

TIME AND CAUSALITY OF THE SIGNIFICANT CONTRIBUTION OF A CO-PERPETRATOR

Igor Vukovic

Faculty of Law, University of Belgrade

Summary: According to the Serbian Criminal Code (Article 33), a co-perpetrator is not only a person who takes part in committing a criminal offense with others by participating in its execution, but also a person who with intent, and carrying out a jointly made decision, significantly contributes to the commission of the offense. Some of the problems concerning the application of this provision refer to the element of significance of the contribution. In this respect, the question arises whether the significant contribution must be provided at the time when the offense is being committed or it may occur in the stage of its preparation. Although the advocates of the theory of control over the act (*Tatherrschaft*) mostly believe that coperpetration is possible only at the time of the commission of a crime, our jurisprudence does not share this view. Also, it is unclear whether each co-perpetrator must cause the consequence of the offense, or if it is possible that such a causal contribution fails to occur. Even here we cannot claim that the provision of Article 33 of the Criminal Code can be interpreted exclusively in the direction which requires that significant contribution represents a *condicio sine qua non* of the offense. The author analyzes the timing issues of co-perpetration and issues of cumulative and alternative co-perpetration, especially taking into account the theory of control over the act in Serbian doctrine and practice.

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