

**VOLUNTARY ABANDONMENT  
IN SERBIAN CRIMINAL LAW AND MACEDONIAN CRIMINAL LAW**

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**Abstract**

Pursuant to Article 32 of the Serbian Criminal Code, voluntary abandonment of the commission of a criminal offence exists when the perpetrator who attempted to commit a criminal offence voluntarily abandons or withdraws from the commission of the criminal act, or prevents the occurrence of legal consequences. As indicated in the definition of the concept of voluntary abandonment in criminal law, there are two essential legal requirements which must be cumulatively met: a) the criminal offense was attempted, and b) the perpetrator voluntarily abandoned the intended commission of the criminal act or prevented the occurrence of harmful consequences. The voluntary abandonment of the commission of a criminal offence is one of the legal grounds for possible exemption from criminal liability and punishment. The competent court has the authority to render a decision on this matter, which means that the court may or may not exempt the offender from punishment when the aforesaid legal requirements for the application of this institute have been cumulatively satisfied. In this article, the authors analyze the legal nature of voluntary abandonment as a criminal law institute, compare its regulation in the Serbian and the Macedonian criminal law, and discuss some cases from the judicial practice in the Republic of Serbia. The aim of the paper is to point out to the significance of applying the legal institute of voluntary abandonment in the process of combating crimes because this institute has a direct impact on the awareness of the criminal offenders about the importance of preventing the completion of criminal acts and the occurrence of harmful consequences, even when they have been attempted. It is ultimately important in terms of both special and general prevention of crimes.

**Keywords:** criminal law, voluntary abandonment, legislation, judicial practice.

**1. Introduction**

Voluntary abandonment of the commission of a criminal offence is a criminal law institute which is fully recognized and regulated by the norms of general substantive criminal law. On the other hand, this legal institute has given rise to new questions and dilemmas both in criminal law theory and in judicial practice. The primary issue is its identification, i.e. discerning voluntary abandonment as a distinctive stage

in the commission of a criminal act. This criminal law institute is almost identically regulated in the general substantive criminal law of the Republic of Serbia and the Republic of North Macedonia. Yet, the legal analysis of this institute is extremely important because voluntary abandonment is one of the possible legal grounds for exemption from criminal liability and punishment. In that context, the analysis of the application of this legal institute is highly relevant for criminal law theory and practice alike.

Voluntary abandonment of the commission of a criminal offence implies that the perpetrator who attempted to commit a criminal offence voluntarily decides to abandon or withdraw from the commission of the criminal act, or to prevent the completion of the act or the occurrence of harmful consequences. In this regard, it is essential to examine the perpetrator's state of mind at the moment of voluntary abandonment, including the internal conflict between the perpetrator's will, intention and awareness at the moment of making the decision to commit the criminal act, at the moment when that he/she has initiated the act or attempted to commit it, and at the moment when he/she voluntarily decided not to complete the act, to withdraw from or abandon the commission of the act, or prevent the occurrence of harmful consequences. This conflict points to the perpetrator's reconsideration of the decision to commit the offence or repentance at the stage of committing the crime. The will of the perpetrator is highly important in the institute of voluntary abandonment, i.e. the fact that the perpetrator voluntarily and deliberately stopped the completion of the act and prevented the harmful consequences of his/her own accord. This indicates a change of heart and a personal decision not to complete the act. The essential elements of this institute are the perpetrator's own voluntary decision to withdraw from or abandon the commission of the initiated/attempted criminal act or prevent the completion of the act. They indicate that the perpetrator has the situation under his control and wants to prevent the consequences of the criminal act.

Bearing in mind the interesting nature and the importance of this institute in substantive criminal law, the paper first presents the general legal norms on voluntary abandonment in the substantive criminal law of the Republic of Serbia and the Republic of North Macedonia. Then, the authors provide a comparative analysis of the legal provision on voluntary abandonment envisaged in the Serbian and the North Macedonian legislation. In the next part, the authors present some cases from the judicial practice in the Republic of Serbia. Finally, the authors draw conclusions about this institute and its application in criminal law theory and practice.

## **2. General norms on voluntary resignation in substantive criminal law of the Republic of Serbia and the Republic of North Macedonia**

The institute of voluntary abandonment in criminal law must be analyzed both separately and comparatively because it is recognized in many legislations (when determining the general principles of criminal law). Yet, it can contribute very little to determining its structural framework. In order to embark on such an analysis, it is important to look at the stages of the commission of a criminal offense and attempt as a possible but optional act. In case there is an attempted crime, it is important to know its general forms of manifestation in order to distinguish it from other acts of commission of a criminal offense. The ultimate aim is to distinguish the criminal attempt as an incomplete (inchoate) act from the completed criminal offense leading to specific legal consequences.

Attempt or an incomplete criminal act is one of the stages in the commission of a criminal offence (Jovašević, 2002, 2006, 2010). There are four stages in the process of committing a criminal act: 1) a decision and intent to commit a criminal act; 2) preparatory actions; 3) an attempt to commit a criminal act; and 4) the completed criminal act (Jovašević, 2010:147). The only mandatory stage among them is the decision to commit an act, while others are possible but optional. An attempt exists when an individual has an actual (specific) intent to commit a crime, plans and takes direct action to complete it, but the act is not completed. In criminal law, there are three essential elements of attempt: 1) the undertaking of an intentional activity; 2) the initiation of a criminal act by undertaking the act of commission; and 3) the absence of consequence (Jovašević, 2006:1431-1450).

The constitutive element of attempt is the perpetrator's intent, given that a negligent attempt is hard to conceive; even if it were possible, it would have no criminal law significance. Bearing in mind that attempt is a stage between the preparatory actions and the completed criminal act, it is very important to understand what type of attempt it involves, in order to determine the phase in which the completion of the act was interrupted, thus preventing the occurrence of harmful consequences.

There are two types of criminal attempt: a completed attempt and an incomplete attempt. A completed attempt exists when the perpetrator initiated and completed the criminal act but the consequences of the criminal offense did not occur. An incomplete attempt exists when the perpetrator starts the commission of a criminal act but does not complete it, as a result of which the conditions necessary for the occurrence of the consequences of the criminal offense have not been met (Jovašević, 2010: 147-150). Article 30 of the Criminal Code of the Republic of Serbia (CC RS)<sup>558</sup> regulates criminal attempt as a criminal offence which is commenced with intent (premeditation) but is not completed. In addition, the Serbian criminal legislation recognizes an inappropriate attempt, which exists when the offender who attempted to commit a criminal offence used an inappropriate tool or undertook the activity against an inappropriate object, as a result of which the criminal offense could not be committed and the consequence did not occur (Article 31 CC RS). Under the Serbian criminal law, criminal attempt shall be punished if it refers to criminal offences which are punishable by a term of five years' imprisonment or more; as for other criminal offences, it shall be punished only when the law expressly stipulates the punishment for attempting the commission of those criminal acts (Article 30 of the CC RS).

Article 32 of the Serbian Criminal Code regulates voluntary abandonment of commission of a criminal act. Article 32 (1) CC RS envisages that an offender who attempted to commit a criminal offence but voluntarily abandoned the act of commission or prevented occurrence of the consequences may be exempt from punishment. In this regard, voluntary abandonment exists in two cases: 1) when the perpetrator begins the act of commission but voluntarily abandons its completion, and 2) when the perpetrator begins the act of commission, completes it, but voluntarily prevents the occurrence of the consequence (Jovašević, pp. 147-150).

Article 32 (2) CC stipulates that there will be no voluntary abandonment if the offender has not completed the criminal offence due to the circumstances which prevent or significantly hinder the commission of the criminal act, or because the offender assumed that such circumstances were present. Article 32 (3) CC also prescribes the possibility of exemption from punishment for the co-offender, instigator, aider or abettor who voluntarily prevented the commission of a crime. Article 32 (4) CC expressly prescribes the impossibility of exempting the offender from punishment for the commission of some other completed criminal offense that was not included in the criminal offense which he/she voluntarily abandoned.

In terms of substantive law, there is almost no difference in the definition of voluntary abandonment in the Serbian criminal law and the North Macedonian criminal law. In the Serbian Criminal Code, this institute is regulated in the general part of the Criminal Code, Chapter 3 (Criminal offences), immediately after the general provisions on the criminal offense, in the part that refers to attempted criminal offenses (Articles 30-32). Voluntary abandonment is explicitly regulated in Article 32 (para.1-4) CC RS. In the Criminal Code of North Macedonia (CC NM),<sup>559</sup> this institute is regulated in the general part of the Criminal Code, Chapter 2 (Criminal offences and criminal responsibility), Article 21 in the part referring to preparation and attempt to commit a crime. If we disregard the minor differences in the chapter titles, the conditions for the application of the institute of voluntary abandonment are exactly the same. The only

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<sup>558</sup> Krivični zakonik Republike Srbije (Criminal Code of the Republic of Serbia), *Službeni glasnik RS*, 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019.

<sup>559</sup> Кривичен законик на Република Северна Македонија (Criminal Code of the Republic of North Macedonia), *Службен весник на Република Македонија*, бр. 37/1996, 80/1999, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011, 135/2011, 185/2011, 142/2012, 166/2012, 55/2013, 82/2013, 14/2014, 27/2014, 28/2014, 41/2014, 115/2014, 132/2014, 160/2014, 199/2014, 196/2015, 226/2015, 97/2017, 248/2018, и „Службен весник на Република Северна Македонија“, 36/2023).

difference is that the Criminal Code of Serbia provides for the voluntary abandonment by accomplices (Article 32, para. 3 CC RS), which is not envisaged in the North Macedonian Criminal Code.

### **3. Criminal law analysis of the institute of voluntary abandonment**

In criminal law, voluntary abandonment of the commission of a criminal act contains an objective and a subjective component. In establishing the presence of the objective element, it is important to prove that the perpetrator has discontinued further undertaking of the act of commission, or prevented the occurrence of a harmful consequences. In the former case, the perpetrator must definitely abandon the completion of the act rather than interrupt the action with intention to complete it later, in which case there will be no voluntary abandonment. In the latter case, the essential element is the direct action of the perpetrator by which he/she prevents the occurrence of the consequence; it is possible only in case of criminal acts where the consequence occurs after a short or long period of time after the action was taken and completed. There will be no voluntary abandonment in case the consequence occurs, although the perpetrator tried or did everything in his power to prevent it. Under the Serbian legislation, it may only be taken as a mitigating circumstance in the sentencing process. In comparison, some European criminal legislations (Germany, Denmark) extend the voluntary abandonment to cases where the consequence does not occur but without the perpetrator's actions, provided that the offender voluntarily and seriously tried to prevent it (Stojanović, 2019: 183-188). This indicates the proper decision of the Serbian legislator, which rests on the fact that it is important to prevent the occurrence of the consequence, i.e. to interrupt the completion of the act of commission. Thus, it is irrelevant whether it has been done by the perpetrator or another person; what matters is that the perpetrators had the will, intention and attempt to prevent the occurrence of harmful consequences. This solution may serve as an opportunity to expand the scope of application of the institute of voluntary abandonment in the future amendments of the substantive criminal law in both Serbia and North Macedonia.

The subjective element of this institute is the offender's will, i.e. the voluntariness of abandoning the further commission of a criminal act. In establishing the presence of this subjective element, it is important to prove that the offender has withdrawn from or abandoned the commission of the intended criminal act by his own free will. There will be no voluntary abandonment in case the offender abandons the commission of the act because the intended criminal act has not proceeded as planned or failed to target the intended person. This situation may be best illustrated by the case where the perpetrator abandons the commission of murder in the course of undertaking this criminal act after realizing that the targeted individual is not the person that the offender intended to kill. In that case, there will be no voluntary abandonment.

If the court decides to exempt the offender from punishment for the attempted crime whose commission has been abandoned, the offender must be punished for the offense that he completed through the attempted criminal offense for which he is exempted from punishment. For example, if the court decides to exempt the offender from punishment for attempted rape, the court will not punish him for the act of coercion or illicit sexual acts because those acts are included in the crime of rape. However, if the offender commits the crime of robbery by using coercion with the aim to rape, there is no doubt that he will be punished for robbery.

Voluntary abandonment is punishable under the Serbian and the Macedonian criminal law. It is an optional ground for exemption from punishment, as well as an optional basis for unlimited mitigation of punishment. The exemption from punishment, which is applicable in case the perpetrator voluntarily abandoned the commission of a criminal act, is an important legal ground for exercising this possibility.

The purpose of the legal institute of voluntary abandonment is to motivate the perpetrator not to complete the criminal act and, thus, provide the possibility of the offender's exemption from punishment. Yet, in his *Commentary on the Criminal Code of the Republic of Serbia*, Prof. Stojanović states that the existence and justification of this institute should not be based only on this possibility because, in many cases, perpetrators do not abandon the commission of a crime due to the possibility of being exempt from punishment, which they are often unaware of. As they cannot trust that the court will use that possibility,

they abandon the commission of a crime for completely different reasons. In his opinion, “the justification of the institute of voluntary abandonment should also be sought in the fact that, in case of voluntary abandonment, the degree of social danger of the attempted act is generally lower; as for the purpose of punishment, sometimes the very circumstance that the perpetrator voluntarily abandoned the commission of the act indicates that it is not necessary to punish the offender” (Stojanović, 2019: 184).

As previously noted, Article 32 (para.3) of the Serbian Criminal Code provides for the voluntary abandonment of the commission of a criminal offense by accomplices (a co-offender, initiator, aider or abettor). In this case, it does not suffice that the accomplice has abandoned further execution of the act of complicity; the legislator emphasizes that it is necessary that the accomplice prevented the perpetrator from committing the crime. As this provision envisages an optional legal ground for exemption from punishment, it cannot be applied in case the accomplice failed to prevent the perpetrator from completing the commission of the act. Yet, this circumstance may be taken as a mitigating circumstance in the sentencing process.

In addition to the fact that the abandonment of the commission of an initiated criminal offense has to be voluntary, it also has to be final. Abandonment is voluntary if the perpetrator personally made a voluntarily decision to discontinue the initiated criminal act. In this regard, there is no voluntary abandonment if the perpetrator is prevented from committing the act, or if he/she abandons further commission of a crime due to difficulties that he cannot overcome. Abandonment is final when it is an expression of the perpetrator's firm decision to discontinue the commission of the initiated criminal act. The motives for the perpetrator's decision to abandon the completion of the criminal act may be different (altruistic or egoistic), and do not have to be of a moral nature because voluntary abandonment has a psychological rather than a moral value. Yet, the motives are not important for the existence of this institute. Their evaluation may be important in determining relevant punishment for the offender (Jovašević, 2010: 152-153) but not for the existence of voluntary abandonment as a general criminal law institute (Jovašević, 2014: 104).

The institute of voluntary abandonment of the commission of a criminal act is not applicable to all crimes. It primarily refers to those crimes where the preparatory actions and the attempt are equated with the completed criminal offense and crimes where the consequences cannot occur despite the commission of the criminal act.

#### **4. Voluntary abandonment in judicial practice in the Republic of Serbia**

In this part of the paper, we will present significant cases from the jurisdiction of different Serbian courts and discuss relevant parts of judgments dealing with the application of the institute of voluntary abandonment. The court decisions presented here are accessible in *Paragraph Lex*, the information database of legal regulations and court decisions.

The selected judgments illustrate a number of relevant issue addressed by Serbian courts.

##### **1. Voluntary abandonment is not applicable to criminal offences where attempt may not exist.**

The judgment of the Court of Appeal in Kragujevac (Kž1 1510/2016) of 15 November 2016 illustrates that the institute of voluntary abandonment is applicable only to criminal offences where an attempt may not exist (either physically or legally) because it is a constituent part of the committed criminal offence. For example, voluntary abandonment is not applicable to criminal offenses such as illegal production, possession, carrying and trafficking of weapons and explosive substances envisaged in Article 348 of the CC RS. The appellate court judgment reads:

*"By the judgment of the Basic Court in K., the defendant A.G. was found guilty for the commission of the criminal offense of illegal production, possession, carrying and trafficking of weapons and explosive substances prescribed in Article 348 (para. 4 in connection with para. 1) of the Criminal Code (CC) ... The appeal of the defendant's counsel is unfounded. ... In the appeal, the defense attorney indicates that... the defendant voluntarily abandoned the commission of the crime, that is, he set off to return the handgun in question to the place where he took it, but was prevented from doing so by police officers.*

*This allegation was assessed as unfounded because the first instance court correctly and completely determined the factual situation in the contested verdict. In the justification of the its decision, the first*

*instance court provided reasons which were not challenged in the appellate allegations. In order to establish a voluntary abandonment within the meaning of Article 32 CC, certain conditions must be met, including inter alia that the perpetrator attempted to commit a criminal act. Therefore, given the fact that attempt does not apply to the specific criminal offense for the commission of which the defendant was found guilty, in this specific case there is no place to apply the provisions of Article 32 CC, particularly taking into account that the defendant obtained and carried the handgun without permission and authorization of the police, and thus satisfied all the essential elements of the criminal offense in question." (Judgment of the Court of Appeal in Kragujevac, Kž1 1510/2016, 15 Nov. 2016).*

2. The legal requirements for the application of the institute of voluntary abandonment in case of a completed attempt have not been met if the perpetrator did not take direct action, or did not prevent the occurrence of the consequences of the criminal offense through personal involvement or seeking assistance of other persons.

As stated in the judgment of the Appellate Court in Kragujevac ( Kž1 242/2014) of 6 March 2014, in order to fulfill the requirements for the application of voluntary abandonment, the perpetrator must take direct action to prevent the consequences of the criminal act either by personal involvement or by seeking assistance of other persons. If this condition is not met in the specific case, the institute of voluntary abandonment cannot be applied. The appellate court judgment reads:

*"By judgment (K ...) of 02.12.2013, the High Court in N.P. declared the defendant M.O. guilty of the criminal offense of attempted murder prescribed in Article 113 in conjunction with Article 30 of the Criminal Code and sentenced him to a term of 3(three) years' imprisonment, including the time spent in custody from 12 October 2010 to 1 December 2010..."*

*Refuting the first-instance decision, the defense attorney's appeal points out that "the institute of voluntary abandonment can be applied in this particular case because the defendant could have continued inflicting injuries to the victim and completed the initiated criminal act." (...)*

*The Appellate Court finds that the appellate allegations of the defendant's defense attorney are unfounded, that the institute of voluntary resignation cannot be applied in the specific case, given the indisputable fact that the defendant fled the crime scene immediately after the commission of the criminal act (stabbing the victim with a razor in the stomach area), for which reason the incomplete attempt is not applicable. The defendant did not try to prevent the occurrence of the consequences by personal engagement or seeking assistance of other persons, which would constitute a voluntary abandonment of a completed attempt. Therefore, the requirements prescribed in Article 32 (para.1.) CC were not met..." (Judgment of the Court of Appeal in Kragujevac, Kž1 242/2014, 6 March 2014).*

3. In case of the criminal offense of attempted rape, the institute of voluntary abandonment cannot be applied if the actions of the criminal offender and the factual situation of the specific case indicate his intent to commit rape.

As stated in the judgment of the County Court in Kragujevac (K. 156/2004) of 16 November 2004, if the perpetrator of the criminal act showed intent to commit the criminal act, the non-occurrence of the consequences in the specific case cannot be treated as a condition for the existence of the criminal act. The court judgment reads:

*"The alleged consent of the injured party to sexual intercourse (who said "at some other place, not in the eddy"), clearly does not constitute voluntary consent because it was caused by fear for her life, and in that sense the court accepts her testimony. Due to the victims resistance, all actions that were taken by the defendant with the aim of committing the crime of rape were practically reduced to touching the genitals; thus, the crime of rape was attempted but not actually committed. The court concludes that, in order to establish attempt in the specific situation, it was enough to prove that the perpetrator started using force and threats with the aim of committing the crime, because everything that he had done was a clear confirmation of his intent. The court associates the lack of erection with the impact of external factors, which were reflected in the extremely intense long-term resistance of the injured party and the circumstances in which the actions were taken (in broad daylight, not far from the road, and the defendant's*

consumption of alcohol). Despite the lack of erection which was indisputably established both by the victim's testimony and by the defendant's statements, the court cannot detect voluntary abandonment in the actions of the defendant because it clearly follows from the established facts that the offender kept pursuing his goal with intent to further subjugate the victim, by dragging her towards the whirlpool and announcing that he would do it there; and, when she managed to break away from him again, he tried to drag her back, all of which clearly indicates his manifest intent and all established features of a criminal offense of rape prescribed in Article 103 of CC RS." (Judgment of the County Court in Kragujevac, K. 156/2004, 16 November 2004).

4. There is no voluntary abandonment in case the perpetrator abandons the commission of the initiated criminal offense of robbery due to obstacles that significantly complicate the commission of the act.

Perpetrators often embark on the commission of a criminal act and then abandon it due to the impact of some external factors or circumstances (e.g. the inability to overcome certain obstacles in the criminal offense of theft or robbery). In order to establish voluntary abandonment, the abandonment must be final and the result of the perpetrator's will (voluntary). As stated in the judgment of the Supreme Court of Serbia (Kž. I 2136/2006) of 29 May 2007, the legal requirements for the application of voluntary abandonment are not met if the abandonment is temporary rather than final, and if it is a result of external circumstances that the offender cannot control or influence rather than the result of the offender's voluntary decision. The court judgment reads:

*"The accused N.A. was found guilty of the criminal offense of attempted robbery under Article 206, para. 1 in conjunction with Articles 30 and 33 of the Criminal Code, the criminal offense of attempted extortion under Article 214, para. 1. in conjunction with Articles 30 and 33 of the CC, and the criminal offense of illegal possession of weapons under Article 348, para. 2 of the CC.*

*The defense attorney's appeal claims on voluntary abandonment are deemed to be unfounded in relation to the criminal offense of robbery described in point 1 of the contested (lower-court) decision. It is completely clear from the circumstances of the critical event described in the court decision and the corresponding parts of legal reasoning in the contested judgment that the defendant N.A. and a minor N.D. abandoned the commission of the crime because of the obstacle they encountered (a locked gate); the injured party S.K. she did not open the gate, stating that the keys to the gate were in her house. Therefore, the abandonment of the initiated criminal offense due to (external) circumstances that prevent or significantly hinder the commission of the crime may in no case be considered voluntary abandonment within the meaning of the provisions in Article 32 of the Criminal Code." (Judgment of the Supreme Court of Serbia, Kž. I 2136/2006 of May 29, 2007).*

On the basis of the presented cases and a brief analysis of available judgments of courts of different instances in the Republic of Serbia, it can be concluded that the courts have consistently applied all the legal requirements on the application of the institute of voluntary resignation in specific cases. Such judicial practice can be evaluated as positive because it reflects the implementation of the principle of legality and contributes to strengthening citizens' trust in the judicial system of the Republic of Serbia.

Unfortunately, at the time of preparing this paper, the authors did not have access to the important judgments of courts in the Republic of North Macedonia dealing with voluntary abandonment. For this reason, we cannot provide a comparative analysis of the judicial practice in the two countries which share a common legal tradition and whose legislations contain almost identical definitions of the institute of voluntary abandonment. This paper may also be a kind of invitation to other researchers to explore this issue in more detail and conduct a comparative analysis of the Serbian and the Macedonian criminal legislation and court practice. Ultimately, it may contribute to improving the substantive criminal law and judicial practice in both countries.

## 5. Concluding remarks

Voluntary abandonment of the commission of a criminal offence is an institute of the general criminal law and an optional ground for mitigating the sentence and exemption from punishment. Based on

the analysis of the relevant norms of the Serbian criminal law and the Macedonian criminal law, it can be concluded that it is regulated in almost the same way (with certain differences of a nomotechnical nature). This is quite understandable, bearing in mind the fact that Serbia and North Macedonia share the common legal tradition of the former SFRY.

Another significant difference in regulating the institute of voluntary abandonment in the criminal legislations of Serbia and North Macedonia refers to complicity. Namely, within the framework of the voluntary abandonment, Article 32, para. 3 of the Serbian Criminal Code provides for the voluntary abandonment by accomplices, while the Macedonian Criminal Code does not envisage such a provision. In such a case, the Serbian legislator emphasizes that it is not enough for the accomplice to abandon further undertaking of the act of complicity but that the accomplice has to prevent the perpetrator from committing the crime. This provision, which envisages an optional ground for exemption from punishment, cannot be applied in case the accomplice has failed to prevent the perpetrator from completing the commission of the crime. Yet, this circumstance may be taken as a mitigating circumstance in sentencing.

*De lege ferenda*, it has been noted that it is possible to extend the effect of this criminal law institute to cases where the consequence does not occur but without the contribution of the perpetrator, provided that the offender voluntarily and seriously tried to prevent it (Stojanović, 2019). Thus, the institute of voluntary abandonment would be more completely regulated. Further comparative study of voluntary abandonment may contribute to the development of substantive criminal law in both Serbia and North Macedonia, as well as to improving the judicial practice and criminal law theory.

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