

## CRIMINAL RESPONSIBILITY OF LEGAL PERSONS IN THE LEGISLATION REPUBLIC OF SERBIA AND THE REPUBLIC OF CROATIA

**Strahinja D. Miljkovic**

*Faculty of Law of the University of Priština,  
with the temporary seat in Kosovska Mitrovica, R. Serbia  
strahinja.miljkovic@pr.ac.rs*

**Vanda Bozic**

*Faculty of Law of the University of Zagreb,  
Department of Criminal law, R. Croatia  
vanda.bozic@pravo.hr*

### **ABSTRACT**

*The subject of this paper is a comparative analysis of corporate liability for offenses in the laws of the Republic of Serbia and the Republic of Croatia. In Croatia, the Law on the liability of legal persons for criminal offenses in 2004, in the Republic of Serbia, the adoption of the Law on liability of legal persons for criminal offenses in 2008, introduced the criminal liability of legal persons thus abandoning the principle *societas delinquere non potest*. The paper made a comparative and historical overview of the development of the Law Institute, and the prescribed criminal sanctions ordered the justification for its existence in the fight against economic crime since the purpose of the punishment can not be achieved only by punishing the responsible person in the legal person. The authors of the analysis will explore the legal provisions and the situation relating to reported, accused and convicted legal persons for specific types of crimes and the structure of reported crime during the period from the beginning of the application of the law to date. A special emphasis will be given to the institute confiscation of proceeds of crime. In his concluding remarks, in accordance with the legal provisions of the two countries *de lege lata*, will try to indicate possible suggestions *de lege ferenda*.*

**Keywords:** *criminal liability of legal persons, Law on liability of legal persons for criminal offenses in the Republic of Croatia, the Law on liability of legal persons for criminal offenses in the Republic of Serbia, economic crime.*

\*\*\*\*\*

Varazdin Development and Entrepreneurship Agency  
*in cooperation with*  
Faculty of Law, University of Split and University North



## Economic and Social Development

16<sup>th</sup> International Scientific Conference on Economic and Social Development –  
“The Legal Challenges of Modern World”



Editors:

**Zeljka Primorac, Candida Bussoli and Nicholas Recker**

**Book of Abstracts**

ISSN 1849-7543



9 771849 754003 >

Split, 1-2 September 2016

**Title** ■ Economic and Social Development (Book of Abstract), 16<sup>th</sup> International Scientific Conference on Economic and Social Development – “Legal Challenges of Modern World”

**Editors** ■ Zeljka Primorac, Candida Bussoli and Nicholas Recker

**Scientific Committee** ■ Marijan Cingula, University of Zagreb, Croatia (President); Ayuba A. Aminu, University of Maiduguri, Maiduguri, Nigeria; Gouri Sankar Bandyopadhyay, The University of Burdwan, Rajbati Bardhaman, India; Haimanti Banerji, Indian Institute of Technology, Kharagpur, India; Alla Bobyleva, The Lomonosov Moscow State University, Russia; Leonid K. Bobrov, State University of Economics and Management, Novosibirsk, Russia; Rado Bohinc, University of Ljubljana, Slovenia; Ratko Brnabic, University of Split, Croatia; Adnan Celik, Selcuk University - Konya, Turkey; Angelo Maia Cister, Federal University of Rio de Janeiro, Brasil; Mirela Cristea, University of Craiova, Romania; Sreten Cuzovic, University of Nis, Serbia; Oguz Demir, Istanbul Commerce University, Turkey; T.S. Devaraja, University of Mysore, India; Alba Dumi, Vlora University, Vlore, Albania; Ksenija Dumicic, University of Zagreb, Croatia; Galina Pavlovna Gagarinskaya, Samara State University, Russia; Fran Galetic, Zagreb University, Croatia; Mirjana Gligoric, Faculty of Economics, Belgrade University, Serbia; Mehmet Emre Gorgulu, Afyon Kocatepe University, Turkey; Hana Horak, University of Zagreb, Croatia; Anica Hunjet, University North, Koprivnica, Croatia; Oxana Ivanova, Ulyanovsk State University, Ulyanovsk, Russia; Irena Jankovic, Faculty of Economics, Belgrade University, Serbia; Lara Jelenc, University of Rijeka, Croatia; Myrl Jones, Radford University, USA; Ana Jovancai Stakic, Univerzitet Dzon Nezbic, Belgrade, Serbia; Gorazd Justinek, Graduate School of Government and European Studies, Slovenia; Hacer Simay Karaalp, Pamukkale University, Turkey; Dafna Kariv, The College of Management Academic Studies, Rishon Le Zion, Israel; Salih Katircioglu, Eastern Mediterranean University, Northern Cyprus, Turkey; Hilal Yildirim Keser, Uludag University, Bursa, Turkey; Sophia Khalimova, Institute of Economics and Industrial Engineering of Siberian Branch of Russian Academy of Science, Novosibirsk, Russia; Marina Klacmer Calopa, University of Zagreb, Croatia; Mirko Klaric, University of Split, Croatia; Vladimir Kovsca, University of Zagreb, Croatia; Goran Kozina, University North, Koprivnica, Croatia; Lejla Lazovic Pita, School of Economics and Business, University of Sarajevo, Bosnia and Herzegovina; Robert Lewis, Les Roches Gruyère University of Applied Sciences, Bulle, Switzerland; Ladislav Lukas, Univ. of West Bohemia, Faculty of Economics, Czech Republic; Pascal Marty, University of La Rochelle, France; Vaidotas Matutis, Vilnius University, Lithuania; Marjana Merkač Skok, GEA College of Entrepreneurship, Ljubljana, Slovenija; Daniel Francois Meyer, North West University, South Africa; Marin Milkovic, Rector, University North, Koprivnica, Croatia; Gratiela Georgiana Noja, West University of Timisoara, Romania; Zsuzsanna Novak, Corvinus University of Budapest, Hungary; Mislav Ante Omazic, University of Zagreb, Croatia; Matko Pajcic, University of Split, Croatia; Vera Palea, Università degli Studi di Torino, Italy; Dusko Pavlovic, President DIU Libertas International University, Zagreb, Croatia; Zeljka Primorac, University of Split, Croatia; Miroslaw Przygoda, University of Warsaw, Poland; Nicholas Recker, Metropolitan State University of Denver, USA; Zeljko Radic, University of Split, Croatia; Kerry Redican, Virginia Tech, Blacksburg, USA; Robert Rybnicek, University of Graz, Austria; Katarzyna Szymanska, The State Higher School of Vocational Education in Ciechanow, Poland; Ilaria Tutore, University of Naples Parthenope, Italy; Mladen Vedris, University of Zagreb, Croatia; Ilko Vrankic, University of Zagreb, Croatia; Rebeka Danijela Vlahov, University of Zagreb; Mladen Vukcevic, President of the Judicial Council of Montenegro; Thomas Will, Agnes Scott College, USA; Li Yongqiang, Victoria University, Australia; Peter Zabielskis, University of Macau, China; Tao Zeng, Wilfrid Laurier University, Waterloo, Canada; Snezana Zivkovic, University of Nis, Serbia.

**Review Committee** ■ Marina Klacmer Calopa (President); Ana Aleksic; Ayuba Aminu; Mihovil Andjelinovic; Josip Arneric; Lidija Bagaric; Tomislav Bakovic; Sanja Blazevic; Leonid Bobrov; Ruzica Brečić; Ratko Brnabic; Anita Ceh Casni; Mirela Cristea; Oguz Demir; Stjepan Dvorski; Robert Fabac; Ivica Filipovic; Fran Galetic; Mirjana Gligoric; Tomislav Globan; Anita Goltnik Urnaut; Tomislav Herceg; Irena Jankovic; Dafna Kariv; Oliver Keser; Hilal Yildirim Keser; Mirko Klaric; Tatjana Kovac; Vladimir Kovsca; Petar Kurecic; Angelo Maia Cister; Vaidotas Matutis; Marjana Merkač Skok; Daniel Francois Meyer; Natanya Meyer; Josip Mikulic; Ljubica Milanovic Glavan; Guenter Mueller; Ivana Nacinovic Braje; Gratiela Georgiana Noja; Zsuzsanna Novak; Alka Obadic; Claudia Ogorean; Matko Pajcic; Igor Pihir; Najla Podrug; Vojko Potocan; Zeljka Primorac; Zeljko Radic; Sanda Renko; Souhaila Said; Armando Javier Sanchez Diaz; Tomislav Sekur; Lorena Skufflic; Mirko Smoljic; Petar Soric; Mario Spremic; Ana Jovancai Stakic; Matjaz Stor; Lejla Tijanic; Daniel Tomic; Boris Tusek; Mladen Vedris; Rebeka Daniela Vlahov; Ilko Vrankic; Thomas Will; Zoran Wittine; Tao Zeng; Snezana Zivkovic; Berislav Zmuk.

**Organizing Committee** ■ Zeljka Primorac (President); Domagoj Cingula (Co-President); Hana Horak; Marina Klacmer Calopa; Erlino Koscak; Miroslaw Przygoda; Rebeka Danijela Vlahov.

**Publishing Editor** ■ Domagoj Cingula

**Publisher** ■ **Design** ■ **Print** ■ Varazdin Development and Entrepreneurship Agency, Varazdin, Croatia  
Faculty of Law, University of Split, Croatia  
University North, Koprivnica, Croatia

**Printing** ■ Online Edition

**ISSN 1849-7543**

The Book is open access and double-blind peer reviewed.

Our Books are indexed and abstracted by ProQuest, EconBIZ and CPCI (WoS) databases and available for download in a PDF format from the Economic and Social Development Conference website:  
<http://www.esd-conference.com>

© 2016 Varazdin Development and Entrepreneurship Agency, Varazdin, Croatia; Faculty of Law, University of Split, Croatia; University North, Koprivnica, Croatia.

All rights reserved. Authors are responsible for the linguistic and technical accuracy of their contributions.

Zvonimir Jelinic ■ HOW TO ENSURE IMPARTIALITY OF ARBITRATORS? .....	12
Ivana Radic ■ SOCIAL-CRIMINAL PREVENTION PROGRAMMES FOR JUVENILES .....	13
Ratko Brnabic, Mario Ivancev ■ PECULIARITIES OF THE FORWARDING CONTRACT .....	14
Tunjica Petrusevic ■ THE RELATION OF HUMAN RIGHTS AND MARKET FREEDOMS IN CJEU CASE LAW .....	15
Ratko Brnabic ■ PRODUCTION SHARING CONTRACTS IN THE OIL AND GAS INDUSTRY .....	16
Slavko Simundic, Danijel Barbaric, Sinisa Franjic ■ SAFETY OF ELECTRONIC COMMUNICATION AND COMPUTER CRIME .....	17
Strahinja D. Miljkovic, Vanda Bozic ■ CRIMINAL RESPONSIBILITY OF LEGAL PERSONS IN THE LEGISLATION REPUBLIC OF SERBIA AND THE REPUBLIC OF CROATIA .....	18
Susana Sousa Machado ■ THE DYNAMICS BETWEEN RELIGIOUS FREEDOM AND EMPLOYMENT CONTRACT: A JURIDICAL CHRONICLE .....	19
Marija Boban ■ DIGITAL SINGLE MARKET AND EU DATA PROTECTION REFORM WITH REGARD TO THE PROCESSING OF PERSONAL DATA AS THE CHALLENGE OF THE MODERN WORLD .....	20
Visnja Lachner ■ LEGAL ASPECTS AND PROBLEMS OF ENVIRONMENTAL PROTECTION IN LATE 19 <sup>th</sup> AND EARLY 20 <sup>th</sup> CENTURY IN TOWN OSIJEK .....	21
Marko Dimitrijevic ■ LEGAL REGULATION OF TAX INCENTIVES FOR INVESTMENTS IN SERBIA .....	22