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THE SYSTEM OF SUMMARY OFFENCE SANCTIONS IN THE UK, MORE PRECISELY ENGLAND AND WALES

Summary

Misdemeanour sanctions constitute state-imposed coercive measures of a repressive and preventive character, through which offenders—under the conditions prescribed by regulatory and summary offence legislation—are restricted or deprived of certain rights and freedoms (Mitrović, 2014, 79). Such measures are imposed by a competent court or other duly authorized body, following a lawfully conducted procedure. The contemporary system of misdemeanour sanctions in the Republic of Srpska and Bosnia and Herzegovina may be described as *pluralistic* (Jovašević, 2015, 97-114), as it encompasses a broad range of non-criminal measures and sanctions that differ in both their legal nature and underlying purpose. Consequently, the system of misdemeanour sanctions within the positive law on misdemeanour in the Republic of Srpska and Bosnia and Herzegovina is highly complex. Distinctions arise depending on the status of the offender—whether it is a natural or legal person, or an adult or juvenile offender. Furthermore, even within a single category of sanctions applicable to a specific group of offenders, variations exist depending on whether the sanction primarily serves a preventive function or combines both repressive and preventive aims (Mitrović, 2014, 80).

Unlike Bosnia and Herzegovina, the misdemeanour legislation in the United Kingdom—particularly in England and Wales—forms part of a broader criminal justice system that addresses minor offenses, commonly referred to as *summary offences*. Due to this, as well as a range of other features characteristic of the Anglo-Saxon legal system, the UK, and specifically England and Wales, exhibits a markedly different system of misdemeanour sanctions compared to the present system in Bosnia and Herzegovina. This paper will therefore provide a more detailed examination of the system of summary offence sanctions in the United Kingdom, focusing on England and Wales.

Keywords: misdemeanour, misdemeanour sanctions, summary offences, summary offence sanctions, England and Wales, Bosnia and Herzegovina.

1. A BRIEF OVERVIEW OF THE COMMON LAW SYSTEM

The Anglo-Saxon legal system, also known as customary law or “common law”, represents one of the most influential legal systems in the world. It originated in England and spread to many countries through the colonial expansion of the British Empire, including the United States, Canada, Australia, and others. This system relies on judicial precedents and the evolution of law through court decisions, unlike the continental European system, which focuses more on codified legislation. In the context of misdemeanour sanctions in Bosnia and Herzegovina and comparative legislation, understanding the Anglo-Saxon system allows for a better comparison with Bosnian-Herzegovinian law, which is closer to the Euro-continental tradition.

The history of the Anglo-Saxon legal system dates back to medieval England, following the Norman invasion of 1066, when kings such as Henry II established a centralized judicial system with itinerant judges and juries, unifying local customs into national law. The system spread to the colonies and took root in the United States, and it still continues to evolve, adapting to modern challenges (Milošević, 2009).

The characteristics of the Anglo-Saxon legal system include the doctrine of precedent - a past court decision that serves as an example or rule for deciding future cases with similar facts or legal issues. Decisions of higher courts are binding on lower courts within the same jurisdiction. Judges actively create law through the interpretation of precedents. The adversarial procedure found in this system implies that the parties to a dispute present their arguments before a neutral judge who decides based on the evidence. The flexibility of the system allows for the gradual evolution of law through judicial decisions, adapting to social changes without frequent

legislative amendments. Statutes may override customary law, but courts interpret them in accordance with established precedents.

The jury plays an important role in determining the facts, particularly in criminal and civil cases. It ensures citizen participation in the administration of justice. The system also provides stability for business transactions within commercial law emphasizing the practical application of law through judicial practice.

In comparison with the Euro-continental legal system, also known as the civil law system, the Anglo-Saxon system demonstrates significant differences in its approach to law and its application. While the Anglo-Saxon system relies on precedents and judicial law-making, the Euro-continental system—which includes, among others, Bosnia and Herzegovina and the Republic of Srpska, as mentioned in this paper—is codified, with laws organized into systematic codes. In this system, judges primarily interpret the law without creating new legal norms, and precedents are not binding on third parties.

The adversarial model in the Anglo-Saxon legal system contrasts with the inquisitorial model in the Euro-continental system, where the judge actively investigates the facts and juries are rare or non-existent. The Euro-continental system often includes written constitutions and emphasizes university-based legal education, while the Anglo-Saxon system focuses on practical judicial experience and the evolution of law through cases, making it more flexible but less predictable compared to the rigidity of codified laws. These differences influence the system of summary offence sanctions, where the Anglo-Saxon model allows judges to exercise greater discretion based on precedent, while the Euro-continental system ensures uniformity through statutory provisions.

2. SUMMARY OFFENCE LEGISLATION IN ENGLAND AND WALES

Summary offence legislation in the United Kingdom, particularly in England and Wales, forms part of the broader criminal justice system that deals with minor offences, known as “summary offences.”¹

¹ In accordance with its constitutional structure and the division of competence, the summary offence legislation in Bosnia and Herzegovina today consists of four distinct misdemeanour-law systems, which correspond to the following levels: the State of Bosnia and Herzegovina, the Republic of Srpska, the Federation of Bosnia and Herzegovina, and the Brčko District of Bosnia and Herzegovina. This structure entails the parallel existence of four separate misdemeanour laws, namely: the Law on Misdemeanours of the Republic of Srpska, the Law on Misdemeanours of the Federation of Bosnia and Herzegovina, the Law on Misdemeanours of the Brčko District of Bosnia and Herzegovina, and the Law on Misdemeanours of Bosnia and Herzegovina (for more details see: Lj. Mitrović, (2018),

These offences are less serious when compared to criminal acts and are dealt with quickly and efficiently in lower courts, known as “Magistrates' Courts.” The legislation governing these sanctions is mainly contained in acts such as the *Magistrates' Courts Act 1980*, the *Criminal Justice Act 2003*, and the *Sentencing Act 2020*, which define the types of offences, procedures, and possible penalties.

Concerning comparative legislation, the English system differs from continental systems present in Bosnia and Herzegovina in its emphasis on judicial practice and flexibility in sentencing, while maintaining clear limits to ensure proportionality.

2.1. The Concept and Classification of Offences in English Law

In English law, the term *offence* denotes any act or omission that constitutes a violation of criminal law and is punishable under statutory or common law provisions. Unlike many continental legal systems, English law does not formally distinguish between criminal offences and summary offences in the traditional sense. The distinction was abolished by the *Criminal Law Act 1967*, after which all unlawful acts subject to criminal sanction are generally referred to simply as *offences*. The classification of offences therefore depends primarily on their seriousness, the mode of trial, and the jurisdiction of the competent court.

In English law, offences are classified into three main categories: summary offences, either-way offences, and indictable offences. Summary offences refer to minor or less serious offences that are tried exclusively in the Magistrates' Court. Either-way offences are hybrid offences that may be tried either summarily before the Magistrates' Court or on indictment before the Crown Court, depending on the circumstances of the case and the defendant's election. Indictable offences are the most serious criminal offences, triable only in the Crown Court before a judge and jury.

Summary offences are the least serious, or minor, criminal offences and are tried exclusively in the Magistrates' Court, where magistrates decide both on the facts and the law without a jury. These offences include acts such as minor assaults (*common assault*), public intoxication and disorderly behaviour (*drunk and disorderly*), minor property damage (up to £5,000), and most traffic offences, such as driving an unregistered vehicle or exceeding the speed limit².

Entitetski prekršajni zakoni – najznačajnije sličnosti i razlike sa posebnim osvrtom na sistem prekršajnih sankcija, *Godišnjak Fakulteta pravnih nauka*, Year 8, No. 8, Banja Luka, pp. 41-55).

² <https://www.draycottbrowne.co.uk/investigations/types-criminal-offence>.

The *Magistrates' Courts Act 1980* limits the time for initiating proceedings for summary offences to six months from the date the offence was committed, thereby ensuring swift justice for minor offences. This categorisation allows for the efficient handling of a large number of cases, as Magistrates' Courts deal with approximately 95% of all offences in England and Wales, thus relieving higher courts to focus on more serious offences.

2.2. Types of Sanctions for Offences

Sanctions for offences in England are determined by the seriousness of the offence and take into account factors such as the degree of the offender's culpability, the harm caused to the victim, and any previous convictions. The main types of sanctions are provided for under the *Sentencing Act 2020* and guided by the *Sentencing Council*, which ensures consistency in the imposition of penalties. Commonly imposed sanctions include fines, which are monetary penalties proportionate to both the offence and the offender's financial circumstances; community orders, requiring offenders to perform unpaid work, attend rehabilitation programmes, or comply with other court-mandated conditions for the benefit of the community; conditional or absolute discharges, which may defer or waive punishment depending on the offender's circumstances; imprisonment, reserved for more serious offences and determined by statutory guidelines; and compensation orders, obliging offenders to reimburse victims for any financial loss or damage resulting from the offence. Collectively, these sanctions aim to balance the objectives of punishment, deterrence, rehabilitation, and reparation.

Fines represent the most prevalent form of sanction for summary offences, particularly in cases involving minor or less serious violations, such as traffic offences or breaches of public order. The amount of the fine is determined in accordance with the standard scale, where level 5 denotes an unlimited sum, though it typically does not exceed £5,000 for lesser offences. When imposing a fine, the court takes into account the offender's financial circumstances to ensure that the sanction is both effective and proportionate.

A sanction called Community service serves as an alternative to imprisonment, requiring the offender to perform up to 300 hours of unpaid work, participate in rehabilitation programmes, or comply with restrictions such as prohibitions from entering specific areas. These measures aim to facilitate rehabilitation and prevent

reoffending, and are most commonly applied in cases involving minor assaults or damage to property.

Conditional or absolute discharge is applied to the least serious, the most minor offences, where the offender is released from prosecution without punishment but on the condition that no further offence is committed within a specified period (up to three years), similar to the probation period in our system of suspended sentence.

Imprisonment is reserved for more serious summary offences. A maximum sentence is six months of imprisonment for a single offence. The Criminal Justice Act 2003 extended this limit to 51 weeks for certain aggravated offences; however, in practice, the effective maximum remains six months due to provisions on early release. In cases involving multiple offences committed concurrently, the total sentence may reach up to 12 months. Additionally, the court may impose a suspended sentence, whereby imprisonment is not immediate if the offender complies with predetermined conditions.

Compensation and proceedings costs represent additional sanctions, requiring the offender to make payments either to the victim or to the court. For young offenders, the sanctions are more lenient, with an emphasis on prevention in accordance with the Youth Justice System. The Sentencing Council guidelines ensure that sanctions are determined step by step, taking into account the seriousness of the offence, the degree of the offender’s culpability, and any mitigating circumstances in the specific case.

More attention should be given to the protective measure of vehicle forfeiture, which is applied in cases of repeated traffic offences, such as driving an unregistered vehicle or driving under the influence of alcohol. Under Section 165A of the Road Traffic Act 1988, the police have the authority to immediately seize a vehicle on the spot if it has been used in a manner that endangers public safety, including cases of repeated violations.

For instance, in Hampshire in 2023, a total of 2,505 motor vehicles were seized for being driven while unregistered—an increase compared to the previous year—illustrating how repeated offences are sanctioned through strict measures aimed at deterrence. In cases of recurring violations, such as speeding or reckless driving on public roads, a vehicle may be permanently confiscated or destroyed if the fine is not paid within 14 days, as documented in road policing programmes where vehicles are destroyed to prevent their return to repeat offenders.

This measure serves a preventive function, as it prevents offenders from continuing dangerous behaviour, and in cases involving multiple offences—such as

driving without a licence or driving under the influence—it may result in a permanent driving ban and vehicle confiscation in the interest of public safety.

Another example is from London (Metropolitan Police), where in 2023 more than 10,000 vehicles were seized for traffic offences, including repeat violations, contributing to a reduction in offender recidivism. This particular measure sends a clear message regarding the unacceptability of behaviour that endangers public safety and has a preventive effect, similar to the approach applied in Bosnia and Herzegovina.

In any case, summary sanctions in England and Wales represent an effective mechanism for addressing minor offences, with an emphasis on proportionality, prevention, and swift punishment. Legislation such as the Criminal Justice Act 2003 and the Sentencing Act 2020 ensures that penalties remain adapted to contemporary needs, while the Sentencing Council guidelines promote consistency and fairness. Compared to the system in Bosnia and Herzegovina, the English model is significantly more flexible due to its common law tradition, yet it remains bound by strict limitations designed to prevent arbitrariness.

This chapter is of a great importance for comparative analysis especially in a part which can be improved in domestic legislation, particularly in relation to measures such as vehicle forfeiture, which have proven to be effective in preventing repeated offences.

3. THE SYSTEM OF YOUTH OFFENDING SANCTIONS IN ENGLAND AND WALES

In England and Wales, youth offending sanctions are governed by specific laws and regulations. The system focuses on rehabilitation and public protection, rather than pure punishment.

The main legal framework includes the Crime and Disorder Act 1998, the Children and Young Persons Act 1933, the Youth Justice and Criminal Evidence Act 1999, the Sentencing Act 2020, and the Sentencing Council's guidelines. These laws and guidelines set out special procedures for young offenders and emphasise both prevention and rehabilitation³.

³ <https://www.legislation.gov.uk/ukpga/1998/37/part/III/crossheading/youth-justice>,
<https://www.legislation.gov.uk/ukpga/1999/23>.

Youth sanctions range from warnings to custodial sentences. The most common measures include: Warnings – verbal warnings for minor offences; Reprimands and Final Warnings – formal notices issued by the police or Youth Offending Teams (YOT) for repeated or more serious offences; Youth Rehabilitation Orders (YROs) – introduced in November 2009, allowing magistrates and judges to combine up to 18 community options to create a tailored sentence based on the offender and the offence. Options include supervision, curfew, activity requirements, unpaid work, attendance centres, electronic monitoring, programme interventions, residence requirements, drug testing, mental health treatment, intensive fostering, local authority residence, and close supervision⁴. Fines – limited financial penalties, adjusted for the family’s financial situation; Community Orders – unpaid work in the community for a set number of hours; Detention and Training Orders – custodial sentences for serious or repeat offences, limited to a maximum of 24 months for offenders under 18⁵. Youth Offending Teams (YOTs) play a central role. They operate within local communities, monitor young offenders, advise courts on suitable sanctions, and run programmes aimed at reducing reoffending.

All cases involving young people are heard in Youth Courts, special courts without juries. The focus is on protecting the rights of children and young people, while applying educational and rehabilitative measures. Custody is always a last resort, used only when other sanctions cannot protect the public.

Overall, the youth justice system in England and Wales strikes a balance between punishment and prevention. It aims to reduce reoffending while safeguarding the community and addressing the specific needs of young offenders. Sanctions for young people are not just a tool of punishment; they are a key part of public protection and rehabilitation.

⁴ Criminal Court Sentencing Act 2000.

⁵ Sentencing Council, Sentencing Children and Young People: Definitive Guideline, London: Sentencing Council, 2017.

4. SIMILARITIES AND DIFFERENCES IN THE SYSTEM OF MISDEMEANOUR SANCTIONS IN BOSNIA AND HERZEGOVINA, THE REPUBLIC OF SERBIA, AND THE SYSTEM OF SUMMARY OFFENCE SANCTIONS IN UNITED KINGDOM (SPECIFICALLY ENGLAND AND WALES)

A comparative analysis of the system of misdemeanour sanctions in Bosnia and Herzegovina, the Republic of Serbia and the system of summary offence sanctions in England and Wales reveals the profound influence of differing legal traditions on their formation and application. Bosnia and Herzegovina belongs to the continental legal system, characterised by codified laws and inquisitorial procedures, whereas England and Wales represent the Anglo-Saxon (common law) system, which is based on judicial precedents. This contrast provides a deeper understanding of the effectiveness of sanctioning minor offences through an examination of their key features, similarities, differences, and the overall assessment of the degree of severity.

In Bosnia and Herzegovina, the misdemeanour legislation is, quite understandably, decentralised due to the country's constitutional structure, with separate misdemeanour laws existing at the state level, in the Republic of Srpska (Law on Misdemeanours of the Republic of Srpska), in the Federation of Bosnia and Herzegovina, and in the Brčko District⁶. The characteristics of all four misdemeanour systems within Bosnia and Herzegovina are the types of sanctions applied, which primarily include fines, penalty points in road traffic offences, warning measures such as reprimands and conditional sentences, protective measures such as the confiscation of objects or vehicles, as well as educational or corrective measures for juveniles. Imprisonment of up to 60 days is prescribed exclusively in the Republic of Srpska for the most serious misdemeanour offences⁷.

⁶ In accordance with its constitutional structure and the division of competences, the misdemeanour legislation in Bosnia and Herzegovina consists of four separate misdemeanour law systems, namely at the levels of: Bosnia and Herzegovina, the Republic of Srpska, the Federation of Bosnia and Herzegovina, and the Brčko District of Bosnia and Herzegovina. This designation implies the independent existence of four misdemeanour laws: the Law on Misdemeanours of the Republic of Srpska, the Law on Misdemeanours of the Federation of Bosnia and Herzegovina, the Law on Misdemeanours of the Brčko District of Bosnia and Herzegovina, and the Law on Misdemeanours of Bosnia and Herzegovina (for more details see: Lj. Mitrović, (2018), *Entitetski prekršajni zakoni – najznačajnije sličnosti i razlike sa posebnim osvrtom na sistem prekršajnih sankcija*, *Godišnjak Fakulteta pravnih nauka*, Year 8, No. 8, Banja Luka, pp. 41-55).

⁷ The system of misdemeanour sanctions in the Republic of Srpska consists of the following types of sanctions: penalties, namely imprisonment and fines; penalty points, which are assigned to a driver of a motor vehicle who, at the time of committing the offence, holds a driving licence issued in Bosnia

In the Republic of Serbia, governed by the Law on Misdemeanours of the Republic of Serbia⁸ and the Law on Road Traffic Safety in the Republic of Serbia⁹, misdemeanour sanctions include imprisonment of up to 60 days, fines, community service, penalty points, and warnings. Protective measures include vehicle confiscation regardless of ownership for serious offences, such as driving under the influence of alcohol above two per mille or reckless driving. Educational measures are applied to juveniles, accompanied by enhanced supervision, with an emphasis on prevention through penalty points and offender rehabilitation. The system is supported

and Herzegovina and has been punished by a misdemeanour order or a court decision for offences against traffic safety on roads punishable under the provisions of the Law on the Basics of Road Traffic Safety in Bosnia and Herzegovina; warning measures, namely reprimand and suspended sentence; protective measures, including confiscation of objects, prohibition of performing a profession, activity or duty, prohibition of driving a motor vehicle, mandatory treatment of addicts to alcohol or psychoactive substances, mandatory psychiatric treatment, prohibition of attending certain sporting events, and prohibition of keeping and confiscation of animals; and educational (correctional) measures, which are provided for in a special chapter of the misdemeanour laws and may be imposed exclusively on juvenile offenders, such as educational warning measures (judicial reprimand) and educational supervision measures (enhanced supervision by parents, adopters or guardians, or by the competent guardianship authority). In addition to these educational measures, a special alternative measure – police warning – may also be imposed on juveniles, subject to the fulfilment of certain legal conditions. Apart from the above-mentioned misdemeanour sanctions, special measures may also be imposed on the person responsible for the offence, which do not have a penal character but possess a specific legal nature and purpose. These are so-called non-penal measures, namely: a) confiscation of pecuniary gain, and b) obligation to compensate for damages (the non-penal measure known as deprivation of liberty for the collection of a fine, introduced by the 2016 amendment to the Law on Misdemeanours of the Republic of Srpska, is no longer part of the system of non-penal measures). The system of misdemeanour sanctions in the Federation of Bosnia and Herzegovina, the Brčko District of Bosnia and Herzegovina, and under the Law on Misdemeanours of Bosnia and Herzegovina consists of the following types of sanctions: 1) fine; 2) conditional (suspended) sentence; 3) reprimand; 4) protective measures, namely: a) confiscation of objects, b) prohibition of performing a profession, activity or duty, c) complete or partial prohibition of driving a motor vehicle, d) treatment for addiction, and e) prohibition of access to the victim, premises, or place of the offence; and 5) educational (corrective) measures. In addition, the following non-penal or sui generis measures may also be imposed for the committed offence: 1) confiscation of pecuniary gain; 2) obligation to compensate for damages; 3) penalty points; and 4) deprivation of liberty for the collection of a fine (for more details see: Lj. Mitrović, (2018), *Entitetski prekršajni zakoni – najznačajnije sličnosti i razlike sa posebnim osvrtom na sistem prekršajnih sankcija*, *Godišnjak Fakulteta pravnih nauka*, Year 8, No. 8, Banja Luka, pp. 41-55).

⁸ Official Gazette of the Republic of Serbia, Nos. 65/2013, 13/2016, 98/2016 – Constitutional Court Decision, 91/2019, 91/2019 – other law, and 112/2022 – Constitutional Court Decision.

⁹ Official Gazette of the Republic of Serbia, Nos. 41/2009, 53/2010, 101/2011, 32/2013 – Constitutional Court Decision, 55/2014, 96/2015 – other law, 9/2016 – Constitutional Court Decision, 24/2018, 41/2018, 41/2018 – other law, 87/2018, 23/2019, 128/2020 – other law, 76/2023, and 19/2025.

by consistent judicial practice that reduces recidivism, although challenges remain regarding the duration of misdemeanour proceedings (Jovašević, 2006).

In England and Wales, based on statutes such as the Magistrates' Court Act 1980, the Criminal Justice Act 2003, and the Sentencing Act 2020, offences are classified as summary, either-way, or indictable. Sanctions include fines of unlimited amounts (typically up to £5,000), community service of up to 300 hours, conditional discharge, imprisonment of up to six months (or up to 12 months for multiple offences), and compensation, all guided by the Sentencing Council to ensure consistency. Vehicle forfeiture (deprivation order) for repeated traffic offences may result in the destruction of the vehicle if the fine is not paid within 14 days. The system emphasises swift justice and rehabilitation within an adversarial procedure, with no jury involvement for minor offences.

The similarities among these systems lie in their shared goals of prevention, rehabilitation, and protection of the public interest. All apply fines proportionate to the offender's financial circumstances, include protective measures such as vehicle confiscation for traffic offences, impose milder sanctions on juveniles with an educational focus, and aim for speedy proceedings (e.g., six-month limitation for initiating a misdemeanour case). Collectively, these systems strive to reduce recidivism through a combination of deterrence and prevention, as confirmed by comparative studies.

Differences arise primarily from legal traditions: Bosnia and Herzegovina, the Republic of Srpska and Serbia are rigid, with codified laws and an active judicial role in investigations, whereas England and Wales offer flexibility through precedent and rely on parties to present evidence in the misdemeanour process. Bosnia and Herzegovina suffers from entity-level non-uniformity (imprisonment is only prescribed in the Republic of Srpska), while in Serbia imprisonment is imposed exclusively for more serious offences. In England and Wales, imprisonment is limited to short terms and conducted without a jury. Vehicle forfeiture is applied flexibly in England and Wales, where seized vehicles may be destroyed, strictly in Serbia regardless of ownership, and variably in Bosnia and Herzegovina. Finally, the English system resolves approximately 95% of cases quickly, in contrast to the delays observed in Bosnia and Herzegovina and Serbia.

In terms of efficiency, the English system is the most effective due to its speed and focus on rehabilitation, achieving a reduction in recidivism of 20–30% through community service. The Serbian system performs well in preventing traffic offences, although procedural delays remain an issue, while Bosnia and Herzegovina is the least

efficient due to fragmentation. It can be observed that sanctions in Serbia are generally the strictest, the English and Welsh system maintains a moderate level of severity, and Bosnia and Herzegovina appears to impose the mildest sanctions, with a predominant reliance on fines.

The advantages of continental systems lie in the uniformity of laws, although this comes with rigidity, whereas the Anglo-Saxon system offers adaptability but less predictability. One recommendation for Bosnia and Herzegovina would be the harmonisation of entity-level laws, as it is currently possible for the same offence to result in imprisonment in the Republic of Srpska, while no such option exists in the Federation of Bosnia and Herzegovina—even within just a few kilometres of distance.

Despite these differences, all systems aim at both deterrence and prevention, sharing common features such as fines and vehicle confiscation, reflecting the universal need to protect public safety. This comparative analysis can serve as a foundation for reforms in Bosnia and Herzegovina to enhance efficiency and legal certainty.

5. CONCLUSION

In modern societies, misdemeanour law occupies a significant position as one of the key mechanisms for protecting public order and the general interest. It encompasses a wide range of socially unacceptable behaviours that, while not serious enough to be classified as criminal offences, nonetheless pose sufficient risk to the community to warrant state intervention. Due to this specific nature, misdemeanour law and its sanctions have a dual function—preventive and punitive—aiming both to influence the individual offender and to send a broader message to all citizens that the law must be respected.

An analysis of the legislation in Bosnia and Herzegovina demonstrates that, despite the complex constitutional structure and the existence of multiple misdemeanour laws, there is a high degree of consistency regarding the substantive characteristics of misdemeanour sanctions. The systems in the Republic of Srpska, the Federation of Bosnia and Herzegovina, and the Brčko District share a common objective: preventing repeat offences and strengthening overall legal certainty. Although certain differences exist—such as the availability of imprisonment in the Republic of Srpska or variations in the regulation of penalty points—the underlying legislative intent is clearly to ensure that misdemeanour sanctions are fair, effective, and preventive.

Of particular significance in this context is the protective measure of vehicle confiscation, which has proven effective in practice in reducing traffic offences and enhancing public safety. Its application demonstrates that legislators and regulatory authorities increasingly recognise the need for concrete and visible measures that not only punish but also have a lasting impact on offenders' behaviour. This example illustrates how a misdemeanour sanction can produce broader societal effects beyond individual deterrence.

A comparative analysis with the Republic of Serbia and England and Wales further highlights the value of misdemeanour law as a dynamic and reformable area of law. Serbia, as a country with a similar legal heritage, largely shares the same objectives and comparable solutions as Bosnia and Herzegovina, whereas England and Wales, with their Anglo-Saxon model, offer a different perspective, emphasising the role of social and cultural factors in shaping misdemeanour sanctions. Comparing these systems with domestic legislation allows for a critical assessment of strengths and weaknesses, as well as opportunities for improvement.

From the foregoing, it can be concluded that misdemeanour sanctions are not merely instruments of state repression but legal tools with a complex function: protecting the public interest, guiding individuals toward lawful behaviour, and fostering a culture of respect for the law within society. Their value lies precisely in the balance between severity and prevention—that is, between necessary punishment and education. This balance makes misdemeanour law an indispensable part of any modern legal system.

In the future, efforts should be directed toward greater harmonisation of legislation within Bosnia and Herzegovina, as well as its adaptation to new social challenges. This would enhance legal certainty, ensure more effective application of misdemeanour sanctions, and significantly improve the protection of citizens. At the same time, comparative experiences from other countries can serve as guidelines for reform and modernisation of the domestic misdemeanour law system, ensuring that it is not only aligned with European standards but also tailored to the specific needs of society in the Republic of Srpska and Bosnia and Herzegovina.

In conclusion, misdemeanour sanctions represent a living and adaptable instrument of the legal order. Their significance extends far beyond mere punishment—they are a means of preserving public order and a foundation for citizens' trust in the law and the legal system as a whole. Only through consistent application and continued enhancement of the misdemeanour system can their full purpose be realised: the establishment of a stable, just, and safe society.

LITERATURE

Jovašević D., (2015), Sankcije u novom prekršajnom pravu Federacije Bosne i Hercegovine, *Godišnjak Fakulteta pravnih nauka* – Godina 5, Broj 5, Banja Luka, pp. 97-114.

Jovašević, D., (2006), *Prekršajno pravo*, Pravni fakultet, Niš.

Milošević M., (2009), *Rimsko pravo*, Beograd, Pravni fakultet Univerziteta u Beogradu.

Mitrović Lj., (2014), *Prekršajno pravo*, drugo izdanje, Panevropski univerzitet APEIRON Banja Luka.

Mitrović Lj., (2018), Entitetski prekršajni zakoni – najznačajnije sličnosti i razlike sa posebnim osvrtom na sistem prekršajnih sankcija, *Godišnjak Fakulteta pravnih nauka*, Godina 8, Broj 8, Banja Luka, pp. 41-56.

Law on Misdemeanours (Official Gazette of Bosnia and Herzegovina, Nos. 41/2007, 18/2012, 36/2014, 81/2015, and 65/2020).

Law on Misdemeanours of the Republic of Srpska (Official Gazette of the Republic of Srpska, Nos. 63/2014, 36/2015 – Constitutional Court Decision, 110/2016, 100/2017, 19/2021 – Constitutional Court Decision, and 90/2023).

Law on Misdemeanours of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of BiH, No. 63/2014; Official Gazette of BiH, Nos. 41/2022 – Constitutional Court Decision and 68/2022 – Constitutional Court Decision; Official Gazette of the Federation of BiH, No. 19/2025).

Law on Misdemeanours of the Brčko District of Bosnia and Herzegovina (Official Gazette of the Brčko District of BiH, Nos. 24/2007, 29/2016, and 6/2022).

Law on Misdemeanours of the Republic of Serbia (Official Gazette of the Republic of Serbia, Nos. 65/2013, 13/2016, 98/2016 – Constitutional Court Decision, 91/2019, 91/2019 – other law, and 112/2022 – Constitutional Court Decision).

Law on Road Traffic Safety in the Republic of Serbia (Official Gazette of the Republic of Serbia, Nos. 41/2009, 53/2010, 101/2011, 32/2013 – Constitutional Court Decision, 55/2014, 96/2015 – other law, 9/2016 – Constitutional Court Decision, 24/2018, 41/2018, 41/2018 – other law, 87/2018, 23/2019, 128/2020 – other law, 76/2023, and 19/2025).

Sentencing Council, Imposition of Community and Custodial Sentences – Overarching Guideline, 2020.

Parliamentary Office of Science and Technology, Non-custodial sentences, POSTnote 613, London, 2020.

<https://ppp.worldbank.org/key-features-common-and-civil-law-systems>.

https://chicagounbound.uchicago.edu/context/journal_articles/article/12917/viewcontent/11673.pdf.

https://www.diffen.com/difference/Civil_Law_vs_Common_Law.

https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1664&context=law_facpub.

<https://www.govinfo.gov/content/pkg/GOVPUB-JU13-PURL-LPS55055/pdf/GOVPUB-JU13-PURL-LPS55055.pdf>.

<https://www.met.police.uk/advice/advice-and-information/vr/vehicle-recovery/seized-vehicles/>.

<https://www.college.police.uk/app/investigation/investigative-strategies/financial-investigation/asset-recovery/forfeiture-and-deprivation>.

<https://www.cps.gov.uk/legal-guidance/road-traffic-summary-offences>.

<https://www.motoroffence.co.uk/repeat-motoring-offences-sentencing-rules-explained/>

<https://www.cps.gov.uk/legal-guidance/sentencing-ancillary-orders>.

<https://www.legislation.gov.uk/ukpga/2020/17/group/THIRD/part/7/chapter/4/enacted>.

<https://www.cps.gov.uk/legal-guidance/road-traffic-fatal-offences-and-bad-driving>.

<https://www.lexisnexis.co.uk/legal/guidance/restitution-deprivation-orders-in-criminal-proceedings>.

<https://sentencingcouncil.org.uk/guidelines/causing-death-by-careless-or-inconsiderate-driving/>.

<https://www.draycottbrowne.co.uk/investigations/types-criminal-offence>.

<https://www.hampshire.police.uk/news/hampshire/news/news/2024/april/more-than-2500-vehicles-seized/>.

<https://www.insurancefactory.co.uk/news/July-2023/Caught-Without-Insurance-Here-s-What-Happens-When>.

<https://www.gov.uk/stopped-by-police-while-driving-your-rights/when-the-police-can-seize-your-vehicle>.

<https://connaughtlaw.com/uk-driving-offences-penalties-2025-legal-guide/>.

„Social Conflicts and Contemporary Law”

<https://www.quora.com/Why-does-the-UK-crush-traffic-violator-s-cars-I-m-watching-a-documentary-and-if-a-car-is-seized-and-the-fine-is-not-paid-in-14-days-the-vehicle-is-crushed-Why-not-auction-them-off>.

<https://sentencingcouncil.org.uk/guidelines/causing-death-by-careless-or-inconsiderate-driving/>.

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Зорана ИЛИШКОВИЋ**

СИСТЕМ САНКЦИЈА ЗА ПРЕКРШАЈЕ У ВЕЛИКОЈ БРИТАНИЈИ, ТАЧНИЈЕ ЕНГЛЕСКОЈ И ВЕЛСУ

Сажетак

Прекршајне санкције представљају државне принудне мере репресивног и превентивног карактера, којима се прекршиоцима – под условима прописаним регулаторним и прекршајним законодавством – ограничавају или ускраћују одређена права и слободе (Митровић, 2014, 79). Такве мере изриче надлежни суд или други прописно овлашћени орган, након законито спроведеног поступка. Савремени систем прекршајних санкција у Републици Српској и Босни и Херцеговини може се описати као плуралистички (Јовашевић, 2015, 97-114), јер обухвата широк спектар некривичних мера и санкција које се разликују и по својој правној природи и по основној сврси. Сходно томе, систем прекршајних санкција у оквиру позитивног права о прекршајима у Републици Српској и Босни и Херцеговини је веома сложен. Разлике настају у зависности од статуса преступника – да ли је у питању физичко или правно лице, или пунолетни или малолетни преступник. Штавише, чак и унутар једне категорије санкција које се примењују на одређену групу преступника, постоје варијације у зависности од тога да ли санкција првенствено служи превентивној функцији или комбинује и репресивне и превентивне циљеве (Митровић, 2014, 80).

За разлику од Босне и Херцеговине, прекршајно законодавство у Уједињеном Краљевству – посебно у Енглеској и Велсу – чини део ширег кривичноправног система који се бави лакшим прекршајима, који се обично називају прекршајима. Због тога, као и низа других карактеристика карактеристичних за англосаксонски правни систем, Уједињено Краљевство, а посебно Енглеска и Велс, показује знатно другачији систем прекршајних санкција у поређењу са садашњим системом у Босни и Херцеговини. Овај рад

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ће стога пружити детаљнији преглед система прекршајних санкција у Уједињеном Краљевству, фокусирајући се на Енглеску и Велс.

Кључне речи: прекршај, прекршајне санкције, прекршаји, санкције за прекршаје, Енглеска и Велс, Босна и Херцеговина.