

вишеструког поврата одговорено на сва спорна, а притом суштински важна питања која су се јавила у пракси.

У прилог закључка: „За особито отежавајуће околности сматраће се и ако је кривац за друго злочинство или преступлење већ био кажњен.“ (параграф 65. став. 2. тач. 5. Казненог законика Књажевине Србије од 29. марта 1860. године).

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REPEATED OFFENCE IN POSITIVE CRIMINAL LEGISLATION

Summary

In the paper, the author deals with the issue of repeated offence in positive criminal law, as an institution that, along with life imprisonment, caused the most controversy after the last changes to the Criminal Code. First of all, the historical development of this institute, which existed in our post-war law for many decades, was pointed out. Then numerous problems in its application were pointed out, which was often contributed to by different attitudes, not only of the lower courts, but also of the highest courts. Although the provision regulating repeated offence is apparently clear, in only three years of existence of this institute, numerous problems have arisen in practical application. For this reason, the paper pointed out the issue of cumulative application of the conditions of repeated offence prescribed by the Code, the issue of how to calculate half of the range of the prescribed penalty, the issue of application in the case of fines, etc. It is fundamentally important to give adequate answers to all disputed questions, because the incorrect application of the provision on repeated offence, on the one hand, can seriously threaten the rights of the defendant, and on the other hand, make sense of the application of this institute meaningless.

Key words: *repeated offence, special repeated offence, half the range of the prescribed punishment, sentencing, previous convictions.*

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