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SYSTEM OF VIOLATION SANCTIONS IN THE REPUBLIC OF SERBIA

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Summary: Misdemeanor sanctions occur as coercive measures applied by the state as a representative of society towards the perpetrator of the offense and represent a reaction against the perpetrator for committing an offense that harms the society, that is, individuals or legal entities. Such a reaction is intended to prevent the offender from continuing to commit the offense in the future, as well as to influence other potential offenders to refrain from committing such acts. Although committing an offense violates or threatens the public order established by regulations, the application of sanctions does not, however, depend on the will of the injured individuals. The paper analyzes the system of sanctions that competent courts impose on individuals and legal entities as perpetrators of offenses. The subject of the authors' attention are the manner, conditions, duration and purpose of each of the prescribed sanctions in the law of the Republic of Serbia.

Keywords: offense, perpetrator, court, sanction, sentencing.

1. Generally about the concept and types of misdemeanor sanctions

Misdemeanor sanctions (Jovasevic, Miladinovic Stefanovic, 2017: 167-171) are statutory measures of social response against the offender applied by state authorities in order to protect the society, that is, its goods and values. They appear as coercive measures applied by the state as a representative of the society towards the perpetrator of the offense and represent a reaction against the perpetrator for committing the offense which harms the society, that is, individuals or legal entities (Mitrovic, 2006: 67-81). Such a reaction is intended to prevent the offender from continuing to commit the offense in the future, as well as to influence other potential offenders to refrain from committing such acts.

All misdemeanor sanctions have several characteristics in common (Jovasevic, 2011: 671-673). These are: 1) the application of sanctions is related to the existence of a misdemeanor, 2) the principle of legality as a basic principle of modern criminal law means that misdemeanor sanctions must be prescribed by law, 3) misdemeanor sanctions can be imposed only by the competent authority for conducting misdemeanor proceedings: a misdemeanor court, or an authority in a procedure determined by law, which enables the sanction to take into account the gravity and circumstances of the commission of the offense and the personality of its perpetrator, 4) misdemeanor sanctions have the character of coercion against the perpetrator of the offense, 5) all misdemeanor sanctions have the same purpose, namely citizens respect the legal system and do not commit any offenses in the future (Article 5 of the Law on Offenses⁹³ - PDO).

Misdemeanor law of the Republic of Serbia provides for several types of sanctions that

can be imposed on offenders. These are: 1) penalties, 2) penalty points, 3) reprimand, 4) protective measures, and 5) educational measures (Ružić, 2009: 509-524).

2. Penalties

Punishment is the basic and most significant type of misdemeanor sanction. It is intended for the largest number of misdemeanors and is the most commonly imposed sanctions for perpetrators of misdemeanors.

The PDO prescribes the following penalties (Jovasevic, 2004: 117-123): 1) imprisonment, 2) fine and 3) work in the public interest (Article 33, paragraph 1). One offense may alternatively or cumulatively be subject to imprisonment and a fine, both of which may be imposed jointly. However, only a fine can be prescribed for a legal entity (Article 34 PDO). Imprisonment may be prescribed only by law, while the other two sentences may be prescribed by law, regulation or decision of the Assembly of the Autonomous Province, City Hall, City Hall or City Hall of Belgrade. In doing so, imprisonment can always be imposed only as a capital punishment, while other sentences can be imposed both as capital and ancillary sentences (Article 36 PDA). The law also set one limit. Namely, if a misdemeanor prescribes an alternative to imprisonment and a fine, then imprisonment can be imposed only in the case of committing misdemeanor causing serious consequences or for misdemeanors indicating a greater degree of perpetrator's guilt.

3. Some types of penalties

In all modern penal systems, imprisonment is central. A large number of offenses are threatened by this punishment. It provides the broadest opportunities to achieve the

⁹³Official Gazette of the Republic of Serbia No. 65/13.

purpose of punishment. In misdemeanor law, this punishment can only be prescribed by law, either as a stand-alone punishment or alternatively or cumulatively with a fine. Imprisonment may be imposed for a term between one day and 60 days (Article 37 PDA). Only the misdemeanor court can impose this punishment on the offender - a natural person. In doing so, the law excluded the possibility of imposing this sentence when the offender appears as a perpetrator: 1) a pregnant woman after three months of pregnancy and 2) a mother until the child reaches one year of age, and if the child is dead or died after childbirth - until six months have passed since birth.

Work in the public interest consists of unpaid work carried out for the benefit of society, which is not carried out under duress, which does not offend human dignity or profit (Article 38 of the PDA). This sentence can last from 20 to 360 hours. In imposing this sentence, the misdemeanor court will specifically consider two types of circumstances: 1) objective circumstances related to the type of offense committed and 2) subjective circumstances related to age, physical and working ability, psychic characteristics, education, preferences and other special circumstances relating to the personality of the offender. If the sentenced person fails to complete part or all of the hours of sentence imposed in the public interest, the court will substitute this sentence (mandatory) by imprisonment (sublethor prison) by setting one day of imprisonment for every eight hours of public interest work commenced.

A fine is a property sentence provided for all offenders. This is the only sentence that can be imposed on a legal entity. It was prescribed alternatively or cumulatively, with a maximum sentence of imprisonment. It may be prescribed by law, regulation or decision of the Assembly of the Autonomous Province, the Municipal Assembly, the Belgrade City Assembly, or the City Assembly. The fine can be prescribed in two ways: 1) in a fixed (fixed) amount and 2) in proportion, that is, in the

percentage caused by the consequence of the offense.

The law or regulation may prescribe a fine in the following ranges (Article 39 of the LCP): 1) from 5,000 to 150,000 dinars for a natural person or responsible person in a legal entity, 2) from 50,000 to 2,000,000 dinars for a legal entity, and 3) 10,000 to 500,000 dinars for an entrepreneur. Decisions of the Autonomous Province Assembly, the Municipal Assembly, the Belgrade City Assembly, or the City Assembly may impose fines ranging from the minimum amount to half the maximum amount of the prescribed fine range.

Exceptionally, a fine may be prescribed in a fixed amount for a natural person and a responsible person from 1,000 to 10,000 dinars, for an entrepreneur from 5,000 to 50,000 dinars, and for a legal entity in the amount of 10,000 to 100,000 dinars, or in the amount from 500 to 5,000 dinars for natural and responsible person in the legal entity and from 2,000 to 20,000 dinars for the legal entity and the entrepreneur. Also, exceptionally from the above ranges, the law provided for a higher amount of the general maximum fine for misdemeanors in the field of public revenue, public information, customs, foreign trade and foreign exchange, environment, trade in goods and services and securities trading in proportion to the amount of the committed damage or default, the value of the goods or other thing that is the subject of the offense, but up to twenty times the value of those values, but not exceeding five times the maximum fines that can be imposed by law. The judgment and the misdemeanor order also specify the period of payment of the fine. This deadline cannot be longer than 15 days from the day the verdict becomes final, and if the appeal is filed from the day of the second instance verdict, that is, eight days from the date of delivery of the misdemeanor order (Article 40 PPA). In justified cases, the court may by decision authorize payment of a fine in installments (installments), but then it is obliged to determine the manner and terms of

payment, which may not exceed six months, provided that the costs of the proceedings have been paid.

In the event that the fined natural person, entrepreneur or responsible person fails to pay the fine in whole or in part within the time allowed, the court may replace it with a sentence of imprisonment (supletor prison) by fixing one fine for every 1,000 dinar commenced, with the punishment of imprisonment may not be less than one day or more than 60 days (Article 41 of the PDL). The law provides for one restriction on the replacement of a fine imposed and unpaid. Namely, if the punishment was imposed on the person sentenced to imprisonment and a fine, then the prison replacing the unpaid fine and the sentence of imprisonment cannot last longer than 90 days. If the court finds justified, given the gravity of the offense committed, the amount of the unpaid fine and the financial capacity of the convicted person, he / she may, instead of the sentence of imprisonment, replace the unpaid fine with a sentence of public interest by replacing eight hours of work with one day of imprisonment. or 1,000 dinars of fine. In this case, work in the public interest may not exceed 360 hours.

If, after the court's decision to replace the unpaid fine, the fined individual pays a fine, imprisonment or work in the public interest will not be carried out. If the execution of the sentence has already commenced and the sentenced person pays the rest of the fine imposed, the execution of imprisonment and work in the public interest will be suspended. The substitution of unpaid fines by imprisonment cannot be imposed for fines imposed on juveniles and legal entities as perpetrators of offenses.

The newly introduced type of misdemeanor punishment provided for in Article 48 of the PDO is called Penalty Points. This is a specific punishment that can only be imposed on the offender against the safety of public transport on the roads (Smailhodžić, Pevilić, 2006: 56-71). The law provides for penalties ranging from one

to 25 points for these offenses. This sentence is imposed with another misdemeanor sanction: a sentence or reprimand. In addition to this penalty, additional obligations may be imposed for the purpose of educating the driver or monitoring his behavior in traffic, but the types of supplementary obligations and conditions for imposing them must be prescribed by a separate law in order to be imposed at all with this misdemeanor. Penalty points may be imposed on a driver who, at the time of committing the offense, holds a driver's license issued in the Republic of Serbia or a driver who has been banned from operating a motor vehicle by a legally binding decision. If penalties are determined for the offenses in the bankruptcy unit, then unique penalty points are issued corresponding to the sum of all individually determined penalty points, but which may not exceed 25 points (cumulation system).

4. Sentencing to the offender

Sentencing is the determination of the type and amount of sentence to be imposed on the offender. In determining the sentence, all circumstances must be taken into account in order to determine the punishment of the offender by the type and amount appropriate to the gravity of the offense and the social detriment of the offender and with which the purpose of punishment can best be achieved (Shelih, 1986: 241-248). Depending on the type of sentencing authority, the following are distinguished: 1) legal sentencing, 2) judicial sentencing, and 3) administrative sentencing.

4.1. Mitigating and aggravating circumstances

The primary or regular way of imposing a sentence by a first-instance misdemeanor authority is through mitigating and aggravating circumstances. Namely, the law stipulates that the offender shall be punished within the limits prescribed for that offense, which must take into account

all circumstances that make the sentence more (aggravating circumstances) or less (mitigating circumstances), and in particular (Article 42 of the LC): 1) the gravity and consequences of the offense, 2) the circumstances under which the offense was committed, 3) the degree of the offender's responsibility, 4) the offender's previous conviction, 5) the offender's personal circumstances and 6) the offender's holding after the offense was committed. In determining the fine, the financial status of the offender shall also be taken into account. The law itself stipulates that a previously imposed misdemeanor sanction against a perpetrator (restitution) cannot be taken as aggravating circumstance if more than four years have elapsed from the day the decision becomes final until the new decision is rendered.

4.2. Mitigation of sentence

Sentencing is an extraordinary way of imposing a sentence through the authority of a misdemeanor court to impose a sentence below the specific minimum prescribed sentence for an offense up to the general minimum of that type of sentence or to replace the prescribed sentence with a milder type of sentence (Article 43 PPA) (Stojanović, 1985: 57). Mitigating and aggravating circumstances affect the determination of the sentence within the limits of the special minimum and maximum sentences specified by law or other regulation for the offense. However, a misdemeanor can be committed under such extenuating circumstances when no grave consequences have been caused, and there are extenuating circumstances (at least two or more) indicating that the purpose of punishment can also be attained with a mitigated sentence. In such a case, the minor offense authority may exceptionally mitigate the prescribed penalty by imposing a sentence below the minimum of the prescribed penalty for the offense (special minimum), but only to the general minimum of that penalty, but not below it.

The misdemeanor court may mitigate the punishment of the offender if, in determining the sentence, he / she determines: 1) that the misdemeanor did not cause serious consequences, 2) that there are extenuating circumstances (two or more) and 3) if he / she finds that the circumstances identified indicate that a milder sentence may achieve the purpose of punishment. If the above conditions are fulfilled, the prescribed sentence can be mitigated by: 1) imposing a sentence below the minimum sentence prescribed for the offense committed, but not below the least legal measure of that type of sentence, 2) imposing a sentence instead of the prescribed prison sentence a fine or punishment for labor in the public interest, but not below the minimum legal measure of that type of sentence; and 3) to impose only one of those penalties instead of the prescribed sentence of imprisonment and a fine.

There are several types of sentence mitigation. These are mitigation: 1) custom and type and 2) limited and unlimited sentence mitigation.

4.3. Specific forms of sentencing

In misdemeanor law, there are several specific forms of sentencing. The most significant of these is the possibility of acquittal.

Exemption from the punishment of the responsible offender constitutes an exceptional legal option under Article 44 of the PDO. In the judgment delivered, the misdemeanor court finds that in the particular case the person committed the misdemeanor provided for by law or other regulations and that he is responsible for the act committed, but releases him from the prescribed punishment completely. This is an optional authority of the court, which can be applied in the following cases: *1) if the institutes prescribed by law are fulfilled: exceeding the necessary defense (Article 13, paragraph 3 of the PDO) and*

exceeding the extreme necessity (Article 14, paragraph 3 of the PDO), 2) if an offense has been committed for which a fine was prescribed, and the offender after the offense was committed, and before finding out that he was the defendant - eliminate the consequences of the offense or compensate for the damage caused by the offense (Article 44 paragraph 2 of the PDO) and 3) if the offense was committed by negligence (as a form of guilt) in the event that the consequences of the offense committed so badly affect the offender that the imposition of a sentence in such a case would not be appropriate for the purpose of punishment (Article 44, paragraph 3 of the PDO).

Another special form of sentencing in misdemeanor law is sentencing for the offense. When a perpetrator commits more than one offense with one or more acts, according to which the decision of the misdemeanor authority has not been made, and the proceedings are conducted before the same misdemeanor body, a penalty will be determined for each of the offenses beforehand, so that a single penalty will be imposed for all these offenses. The imposition of a single sentence for offenses in bankruptcy is subject to special sentencing rules (Spinellis, 2001: 67-69). Sentencing for each individual offense is done according to the general rules, while the sentencing of a single sentence, ie. the reduction of all individuals to a single punishment shall be done by special rules. Theory and legislation are familiar with the three basic systems for sentencing for bankruptcy. These are: 1) absorption system, 2) aspiration system and 3) cumulation system.

Unique punishment for acts in bankruptcy (whether ideal or real) is pronounced according to the following rules (Article 45 of the PDO) (Okiljević, 1987: 761-768): 1) if a prison sentence is imposed - a sentence of imprisonment shall be imposed as a single sentence, but it may not exceed 90 days; 2) if a fine has been determined for all misdemeanors in the bankruptcy - a fine shall be imposed as a sum of fines

determined, cannot exceed twice the maximum fine provided for by law; 3) if a penalty in the public interest has been determined for all misdemeanors in bankruptcy - a penalty of public interest not exceeding 360 hours is imposed as a single penalty and 4) if some misdemeanors in the bankruptcy have been punished by imprisonment, and for other misdemeanors by a fine - as a single sentence cumulative sentence of imprisonment and a fine with the specified restrictions in ch. edu heights. Also, counting detention in a misdemeanor sentence is a special form of sentencing. Detention and any other lawful deprivation of liberty of the offender shall not have the character of a misdemeanor sentence or other misdemeanor sanctions, but shall be compulsorily included in the sentence imposed on such person. Other forms of imprisonment included in the sentence include: bringing a defendant, time spent in a health facility for psychiatric evaluation or treatment, time spent in a drug and alcohol treatment facility, or a sentence served by the offender for the same crime. It is a general rule that any deprivation of liberty, including detention undertaken on the basis of legal authority and in connection with the commission of an offense, must be counted in the sentence if it is pronounced for that offense, with the identity of the defendant and the adjudicated offender (Article 47 PPL). . Detention lasting more than 12 hours and less than 24 hours is counted as one day of imprisonment, that is, 1,000 dinars of fine or eight hours of work in the public interest.

5. Other misdemeanor sanctions

5.1. Warning

A reprimand is the mildest type of misdemeanor sanction imposed in lieu of a prescribed fine to an adult and responsible offender of a particularly minor offense. It represents a rebuke to the perpetrator of the offense by the company for the act committed and a warning that in the future

he does not violate the rules of public order and does not commit the offenses because he will be punished for such activity (Article 50 PDO).

The following conditions are required to issue a warning: 1) that only a fine is prescribed for an offense because it appears as a substitute (alternative) to this type of offense, 2) that the offense was committed in circumstances that significantly diminish the perpetrator's liability, 3) the conviction of the misdemeanor court that even with the use of a warning and without imposing a sentence, the offender can be expected to stay away from committing the offense in the future. This is a special form of genuine remorse which is of such importance that it is not necessary, justified and just to punish such offenders, since he has eliminated all the harmful consequences of the offense, even before the misdemeanor proceedings have been completed.

5.2. Safety measures

Protective measures (Jovasevic, Mitrovic, Ikanovic, 2017: 621-628) are a special type of misdemeanor sanction that can be imposed on any perpetrator of the offense: responsible or irresponsible, adult or juvenile, natural or legal person. They can only be prescribed by law or regulation. They are imposed as an incidental sanction with a sentence or reprimand, but these measures can be imposed even when the offender has not been sentenced if such possibility is provided.

Misdemeanor law of the Republic of Serbia provides for the following safeguards (Article 52 of the LCP) w: 1) seizure of objects, 2) prohibition of performing certain activities, 3) prohibition of a legal person from performing certain activities, 4) prohibition of a responsible person from performing certain activities, 5) prohibition driving a motor vehicle, 6) compulsory treatment of alcohol addicts and psychoactive substances, 7) compulsory psychiatric treatment, 8) prohibition of access to the injured party, objects or venue, 9) prohibition of attending certain

sports events, 10) public announcement of the verdict, 11) removal aliens from the territory of the Republic of Serbia and 12) confiscation of animals and prohibition of keeping animals. Protective measures: a) confiscation of objects, b) compulsory treatment of alcohol addicts and other psychoactive substances, c) compulsory psychiatric treatment, d) prohibition of access to the injured party, objects or place of committing the offense, and e) removal of an alien from the territory of the Republic of Serbia may also be imposed when are not provided for by the regulation specifying the offense.

Seizure of items is a safeguard measure that seizes items that have been used or have been intended to commit an offense or which have been committed by an offense (Article 54 of the LPP). Seizure of a case does not affect the right of third parties to receive compensation from the perpetrator (Tomanovic, 2000: 87-106).

Prohibition of performing certain activities is a protective measure consisting of a temporary ban on the offender to perform a particular economic or other activity for which a permit of the competent authority is issued or entered in the appropriate register (Article 55 of the PDO). Unless the regulation specifying the offense specifically stipulates the conditions for imposing this measure, it may be imposed under the following alternatively specified conditions: 1) if the offender misused his activity for committing the offense, or 2) if it can reasonably be expected that he would continue to perform the activity by such person whether it is dangerous to the life or health of the people or other protected interests of the law.

A ban on a legal person from carrying out certain activities consists in prohibiting the production of certain products or performing certain activities in the field of trade in goods, finances and services or in prohibiting the performance of other specific activities (Article 56 of the PDA).

The prohibition of the responsible person to perform certain tasks consists in the prohibition of the offender from performing certain tasks that he performed at the time of committing the offense or other managerial position in economic or financial business or a certain type of business or all or only some duties related to the disposal, use, management or the handling of entrusted property (Article 51 PDO).

The prohibition of driving a motor vehicle is a specific safeguard that can only be imposed on the perpetrators of certain types of traffic offenses (Smailhodžić, Pevilić, 2006: 56-71). It consists in prohibiting the offender from temporarily operating a motor vehicle of a particular type or category for the time specified in the judgment (Article 58 of the PDA) (Jovasevic, 1998: 395-400).

Compulsory treatment of alcohol addicts and psychoactive substances is a medical safeguard that can be imposed on a person who has committed a misdemeanor as a result of his or her dependence on continued use of alcohol or psychoactive substances if there is a risk that he / she will continue to commit misdemeanors because of that dependency (Article 59 PDO). Although the law calls this measure "compulsory treatment", it is still optional at the discretion of the misdemeanor court. Mandatory psychiatric treatment is a newly introduced medical protective measure. It must be imposed on the person if the following conditions are met: 1) the offender has committed a misdemeanor in a state of negligence, 2) if the court finds that the perpetrator is in serious danger of repeating the offense and 3) if psychiatric treatment of the offender is required to eliminate the danger (Article 60 PDO). It is the only misdemeanor sanction that can be imposed on an indiscriminate offender.

Prohibition of access to the injured party, objects or place of the offense is a precautionary measure that is imposed to prevent the perpetrator from repeating the offense or from continuing to endanger the

injured party (Article 61 PPL). This measure may be pronounced up to one year, counting from the enforceability of the judgment.

The ban on attending certain sports events consists of the obligation of the offender to report directly to an official in the regional police department or police station in the area where the offender found himself and to stay in their premises at the time of holding the event. sporting events (Article 63 PPL) The application of this measure is related to committing offenses against public order and peace, especially in relation to violence and misconduct at sporting events (competitions) (Tomić, 1985: 951-966). When imposing a measure, the court also determines its duration, which can range from one to eight years.

Public announcement of the verdict shall be pronounced by the court to the offender if he / she thinks it would be useful for the public to be informed of the verdict rendered, and in particular if publication of the verdict would help to eliminate the danger to life or health of people or to protect the safety of traffic of goods or services or economy (Article 64 PDO). The judgment may be announced within a maximum of 30 days from the day the judgment becomes final. The costs of publishing the judgment are borne by the offender.

Removal of an alien from the territory of the Republic of Serbia is a specific safeguard with regard to the capacity of the offender. It can be pronounced against a foreigner (a person who holds a foreign citizenship or stateless person - a stateless person) who has committed an offense that makes his / her continued stay in the country undesirable (Article 65 PDA). This measure is pronounced for a period of six months to five years, and the duration of the measure starts from the day the verdict becomes final, but the time spent in serving the prison sentence is not counted towards the duration of this measure.

Animal confiscation and prohibition of keeping animals is a newly introduced safeguard measure that confiscates animals from the owner or keeper declared responsible for an offense in the field of animal welfare in order to prevent the offender from repeating the offense or otherwise continue to endanger the welfare of the animals (Article 66 PPL). The sentencing court shall determine, in accordance with special regulations, whether the confiscated animal will be handed over to the competent animal shelter or the organization concerned. This measure is pronounced for a fixed duration of one to three years - counting from the day the judgment is enforced.

5.3. Educational measures

Misdemeanor law provides for two types of educational measures. These are (Jovasevic, 2010: 67-81): 1) warning and guidance measures - reprimand and special obligations, and 2) enhanced surveillance measures. Warning and guidance measures (Article 74 of the PDA) are imposed when such measures need to influence the minor's personality and behavior and when they are sufficient to achieve the purpose of these measures. Measures of enhanced supervision are imposed in the case where more lasting educational measures need to be taken for the education and development of the minor, with appropriate professional supervision and assistance.

Reprimand is the mildest educational measure consisting of a reprimand which a misdemeanor court directs on behalf of a company to a minor offender when it is not necessary to take more lasting educational measures, especially when his attitude towards the committed offense and his willingness not to commit violations in the future that the purpose of this measure can be achieved by the educational measure imposed (Article 75 PDO). These are cases where the minor committed the offense out of lightheadedness or recklessness.

Special obligations are a measure imposed by a court if it finds that appropriate requests and injunctions need to influence a minor and his or her behavior (Article 76 PPL). In that case, the minor may be assigned one or more specific obligations provided for by law: 1) to apologize to the injured party, 2) to repair or compensate for the damage caused by him, 3) not to visit certain places and to avoid the company of certain persons who they are adversely affected, 4) be subjected to withdrawal and treatment for alcohol and other psychoactive substance addiction, 5) to be referred to a competent driver training facility for the purpose of learning or testing traffic regulations, 6) to be engaged without charge humanitarian organizations or in matters of environmental, social or local importance and 7) engage in the work of sports and other sections of the school with the pedagogical supervision of teachers. When imposing special obligations, the misdemeanor court determines the duration of their duration, which may not exceed six months, without interfering with the minor's education or employment.

Enhanced supervision is an educational measure imposed on a minor offender when it is necessary to apply more permanent measures of upbringing to him. There are two measures of enhanced supervision: a) enhanced supervision by parents, adoptive parents or guardians, and b) enhanced supervision by the guardianship authority (Article 77 of the PDA).

5.4. Punishment of minors

The PDO provides for the punishment of juvenile imprisonment in the structure of juvenile misdemeanor sanctions, in addition to educational measures (Đukić, Jovašević, 2010: 45-52). This punishment can be imposed only if the conditions prescribed by law (Article 81 of the Law on Public Procurement) are met: 1) the offender must be an elderly minor; manages its proceedings, 3) that the court has come

to believe that due to the grave consequences of the offense or a greater degree of misdemeanor liability, it would not be justified to impose an educational measure.

5.5. Other misdemeanor measures

Forfeiture of property gain (Marjanovic, 1998: 375) is a special type of legal consequence arising from a decision of a misdemeanor court as a consequence of the commission of an offense. It consists in the seizure from the perpetrator of the misdemeanor of money, securities, items of value and any other material gain obtained by committing the misdemeanor (Article 69 of the PDA). If such forfeiture is not possible, the offender shall be obliged to pay a sum equal to the proceeds obtained. If the defendant fails to pay the amount so determined within the specified period, the payment shall be made by coercive means (in the same way as the unpaid fine for the offense). The following are considered grounds for extinguishing misdemeanor sanctions: 1) death of the offender and 2) statute of limitations. In misdemeanor law there is no place to use amnesty and pardon as grounds for extinguishing criminal sanctions. In theory, the occurrence of coming of age after the decision to impose an educational measure in the case when the offender is a minor, when the imposed measure is suspended (Article 83 paragraph 2 of the PDA), is a special ground for extinguishing the misdemeanor sanction. The statute of limitations for initiating and conducting misdemeanor proceedings (abolition) exists when, after the expiration of a certain period of time from the commission of a misdemeanor, no misdemeanor proceedings can be initiated against his perpetrator. The time it takes to get outdated - it's called the statute of limitations. This statute of limitation shall be one year, except for offenses in the fields of customs, foreign trade, foreign exchange, public revenues and finances, public procurement, trade in goods and

services, the environment, the prevention of corruption and air transport, where a longer statute of limitations may be specified by a separate law, but not longer than five years (Article 84, paragraphs 4 and 5 of the PDO). Absolute obsolescence means the impossibility of initiating and conducting misdemeanor proceedings against a specific person for the offense committed, when a certain period of time has elapsed after the commission of the offense, regardless of the suspensions and interruptions of the statute of limitations. It occurs when twice as long as required by law for the statute of limitations for initiating and conducting misdemeanor proceedings. In the same way and under the same conditions, the statute of limitations for initiating and conducting proceedings for the issuance of a misdemeanor warrant (Article 84 paragraph 8 of the Law on Public Procurement).

6. Conclusion

Criminal offenses, although the most serious and socially most dangerous acts that violate legal regulations and violate or threaten particularly significant social goods and values, are not the only type of criminal offenses (public law offenses). In addition, there are, to a much greater extent, violations, such as violations of the rules of legal order and social discipline of individuals and legal entities, for which, as lighter forms of criminal offenses, all modern criminal legislation provides for a wide range of misdemeanor sanctions. Misdemeanor sanctions, by their importance, nature and character, are punishments for natural and legal persons, or entrepreneurs, who have established misdemeanor liability, which are prescribed for the perpetrators of certain types of misdemeanors in the laws and by-laws. In addition to these, there are other, more numerous and specific misdemeanor sanctions. In addition to sanctions as coercive measures imposed by the court on the offender in each particular case, the

misdemeanor law is aware of other, “special” misdemeanor measures which do not have the character of sanction, even though they are extremely important for imposing or enforcing sanctions.

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