

Criminal Sanctions and their Development in the Socialist Federal Republic of Yugoslavia

Doc. dr. Nenad Bingulac

Assistant Professor, The Faculty of Law for Business and Judiciary in Novi Sad

Abstract

It is not necessary to indicate the special character of criminal sanctions in the criminal-legal sense, as well as their importance for every society and country. Even during the Second World War on the liberated territories the first rules of national authorities were adopted, that have had a broader significance of the "criminal justice" although they predicted actions of punishing the enemies of the people and confiscation. In this paper, as and derives from its title, we will deal with the development of criminal sanctions in SFRY, which represents a time period from Second World War until the breakup of the state in the nineties of the twentieth century. Research of development of criminal sanctions during this period due expediency of representation, will be considered in three separate stages. Through a period from 1944 to 1951, from 1951 to 1976 and the period from 1976. Each of these stages have particular significance for the development of criminal sanctions and each of them represents a specific social circumstance, as well as clearly visible borders and crossings. In a separate part of the study we will make a reference to the period after the collapse of SFRY and which manner of what kind of impact on criminal sanctions it had. The primary objective of this study is to examine and consider the development of criminal sanctions in the period of the SFRY. In the last part of the paper, conclusions will be presented that have been reached in this study.

Keywords: *criminal sanctions, the development of criminal sanctions, the period after the Second World War.*

1. Opening remarks

The criminal legislation of the Socialist Federal Republic of Yugoslavia celebrated its temporal and spatial validity of an important stage not only in the criminal sense, but also in social and national terms.

The criminal legislation of SFRY, was valid as far as it SFRY existed as a state, and includes the period of the last year of Second World War until the breakup of the state of the twentieth century.

During this period, the development of society and the state, was also followed by development of criminal legislation.

In criminal law, during this period, one can distinguish three major stages of development of criminal sanctions in the legislation from the aspects from which we are considering the types of criminal sanctions.

By analyzing this period, it can be seen that in almost any change or amendment to the criminal legislation there were also some changes in criminal sanctions. New

criminal sanctions have been introduced and existing were abandoned or what followed was their prequalification into other forms of criminal sanctions. On this state, respectively to this changes, significantly affected social development, and within it especially should highlight the construction of socialist self-management system, but also the position of man in socialist society.

In addition to the social development, the development of criminal justice, was influenced by the foreign criminal law and criminal law doctrine. One of the main features of this development is a constant tendency for humanization of criminal sanctions.¹

As already mentioned, the criminal legislation of SFRY lasted until the breakup of country in early nineties of the twentieth century, that is, it lasted a few years after the collapse because it remained in the then newly established countries.

In brief, it is necessary to point out the reasons for the breakup of SFRY. During the period of the nineties of the twentieth century in Europe, especially in those parts, *i.e.* states that have previously been subject to a greater or lesser influence of the USSR, primarily in political terms, was followed by many social and political changes, which have resulted in the formation of several smaller countries from a single one, as can be seen in the case of SFRY, or what followed was internal changes, as can be seen in the case of Hungary and other countries of the former so-called. Eastern Bloc.

SFRY broke during this period to number of new countries, to the Federal Republic of Yugoslavia, the Republic of Croatia, the Republic of Slovenia, the Republic of Macedonia and Bosnia and Herzegovina. Legally speaking, the legal continuity was assumed by the Federal Republic of Yugoslavia, which consisted from two countries, the Republic of Serbia and the Republic of Montenegro. In legal terms, immediately after the collapse of the former unified state, unified (criminal) legal system all the countries of the former Yugoslavia have retained their former Republic criminal codes, which will be more explained later in this paper, but it that legal system was kept only until the adoption of new laws by each country individually.²

The new criminal laws that emerged in the new countries of the former Yugoslavia had clear differences, but true to the form not only because it is still a European continental system but also because of many legal - legislative habits acquired during the fifty years of the existence of a single criminal justice system.³

After a small outing, we emphasize that the central aim of this research will be based on the development of criminal sanctions in SFRY to be viewed through the aforementioned stages of development.

2. First Stage of Development of Criminal Sanctions – period from 1944 to 1951

After the capitulation of the Kingdom of Yugoslavia a previously applied laws ceased to exist.

During the war, more precisely, between the second and third offensive of February 1942, the liberated territory of Foca, the Supreme Headquarters of the People's

¹ Srzentić, N., Stajić, A. i Lazarević, Lj.: *Krivično pravo Socijalističke Federativne Republike Jugoslavije - opšti deo*, Savremena administracija, Beograd, 1981, pp. 312.

² Bingulac, N. i Dragojlović, J.: *Development of criminal sanctions in Serbia after the breakup of SFR*. *Yugoslavia*, Journal of Eastern Criminal Law, no. 2/2016, Faculty of law, University of Timisoara, pp. 216.

³ *Ibid.*

Liberation Army (PLA) and Yugoslav partisan (PMUs) adopted the first regulations on the organization and operation of National Liberation Committee (NLC), as follows: Explanations and instructions for the work of the National Liberation Committee and the tasks and organization of National Liberation Committee. These two documents, known as Foca's regulations.⁴

With Foca's regulations as first codified provisions of the liberated territory, people's government becomes institutionalized. Mentioned documents with a ten-point regulated the questions of ways and forms of realization of the revolutionary-democratic self-government during the war, electoral principles, sources of supply of army actions to punish enemies of the people and the confiscation.⁵

During that period, namely in May 1944, the Supreme Headquarters PLA and PMUs issued a decree on military courts and the National Liberation Army and in that way re-established system of criminal sanctions in Yugoslavia after the Second World War.

Article 16 Regulation prescribes that military courts impose penalties and protective measures: a) reprimand, b) a material penalty (monetary in nature, in the part), v) from the expulsion of residence, g) *i.e.* deprived of the rank titles, d) removing from the position, f) the forced operation for a period of three months to two years, e) a heavy forced operation for a period of three months to two years or more, and g) a death sentence. In addition to these penalties the court may impose the loss of military honor, the loss of civic honor at a certain time or forever, and confiscation of property.

It can be seen that this Regulation prescribes eight sentences and three protective measures.

The Law on the types of penalties in Democratic Federal Yugoslavia (DFY), which was adopted in 1945, stipulates in Article 1 of the following penalties: a) fine, b) the compulsory operation without detention, c), the expulsion of the place of residence, d) a loss of political and some civil rights, e) the loss of the public service, f) the prohibition to act as a specific activity and craft, g) or loss of demotion or positions, h) detention, i) seizure of property, j) arrest with hard labor, k) loss of citizenship and l) death sentence.⁶ Mentioned penalties may be imposed on civil and military courts, as stipulated by the same article.

After adjustment of the Law on the types of penalties DFY in 1945 with the first Constitution of the SFRY of 1946 (which is modeled after the Constitution of the USSR from 1936 known as Stalin's constitution), which is also represented and comply with emerging changes in society, criminal sanctions sitem included, in addition to those already mentioned in the Law on the types of penalties DFY from 1945, with minimal changes and merger of some sentences, there is an obligation to repair the damage.

In this newly-reaffirmed law called Act on the certificate and amendments to the Law on the types of penalties from 1946, included are the provisions for juvenile offenders.⁷ For them, it was prescribed that instead of fines, a corrective measures can

⁴ Ferdo Čulinović (1949) *Razvotak ZAVNOH-a*, Historijski zbornik, year 2, no.1-4, pp. 14-15.

⁵ Petranović, B: *Istorija Jugoslavije 1918-1988, druga knjiga - Narodnooslobodilački rat i revolucija 1941-1945*, Nolit, Beograd, 1988., pp. 210.

⁶ Uredba o vojnim sudovima Narodnooslobodilačke vojske, Vrhovni štab NOV i POJ, maj 1944. godine

⁷ Zakon o potvrdi i izmenama Zakona o vrstama kazni iz 1946. godine, Službeni list FNRJ, br. 66/46.

be imposed, namely: a) handing over the education of their parents or other persons who care for them, b) reprimand and v) referral to a correctional institution.⁸

As it can be seen, the system of criminal sanctions in this period consisted of twelve penalties and three corrective measures.

The Criminal Code of SFRY from 1947, chapter four, predicted the three types of criminal sanctions: a) fines; b) health-protective measures; c) corrective measures.

Fines which may be prescribed are: a) death penalty, b) arrest and forced labour, c) arrest, d) the corrective work, e) loss of citizenship, f) the confiscation of property, g) loss of civil rights, h) loss of rank, i) prohibition on practicing a profession, j) expulsion, k) fines and l) repairing the damage.

It can be seen that in turn was followed by some changes in the system of penalties, including former sentence of forced labor with deprivation of liberty can be replaced by a fine or a proportionate penalty of deprivation of liberty; but can not be imposed to the Army officers or soldiers who are in active service, and also to the policemen and Peoples Militia. Former penalty of expulsion from the place of residence now allows, in addition to expulsion from the place of residence and expulsion. The penalty losing political and individual civil rights, which prescribed deprivation: a) active and passive electoral rights, b) right to take elective positions in community organizations, v) rights of wearing honorary titles, medals and other public honors, g) the right-taking state or any public or service titles, d) the right to pension and social insurance and f) parental rights; now represents the penalty of losing the civil rights, and in addition to the prescribed added the invalidation of the public appearance; it is necessary to indicate that no such penalty has included the former separate penalty of losing the right to a public service. The former ban on practicing certain activities and craft now has a different name and to ban specific occupations. The former penalty of demotion of the title is replaced by a term loss of rank and it only applies to the officers and NCOs in an active capacity.⁹

When it comes to corrective measures, it is pointed out that the Law on the types of penalties from 1945 (*i.e.* the Law on the Confirmation and Amendments of the Law on the types of penalties from 1946) provide three corrective measures, unlike the Criminal Code of FPRY 1947, which lays down four corrective measures, namely: a) handing to parents or guardians with the obligation to take extra supervision over the minor, b) a reference to an corrective institution, c) accommodation in a correctional facility, and g) a reference to a medical correctional institution.

In addition to a more corrective measures (numerically speaking) the difference is that the reprimand as an corrective measure no longer exist, but they are introduced two new, namely: corrective measure of committal to an corrective institution shall ensure that the court will refer the juvenile to an corrective institution if it is in the interest of his upbringing, or if the parents or guardians are unable to provide for its education and training; and corrective measure of committal to a medical correctional institution shall ensure that in cases where the health situation of minors requires

⁸ Perić, O.: *Razvoj maloletničkog krivičnog prava i rešenja zastupljena u novom krivičnom zakonodavstvu o maloletnicima u Republici Srbiji*, Branič - časopis Advokatske komore Srbije, vol. 119, br. 1-2, 2007, pp 139.

⁹ Krivični zakonik FNRJ iz 1947. godine, Službeni list FNRJ, br. 106/47, član 34, član 37, article 48. and article 51.

treatment and medical care, especially if the mentally ill, retarded, blind or deaf, the juvenile will be referred to the Medical Correctional Institution.¹⁰

It is pointed to penalties and corrective measures, therefore, it is necessary to specify and health-protective measures.

Health-protective measures relating to the offender who is found to be mentally incompetent or has diminished mental capacity, and that his behavior was dangerous to society. Then the court may order the referral to institution for mentally ill persons or other institution for treatment.¹¹

A comparative review of the Law on the types of penalties DFY in 1945, the Law on the Confirmation and Amendments of the Law on the types of penalties from 1946 and the Criminal Code of FPRY of 1947 pointed to significant differences in terms of regulatory and criminal sanctions that concludes with an analysis of the first stages of development of criminal sanctions in legislation in the period immediately after the Second World war.

3. Second Stage of Development of Criminal Sanctions – Period from 1951 to 1976

The second stage of development of criminal sanctions SFRY, during this period, begins with the adoption of the Criminal Code of Federal People's Republic of Yugoslavia (FPRY) from 1951, because that was followed by significant changes in the system of criminal sanctions.¹²

One of the major changes to the Criminal Code of the FPRY from 1947 is to reduce the prescribed penalties from twelve to „only "seven.

Article 24 of the Criminal Code FPRY 1951 prescribes the following penalties: a) the death penalty, b) maximum-security prison c) prison, d) the restriction of civil rights, e) prohibition on practicing a profession, f) the confiscation of property and g) fine.

The difference can be seen in the fact that instead of health protection measures (as was stipulated in the Criminal Code FNRJ 1947) now uses the term security measures. They are prescribed in the Chapter 5 of the Criminal Code of FPRY of 1951, and these are: a) a reference to an institution for safekeeping and treatment, b) Forfeiture and c) expulsion from the country.

The difference can be observed in corrective measures, so in the Criminal Code of FPRY of 1951, stipulated four corrective measures: a) handing the minor to their parents or guardians, b) a reference to an corrective institution, if the juvenile is mute and blind he will be sent to a institute for the deaf and the blind, v) reprimand and g) a reference to a correctional home.¹³

The Criminal Code of FPRY from 1947 has also stipulated four corrective measures, provided that in relation to the law omitted corrective measure of committal to a medical correctional institution or reprimand was added as an corrective measure.

¹⁰ Krivični zakonik FNRJ iz 1947. godine, op.cit., article 72, article 74. and article 76.

¹¹ *Ibid.*, article 79. and article 80.

¹² Krivični zakonik FNRJ iz 1951. godine, Službeni list FNRJ, br. 13/51.

¹³ *Ibid.*, article 65. i article 68.

Subsequent changes to the system of criminal sanctions was followed by the Law on Amendments to the Criminal Code of 1959.¹⁴ At the outset it is necessary to indicate that in addition to the existing criminal sanctions incorporates another, so that the system of criminal sanctions prescribes four criminal sanctions: a) fines; b) security measures, v) corrective measures, and d) a judicial admonition.

This law provides that the court reprimand, as a separate criminal sanctions may be imposed for criminal offenses punishable by imprisonment of up to one year or a fine and if there are certain mitigating circumstances. The Law on Amendments to the Criminal Code of 1959, Article 5 prescribes the following penalties:

- a) the death penalty,
- b) maximum-security prison in) prison, g) confiscation of property and d) fine.

It can be seen that the number of sentences reduced to five from seven that were stipulated by the Criminal Code of SFRY in 1951 and sentences that were left out are: the punishment of civil rights restrictions and ban on practicing a profession.

When it comes to security measures, in addition to existing ones (which were prescribed in the Criminal Code FPRY 1951) also prescribes: a) mandatory treatment of drug addicts and alcoholics, b) prohibition on practicing certain profession, c) suspension of the driver license and d) confiscation.

It can be concluded that there is a total of seven prescribe security measures.¹⁵

The Law on Amendments to the Criminal Code of 1959 have seen significant changes in terms of corrective measures because it completely changes Chapter 6 that prescribes and regulate them.¹⁶

The changes apply not only to the increased number (four corrective measures, as it was prescribed FPRY Criminal Code of 1951, as many as eight), but the difference can be seen and in their classification.

The amendments to the Criminal Code, they are grouped into three types, namely: a) disciplinary measures, including: (a1) a reprimand and (a2) a reference to a disciplinary center for juveniles, b) increased supervision, including: (b1) increased supervision by parents or guardians, (b2) increased supervision in another family and (B3) intensified oversight by custodial and c) institutional measures, including: (c1) referral to an corrective institution, (c2) referral to a correctional home and (c3) referral to institution for defective minors.

It is necessary to point out that older juveniles can be sentenced to juvenile prison. It may not be shorter than one year or longer than ten years. Juvenile prison sentence may be imposed for a crime that is punishable by more than five years of rigorous imprisonment, and because of the serious consequences of work and a high degree of criminal responsibility would not be justified by the application of corrective measures.

The criminal legislation of Yugoslavia in 1962, was followed by another change in the system of criminal sanctions and the adoption of the Law on Amendments to the Criminal Code.¹⁷

One of the changes related to the security measures so that in addition to the now prescribed measures, prescribes a security measure prohibiting public appearance. This system of criminal sanctions prescribes a total of eight security measures.

¹⁴ Zakon o izmenama i dopunama Krivičnog zakonika iz 1959. godine, Službeni list FNRJ, br. 30/59.

¹⁵ *Ibid.*, article 36. and article 38.

¹⁶ *Ibid.*, article 41.

¹⁷ Zakon o izmenama i dopunama Krivičnog zakonika FNRJ iz 1962. godine, Službeni list FNRJ, br. 31/62.

Comparative review and analysis of the Criminal Code of FPRY of 1951 with its amendments of 1959 and 1962 can be seen significant changes in the system of criminal sanctions in the form of the tendency to reduce the number of penalties, but also increasing the number of security measures and corrective measures. It is obvious that in this way the legislator wanted to increase security measures to eliminate conditions or conditions that may affect the future of the offender not to commit criminal offenses, and that's how some authors call,¹⁸ for a specific set of personality of certain categories of offenders who are ineligible to motivate fines through application security measures which aim to remove the cause of the delinquent behavior *i.e.* treatment, repairing, or in special cases, the insulation.

Processed stage, in which the emphasis was on the development of criminal sanctions, is also significant in that it was during this period codified criminal legislation (the adoption of the Criminal Code of FPRY, 2 March 1951) was carried out.

For its time, highly advanced Criminal Code remained in force until 1977, when political reasons replaced the Criminal Code of SFRY six republican criminal law and two provincial criminal law, which lead to disappearance of the unity of the criminal legislation of Yugoslavia.¹⁹

With this we will finish with an analysis of the second stage of development of criminal sanctions in legislation in the period after the Second World War.

4. Third Stage of Development of Criminal Sanctions – period of 1976 year

The third stage of the development of criminal sanctions, in the mentioned period, started with the adoption of the Criminal Code of SFRY in 1976.²⁰

In Article 5 of the said Act, prescribes criminal penalties which there are four, namely: a) punishment, b) a suspended sentence and judicial admonition c) security measures and g) corrective measures.

The difference compared to the Criminal Code of SFRY of 1951 as amended in 1959 and 1962 is that it is next to a judicial admonition, as an independent criminal penalties, a suspended sentence can be prescribe.

Their relationship is to some extent an alternative character, but they can not be viewed as two different criminal sanctions, even as one. They can, in fact, be classified in precautions even though they are not so prescribed in the said Article 5.

The solution of this dilemma is found in Article 51, pointing out that the general purpose of criminal sanctions, the purpose of the suspended sentence and judicial admonition is to treat the criminally responsible perpetrator not to apply the penalty to less socially dangerous acts, when it is not necessary for the legal protection of and when you can expect that warning with a threat of punishment (suspended sentence) or a warning (court reprimand), enough to affect the offender from committing criminal acts.²¹

¹⁸ Drakić, D. i Drakić, G.: *Sistem mera bezbednosti u našem krivičnom pravu – kroz istoriju i danas*, TEME XXXIX, br. 4, 2015, pp 1403.

¹⁹ Tišma, M.: *Krivična dela protiv oružanih snaga u domaćem i uporednom zakonodavstvu*, Vojno delo, zima/2011, pp 169.

²⁰ Krivični zakon SFRJ iz 1976. godine, Službeni list SFRJ, br. 44/76.

²¹ *Ibid.*, article 51.

Minor differences can be realized with prescribed penalties. According to the Criminal Code of SFRY from 1976 stipulates four penalties as follows: a) the death penalty, b) prison, c) fine and g) seizure of property, in contrast to the prior Law which provided for five. The penalty, which was no longer included in the system of criminal sanctions is strict imprisonment.

A significant difference in security measures may be noted between the Criminal Code FNRJ 1951 with its amendments of 1959 and 1962, and the Criminal Code of SFRY in 1976. Numerically speaking, eight measures of security are still prescribed provided that some were expanded, and there are also newly-prescribed, so that the mentioned law in Article 61 lays down the following safety precautions: a) Mandatory psychiatric treatment in a medical institution, b) the compulsory psychiatric treatment at large, v) required treatment of alcohol and drug abusers, g) prohibition of doing professional, business office, d) eliminating the public appearance, f) prohibition of driving a motor vehicle, e) forfeiture and f) expulsion of foreigners from the country.

When it comes to corrective measures, the SFRY Criminal Code of 1976 provides in Article 75 that there are:

- a) disciplinary measures,
- b) increased supervision and
- c) institutional measures but does not prescribe specific corrective measures.

Prescribing is within the jurisdiction of the republics and autonomous provinces, but these laws prescribe the following corrective measures:

- a) reprimand,
- b) a reference to a disciplinary center,
- c) supervision by a parent, adoptive parents or guardians,
- d) supervision by a control in another family,
- e) intensified oversight of Social Welfare,
- f) increased care and monitoring,
- g) increased care and supervision in a living room in a corrective institution,
- h) a reference to a corrective institution,
- i) reference in a correctional facility, and
- j) a reference to a facility for the treatment and training. It should be noted that the institute of juvenile prison had no changes.

Based on the results shown so far, it can be seen that the third stage of development of criminal sanctions in legislation, in the period being processed, only marks the passing of the Criminal Code of SFRY in 1976 and the way they are prescribed criminal penalties. In a comparative overview and analysis of the Criminal Code of SFRY of 1951 with its amendments of 1959 and 1962, and the aforementioned Criminal Code of SFRY pointed to changes in the system of criminal sanctions, which also ends with an analysis of the third stage of development of criminal sanctions in the period after the Second World War.

5. Legal continuity of SFRY Criminal Legislation- the period immediately after the dissolution of SFRY

During this period, the development of criminal sanctions is marked with the criminal law of the Federal Republic of Yugoslavia and the Republic of Serbia. Although it is not the subject of this study, it is necessary to point out the most important elements in the development of criminal sanctions for this period.

During the period of validity of the criminal legislation of SFRY, a several amendments were made, but significant changes followed in the criminal law of the Federal Republic of Yugoslavia.

In the mentioned Criminal Law significant changes and additions were made, starting with the name change until substantial changes.

Total has made seventeen amendment, ten in the period from 1976 to 1990 (published in the Official Journal of the SFRY), *i.e.* during the validity of the Criminal Code of SFRY, six amendments to the period from 1992 to 2001 (published in the Official Journal of the FRY) and one amendments to the 2003 (published in the Official Gazette of RS).

According to official presented papers (Gazette) we can see changes in society, in the political arena but also the chronology of the disappearance and the emergence of the state.

After the breakup of Yugoslavia, the former SFRY Criminal Code is fully retained by the Federal Republic of Yugoslavia. Following the same principle the Criminal Code of the Socialist Republic of Serbia was also retained, which forms part of the criminal law system. In changes mentioned Criminal Code it is necessary to point out the Law on amendments to the Criminal Code of the Socialist Republic of Serbia from 1992, which prescribes the change of the name of the existing laws with the Criminal Code of the Republic of Serbia.²² Significant changes in terms of criminal sanctions, in the said Criminal Code was followed by the adoption of the Law on Amendments to the Criminal Code of the Republic of Serbia from 1994, which is added to the Article 2a. called the death penalty in which precisely determines prescribing the death penalty.²³

In federal law, it is primarily necessary to point out that they retained all criminal sanctions that have been prescribed in the Criminal Code of SFRY from 1976, *i.e.*, Article 5 shall continue to prescribe four criminal penalties and they are: a) penalty, b) a suspended sentence and judicial admonition c) security measures and d) corrective measures.

The first significant changes from retained Criminal Code of SFRY from 1976 were followed by the Law on Amendments to the Criminal Code of the FRY in 2001.²⁴ Article 34 lays down only two sentences, as follows: a) prison and b) a fine, unlike the Criminal Code of SFRY from 1976, which provided four penalties. Penalties that are not prescribed are a) the death penalty and b) confiscation of property.

Unlike penalties, with the suspended sentence and judicial admonition, were not followed by changes.

Law on Amendments to the Criminal Code of the FRY in 2001, stipulates seven security measures as opposed to the SFRY Criminal Code from 1976 which provided eight. Left out security measure is the prohibition of public appearance.

In the end, it is necessary to point out that even with the corrective measures, there were no changes in relation to the Criminal Code of SFRY from 1976, so in the Article 75 are the same measures and they are: a) disciplinary measures, b) increased

²² Zakon o izmenama Krivičnog zakona Socijalističke Republike Srbije iz 1992. godine, Službeni glasnik RS, br. 49/92.

²³ Zakon o izmenama i dopunama Krivičnog zakona Republike Srbije iz 1994. godine, Službeni glasnik RS, br. 47/94.

²⁴ Zakon o izmenama i dopunama Krivičnog zakona SRJ iz 2001. godine, Službeni list SRJ, br. 61/01.

supervision and c) institutional measures, but there are not prescribed specific corrective measures.

Conclusions

The importance of the development of criminal sanctions demonstrates the need to achieve the best possible individualization. However should be reminded that the individualization of criminal sanctions constitute a sanction to the offender by one sentence that is by consideration of the Court, is best to achieve the purpose of punishment.²⁵ Precisely defined, individualization of punishment is adapting the sentence in particular to the crime committed and its perpetrator by taking into account all the circumstances of the case, in particular the gravity of the offense and the degree of culpability of the accused, *i.e.* convicted.²⁶

The topic of this work referred to the development of criminal sanctions in the period of the SFRY, since the end of Second World War until the breakup of the state nineties of the twentieth century, with the aim to highlight the emergence and disappearance of criminal sanctions, not only due to social and inter-state conditions but also due to the need to protect society.

It is interesting to point out that some of the sanctions that have ceased to exist, again were classified in this corpus sanctions of in order to promote the purpose of criminal sanctions.

If it can be considered that a criminal sanction are to a certain extent a mirror of a society in terms of values to be protected and to what extent they are protected, then in this short considering the development of criminal sanctions in period SFR Yugoslavia it can be seen the evolution of social awareness and the development of society.

In this research of the development of criminal sanctions, it could be seen that due to the expediency of view of development, the most appropriate thing to do was to perceive this period of development of criminal sanctions through three separate stages, whereas after these three, maybe the fourth stage was their development after the breakup of SFRY.

Each of these stages have particular significance for the development of criminal sanctions and each of them represents a specific social circumstances, but with clearly visible borders and crossings.

From the standpoint of temporal existence of the criminal legislation of SFRY, there are about fifty years, that depending on the angle of observation may or may not represent a long period, or if viewed from the starting point of the development of criminal sanctions, or from the Regulation on Military Courts National Liberation Army of 1944 all the way to complex and layered SFRY criminal Code from 1976, which lasted until the dissolution of that country nineties, can be seen as significant development and progress in criminal sanctions.

²⁵ Srzentić, N., Stajić, A. i Lazarević, Lj.: *Krivično pravo Jugoslavije (opšti deo)*, *Savremena administracija, Beograd, 1995.*, pp 308.

²⁶ Janković, S: *Pretpostavke za individualizaciju kazne*, Bilten Apelacionog suda u Beogradu, 2012., pp1., <http://www.bg.ap.sud.rs/images/pretpostavke%20za%20individualizaciju%20kazne19.10.2012.pdf>, 20.03.2015.

References

1. Bingulac, N. i Dragojlović, J.: *Development of criminal sanctions in Serbia after the breakup of SFR Yugoslavia*, Journal of Eastern Criminal Law, no. 2/2016, Faculty of law, University of Timisoara, pp. 216-224
2. Čulinović, F: *Razvotak ZAVNOH-a*, Historijski zbornik, god 2, br.1-4, 1949.
3. Drakić, D. i Drakić, G.: *Sistem mera bezbednosti u našem krivičnom pravu – kroz istoriju i danas*, TEME XXXIX, br. 4, 2015, str. 1399-1416.
4. Janković, S: *Pretpostavke za individualizaciju kazne*, Bilten Apelacionog suda u Beogradu, 2012., str.1., <http://www.bg.ap.sud.rs/images/pretpostavke%20za%20individualizaciju%20kazne19.10.2012.pdf>, 20.03.2015.
5. Krivični zakon SFRJ iz 1976. godine, Službeni list SFRJ, br. 44/76.
6. Krivični zakonik FNRJ iz 1947. godine, Službeni list FNRJ, br. 106/47.
7. Krivični zakonik FNRJ iz 1951. godine, Službeni list FNRJ, br. 13/51.
8. Perić, O.: *Razvoj maloletničkog krivičnog prava i rešenja zastupljena u novom krivičnom zakonodavstvu o maloletnicima u Republici Srbiji*, Branič - časopis Advokatske komore Srbije, vol. 119, br. 1-2, 2007, str. 133-147.
9. Petranović, B: *Istorija Jugoslavije 1918-1988, druga knjiga - Narodnooslobodilački rat i revolucija 1941-1945*, Nolit, Beograd, 1988.
10. Srzentić, N., Stajić, A. i Lazarević, Lj.: *Krivično pravo Jugoslavije (opšti deo)*, Savremena administracija, Beograd, 1995.
11. Srzentić, N., Stajić, A. i Lazarević, Lj.: *Krivično pravo Socijalističke Federativne Republike Jugoslavije - opšti deo*, Savremena administracija, Beograd, 1981.
12. Tišma, M.: *Krivična dela protiv oružanih snaga u domaćem i uporednom zakonodavstvu*, Vojno delo, zima/2011, str 165-183.
13. Uredba o vojnim sudovima Narodnooslobodilačke vojske, Vrhovni štab NOV i POJ, maj 1944. godine
14. Zakon o izmenama i dopunama Krivičnog zakona Republike Srbije iz 1994. godine, Službeni glasnik RS, br. 47/94.
15. Zakon o izmenama i dopunama Krivičnog zakona SRJ iz 2001. godine, Službeni list SRJ, br. 61/01.
16. Zakon o izmenama i dopunama Krivičnog zakonika FNRJ iz 1962. godine, Službeni list FNRJ, br. 31/62.
17. Zakon o izmenama i dopunama Krivičnog zakonika iz 1959. godine, Službeni list FNRJ, br. 30/59.
18. Zakon o izmenama Krivičnog zakona Socijalističke Republike Srbije iz 1992. godine, Službeni glasnik RS, br. 49/92.
19. Zakon o potvrdi i izmenama Zakona o vrstama kazni iz 1946. godine, Službeni list FNRJ, br. 66/46.
20. Zakon o vrstama kazni Demokratske Federativne Jugoslavije, Službeni list DFJ, br. 48/45.