipate the provision by which preparation of criminal actions against constitutional order is incriminated, that is the Criminal Code of the Republic of Croatia that does not anticipate the provision in which actions of organizing/associating for execution of these criminal actions are incriminated. Preparatory actions appear in Criminal Legislation of the Republic of Macedonia, where the following actions are sanctioned: organizing, groups, gangs or any other association, i.e., appertaining to a group, gang or association. Expansion of the zone of punishment concerning criminal actions from the area of terrorism is, as can be seen, quite equable through sanctioning of activities of *financing of terrorism, organizing groups or terroristic association*, that is actions of *training for execution of terroristic activities*.

Special incrimination with the designation of preparatory actions from the area of computer criminality is contained only in Criminal Code of the Republic of Serbia that expands the zone of punishment to *production, procurement and giving to others means for execution of activities against safety of computer data*. Standard criminal actions are present with the designation of preparatory actions that protect system of payment of a country, with the ascertainment that in the Criminal Code of the Republic of Croatia stands out the criminal action of *production, procurement, owning, sale or giving to others means for forgery*, that is, in the Criminal Code of the Republic of Srpska the criminal action of *production, procurement and giving to others means for forgery*.

Further on, criminal actions are present in all legislations, which relate to agreeing for execution of criminal action, organizing of criminal associations as well as production and procurement of means aimed at execution of criminal actions, and in all criminal legislations these criminal actions are listed in the area of criminal actions that relate to public order. However, certain distinctions

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<sup>15</sup> 15 In the Criminal Code of the Republic of Croatia it is about preparation of criminal actions of *High treason, depravation of fight against enemy, Depravation of state army and defense power*, in the Criminal Code of the Republic of Macedonia *Murder of the representatives of the highest authorities, Armed conflict, terroristic endangerment of constitutional order and safety*, as well as in the criminal act of *Sabotage*.

are also present here when it comes to legal being of criminal actions. As an example of criminal action where certain differences exist we can cited *Production and procurement of means aimed at execution of criminal actions*. What is the same with all observed criminal codes is related to “means” that are related to preparatory actions; “they” are always determined as “weapons”, “explosive”, “munition” and “poisons”. Distinction is seen above all in the Criminal Code of the Republic of Slovenia, Criminal Code of the Republic of Slovenia and Criminal Code of the Republic of Croatia, where this incrimination does not embrace “holding means for their production.”

In this manner the zone of punishment for these preparatory actions is confined in the legislation of the Republic of Slovenia, that is, of the Republic of Serbia and the Republic of Croatia. Apart from this distinction, in the Criminal Code of the Republic of Montenegro, the Republic of Serbia, as well as the Republic of Slovenia (with this provision) it cannot be seen any incrimination of activities that relate to the first type of preparatory actions aimed at contribution to computer criminality. By observing provisions by which the activity of *agreement* can be incriminated (article 393 premise 1), concord to executing criminal action is sanctioned, which can get sentence to jail from 4 years of harder punishment (article 393 premise 2); while the Criminal Code of the Republic of Croatia anticipates the possibility of absolving of the sentence for a person that reveals the agreement before the criminal action that is prepared, is done (article 327 premise 2).

When it comes to incriminating preparatory actions that relate to organizing criminal associations in the observed legislations it can be seen that there are certain particularities. Thus, in the Criminal Code of the Republic of Montenegro in the provisions of special part it can be differed and incriminated the *criminal associating* and *creation of criminal organization*, where it can be seen that *creation of criminal organization* represents harder form of preparatory actions, which exists in the case of fulfillment of specially anticipated conditions.

It is similar with the article 346 of the Criminal Code of the Republic of Serbia which anticipates incrimination of *organizing groups* or *creation of organized criminal group* (as well as membership itself) that is labeled as harder form of co-preparation of criminal actions, and it can be seen that Serbian legislator anticipates punishment for forming *organized criminal group* itself not determining the weight of those criminal actions for which it is organized. Certain distinction in the context of these activities is found in the Criminal Code of the Republic of Croatia. This law does not anticipate the borders concerning the weight of criminal actions for execution of which the criminal organization is made and led. Further on, this law in the article 328 anticipates and defines activities of “*co-participation*” in criminal association and punishment for “*participation*” itself of a person who “*still has not committed any crime action for that association, or assumes some*

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*other action that is not criminal action, but for which the person knows contributes the accomplishment of a goal of criminal association, or financially or in some other way supports the criminal organization...".* In the end, it should be pointed out one particularity, which is emphasizing that criminal association can be organized for execution of only one criminal action as well.

### RESUME

It can be seen that penal policy of the countries of former Yugoslavia, concerning the stage of preparation of criminal action, is roughly equable, accepting some exceptions. First of all, it should be emphasized that the Criminal Code of the Republic of Macedonia that is the only remained in the line with legal solution from 1977 and as such it treats the stage of preparing a criminal action and in the regulations of the general part, thus, as a general legal institute. The rest of legislations are, we can point out, in the line with the majority of contemporary legislations and activities of preparation of criminal actions are treated in the regulations of special part of criminal laws, as criminal actions. Next, when we speak of the particularities that can appear concerning the regulation of this institute, it should be remarked the legal solution in positive criminal law in Bosnia and Herzegovina and incrimination under the title "Preparation of criminal action" by which the stage of preparation of criminal action is made generally punishable. With the rest of criminal regulations this provision does not exist. What is, formally observed, to some extension similar in the observed criminal legislations from the area of former Yugoslavia concerns the so called "standardized" criminal actions with the content of preparatory actions and criminal actions which, when observing some group protective objects the area of punishment is regularly moved (as is the case in most of contemporary legislations), for example, with criminal actions that protect constitutional order, that is humanity and values protected by international law, then criminal actions which sanction certain activities from the area of preparatory actions (for example, agreement for committing criminal actions, organizing criminal alliance, that is production and procurement of weapons and means aimed at committing criminal actions), as well as some activities that represent special form of the above mentioned preparatory actions and are mostly aimed at execution of criminal actions against legal communications and system of payment of one country.

Concerning the above mentioned, it should be concluded that (accepting the mentioned exceptions) criminal legislations from the area of former Yugoslavia realize the punishment for the previous stage of accomplishment of criminal action (preparatory action) in the similar way to the legal solutions of contemporary criminal legislations.

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ЗЕМАЉА БИВШЕ ЈУГОСЛАВИЈЕ**

*мр Драгана Милијевић*

Висока школа унутрашњих послова

Бања Лука

**Апстракт:** Кривичноправна реакција на криминалитет утемељена је на одредбама кривичног права које по својој садржини представљају *ultima ratio* у борби против криминалитета. Савремена кривична законодавства, па и кривична законодавства са подручја земаља бивше Југославије имају инкорпориране одредбе путем којих се настоји остварити кривичноправна интервенција у тзв. претходним стадијумима остварења кривичног дјела. Наведено представља како традиционално тако и нужно средство у борби против савремених и све озбиљнијих видова криминалитета. У кривичним законодавствима са подручја бивше Југославије зона кажњивости је у одређеним случајевима проширена и на стадијум припремања кривичних дјела, било да се то чини путем првог или другог модела законског регулисања овога кривичноправног института. Аутор у раду даје приказ казненоправне реакције кривичних законодавстава у погледу претходних стадијума остварења кривичног дјела.

**Кључне ријечи:** кривично дјело, припремне радње, кривично законодавство.