

-

,

-

A :

:

:

-

, 2020.

1.
2001. 2.
,
2005. 3,
,
2017. 4. ,
245
,
2017.
,
245.
- 1 : „
,
...“5
,

¹ Мирослав Ђорђевић, „Прање новца у српском кривичном праву“ стр 2, *Кримен, часопис за кривичне науке*

² Закону о спречавању прања новца (*“Службени лист СРЈ”*, бр. 53/03).

³³ Закон о спречавању прања новца из (*“Службени гласник РС”* бр. 107/05)

⁴ Закон о спречавању прања новца и финансирања тероризма (*„ Службени гласник РС“*, бр. 113/2017 и 91/2019)

⁵ „Службени гласник РС“, бр. 94/16

, .

.

6.

,

,

“

”

,

7

(,

),

,

,

,

().

,

(.

).

8(

).

6 5 ,

⁶ Зоран Стојановић и Наташа Делић, „Кривично право, посебни део“, Београд, 2017, стр 176
⁷ Кривични законик, чл. 112, ст. 36 „Службени гласник РС“, бр. 94/16
⁸ Зоран Стојановић и Наташа Делић, „Кривично право, посебни део“, Београд 2017., стр 177

2009.

5

”

“

,

2016.

3

9

- 2

1

, .

,
)

(

- 3

1

2

¹⁰.

.1 .2.

- 4

,

, 2 12

”

“¹¹

- 5

, .

,

(

).

,

⁹ „Службени гласник РС“ бр. 94/16.

¹⁰ Зоран Стојановић и Наташа Делић, „Кривично право, посебни део“, Београд 2017., стр 178

¹¹ Кривични Законик члан 112. ст 22., Службени гласник РС“, бр. 94/16

(),
"willful
blindness".

,
,
,
3
- 6 . 1, 2
5 ,
. ¹²

- 7 13,

,
(,).
,
,
:
, , a , a
.

¹² Кривични законик, „Службени гласник“ РС, бр. 94/16
¹³ Кривични законик, „Службени гласник“ РС, бр.94/16

). 2016.

, ()
? 15
2008. 2017.
2018. 2019. FAFT- " " "()¹⁵

Me

¹⁵ Текст је преузет са сајта Нове Економије, доступном на: <https://novaekonomija.rs/vesti-iz-zemlje/kako-se-srbija-bori-protiv-pranja-novca>

1988.¹⁷

18

43

FATF- (Financial Action Task

Force on Money Laundering).

FATF

1989.

G-7¹⁹

40

(1990.). ,

FATF

¹⁶ Конвенције су наведене хронолошким редом, према годинама доношења

¹⁷ United Nations, *Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, Vienna, 1988.

У оригиналу доступно на: <https://web.archive.org/web/20050518085810/http://www.incb.org/e/conv/1988/>

¹⁸ *Ibid.* чл.3

¹⁹ Економска и политичка група 7 највећих индустријализованих земаља света (Канада, Француска, Немачка, Јапан, Италија, Уједињено краљевство и САД)

„

1990.

“40 + 9”

2012. (2019.)²⁰

(due diligence)

(),

FATF
(The Basle Committee for Banking Supervision),

1988.

1977.

“

”

1980.²¹

1990.(

)²²

6.

²⁰ FATF, *The FATF Recommendations 2012.*, доступно на: <https://www.fatf-gafi.org/publications/fatfrecommendations/documents/fatf-recommendations.html>

²¹ Преузето са сајта Министарства финансија, доступно на: <http://www.apml.gov.rs/srp43/saradnja/Savet-Evropske-COE.html>

²² Council of Europe, *Convention on Laundering Search, Seizure, and Confiscation of the Proceeds from Crime*, Strasbourg, 1990. Доступно на: <https://rm.coe.int/168007bd23>

23, 1999. ().

().

2000. 6.

:

²³ United Nations, *International Convention for the Suppression of the Financing of Terrorism*, New York 1999.
Доступно на: <https://www.un.org/law/cod/finterr.htm>

- , , , , ,
 ,
- , , , , ,
- , , , , ,
 , (4
).
 , (7)
10, ,
“
”
2003²⁴. (14).
 ,
 .
 ,
 .
 ,
 .

²⁴ United Nations, *Convention against corruption*, New York 2003.

1991.

4

²⁵

1991.

91/308/ C

2001.

²⁶

2005.

²⁷

²⁵ Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering, Official Journal, L 166, 28 June 1991.

²⁶ Directive 2001/97/EC of the European Parliament and the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering, Official Journal, L 244, 28 January 2001

²⁷ Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the financial system for the purpose of money laundering and terrorist financing, Official Journal, L 309, 25 November 2005.

“ ”
 , .
 2000. ,
 ()
 “ ,
 ,
 ”,
 .
 ,
 ,
 .
 5 . ,
 .
 ,
 (,)
 .
 ,
 .
 , 2015/849 20. 2015.
 , 2005/60/ C,
 .
 28 FATF- 2012.
 , ()
)
 . ,

²⁸ “Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC”, Official Journal, L 141/73, 5 June 2015.

1986. (The Money Laundering Control Act –MLCA)

1956 ³¹ (Laundering of monetary instruments)

RICO (The Racketeer Influenced and Corrupt Organizations Act).³²

који се тиме баве, или би пак желели да се тиме баве, били одвраћени од извршења овог кривичног дела.

³¹ Code of Federal Regulations (CFR)

³² The 91st United States Congress, *Racketeer Influenced and Corrupt Organizations Act*, 1970.

2002. (Proceeds of Crime Act)³³ . ,
“willful blindness”. ,

() .

,

· ,

· ·

,

,

,

(" " , .

). Ratio legis

· , ,

,

,

·

,

,

·

·

,

,

·

³³ UK Parliament, *Proceeds of Crime Act*, 2002

Council of Europe, *Convention on Laundering Search, Seizure, and Confiscation of the Proceeds from Crime*, Strasbourg, 1990. : <https://rm.coe.int/168007bd23>

United Nations, *International Convention for the Suppression of the Financing of Terrorism*, New York 1999. : <https://www.un.org/law/cod/finterr.htm>

Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering, Official Journal, L 166, 28 June 1991.

Directive 2001/97/EC of the European Parliament and the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering, Official Journal, L 244, 28 January 2001

Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the financial system for the purpose of money laundering and terrorist financing, Official Journal, L 309, 25 November 2005.

Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC”, Official Journal, L 141/73, 5 June 2015.

Code of Federal Regulations (CFR)

The 91st United States Congress, *Racketeer Influenced and Corrupt Organizations Act*, 1970.

UK Parliament, *Proceeds of Crime Act*, 2002