



# Crime and Punishment in Serbia: Seven Decades of Penal Policy Development

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## Abstract

The paper presents a comprehensive study of the development of penal policy in Serbia over the last 70 years. Yugoslav penal policy was moderate compared to other socialist countries in Eastern Europe; however, profound differences existed among the federal republics. The evolution of Serbian penal policy was marked by significant political events and shifting state priorities. The criminal justice system transitioned from a socialist, rehabilitation-oriented framework rooted in ideological collectivism to a human-rights-centred legal framework, and then to an increasingly punitive approach post-independence. This transition in the criminal justice framework was also reflected in penal statistics, as the number of convictions has steadily decreased throughout the observed period, while the prison population rate has risen more than threefold since 1990. The extensive use of custodial sentences by the judiciary places Serbia among a small group of European countries characterised by a very high prison population rate and a very short average length of imprisonment. The findings highlight the specific development of Serbian penal policy influenced by local political, economic, and normative developments.

**Keywords** Crime · Convictions · Trends · Penal policy · Serbia

## Introduction

Penal cultures are the product of local environments characterised by distinct [national] historical development and culture (Tonry, 2007; Zimring & Hawkins, 1991). Penal policy that evolves from such a culture can be described as a concept influenced by broader political, social, and economic developments (Lappi-Seppälä, 2011; Pratt et al., 2005; Snacken et al., 1995). It can be argued that all penal policies are local, usually designated to the (national) country level. The determinants of penal policy are many, ranging from economic, social,

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political, and judicial factors. They can be categorised as Tonry (2007) proposed into: non-factors (e.g., ethnic tensions, rapid social and economic change, penal populism, rising crime rates, etc.), risk factors (e.g., sensationalist media, populist-driven criminal justice, weak social welfare system, lack of legitimacy of state institutions, etc.), and protective factors (e.g., expert-driven criminal justice system, nonpartisan judiciary, consensus political system, etc.). Similarly, Snacken et al. (1995) distinguish between internal factors based on happenings within the criminal justice system, external factors comprising demographic and economic trends, and intermediate factors focusing on interactions between penal policy, public opinion, the media, and politics. Cavadino and Dignan (2006) argued that the relationships between policy, society, the economy, and punishment are rarely stable and change over time. Building on these perspectives, this article examines how penal policy in Serbia has developed over the past seven decades in relation to changing political and institutional conditions.

Comparison of penal policies confirmed the assumption of the localisation of punishment in individual countries (e.g., Cavadino & Dignan, 2006; Pratt et al., 2005; Tonry, 2007). Despite internalisation of rules and recommendations of international organisations, such as the United Nations, Council of Europe, and the European Union by [most] European countries, the continent itself is very diverse regarding punishment (e.g., Aebi & Cocco, 2025; Aebi et al., 2015; Dünkel, 2013; Flander & Meško, 2016; Hacin, 2025; Krajewski, 2013, 2014; Kury et al., 2003; Lappi-Seppälä, 2012; Šelih & Završnik, 2012; Valkova & Hulmalkova, 2007). A distinct historical development of European countries and the “more recent” division into Western (i.e., old democracies) and Eastern European countries (i.e., former socialist countries) created the conditions in which even small countries (or particular areas) can formulate their own penal policies. However, neither group should be considered a monolithic bloc. This is particularly relevant in the context of former socialist Europe. In this region, the combination of [different] transitions from socialism, divergent state-building paths, and uneven democratic reforms produced distinctly different penal systems. The former Yugoslav Federation is a clear example of these contrasts. Previous research shows that, even within socialist Yugoslavia, punitive approaches differed across republics, and later post-Yugoslav developments further deepened these regional differences (Hacin et al., 2022; Jasiński, 1996). The state maintained prison population rates significantly lower than those of other socialist nations, aligning more closely with Western trends (Jasiński, 1996), while its decentralised structure enabled individual republics to develop distinct, localised approaches to handle crime and implement punishment (Hacin et al., 2022). It can be argued that Serbia’s approach to punishment still stems from long-standing Yugoslav penal traditions rather than solely from contemporary political conditions (Tripković, 2025).

The paper builds on the work of comparative criminologists and penologists who have focused on the evolution of penal policy in former socialist countries and aims to comprehensively examine the development of penal policy in Serbia since the end of the Second World War. In the paper, we argue that Serbian penal policy has been influenced more by major political developments, shifting state priorities, and discontinuous reform cycles than by a consistent and stable penal philosophy or policy, resulting in frequent tensions between legal reforms, political changes, sentencing practices, and trends in imprisonment. These dynamics are reflected in the interaction between legislative changes, institutional constraints, and judicial practice, which together structure penal outcomes over time. The study contributes to the existing knowledge on penal policies in former socialist countries,

which has often been neglected due to the limited international visibility of scholarship published in national languages, and the availability and reliability of the data in countries with a socialist past, especially before democratisation; [most] socialist countries were notorious for publishing false statistical data (Jasiński, 1996).<sup>1</sup>

The article combines historical and contextual analysis of major political, socio-economic, and normative developments, along with a longitudinal examination of crime, conviction, and prison population statistics over the past seven decades. Given the extended time frame and space limitations, the article does not aim to provide a thorough history of all aspects of penal development. Instead, it focuses on a set of analytically selected indicators such as sentencing patterns, prison population trends, key legislative developments, and important political and contextual shifts to show more directly how penal policy has evolved and how it has worked in practice. These indicators were selected because they capture key dimensions of penal policy, allow us to link legal frameworks, judicial practice, and institutional outcomes, and thus facilitate consistent longitudinal analysis across different policy periods. Other aspects of penal development (e.g., detailed institutional organisation, specific offence-level trends, or micro-level judicial decision-making) are not examined in detail, as they fall beyond the scope of this broad, long-term analysis. The main data sources include official statistical yearbooks published by the Statistical Office of the Republic of Serbia and international datasets such as SPACE I and II, the European Sourcebook of Crime and Criminal Justice Statistics, and Eurostat, which together enable reliable and comparable longitudinal analysis. Similar to the study by Flander et al. (2023), the problem of data reliability was overcome, as crime and judicial statistics have been published annually in Serbia for the last 70 years in statistical yearbooks. As the methodology throughout the studied period has not changed, this has enabled us to conduct an in-depth analysis of crime and penal statistics over a long period, supplementing the historical, political, socio-economic, and normative narrative of the development of penal policy in Serbia.

The paper proceeds as follows. In the first part, the major historical, political, social, and economic developments that affected crime and penal policy are analysed and reconstructed. A time-line narrative is used to cover three distinct periods: (1) the socialist era, (2) the transition periods after the breakup of (socialist) Yugoslavia in the 1990s, and (3) more recent developments in the new millennium, characterised by attempts to modernise the criminal justice system. In the second part of the paper, long-term statistical data on crime, convictions, and prison populations are analysed to examine how these broader historical, political, and normative developments are reflected in penal outcomes. This quantitative analysis helps demonstrate and further clarify the patterns identified in the preceding contextual analysis. The observed trends are then interpreted in light of the article's central argument – that penal developments in Serbia, in general, are best understood as the outcome of changing political priorities and institutional constraints, rather than as the product of a coherent penal philosophy. In the final part of the paper, findings are integrated and discussed, including the place of Serbian penal policy in relation to other European countries.

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<sup>1</sup> With the emergence of European wide statistical sourcebooks on crime and sentences (i.e., European Sourcebook of Crime and Criminal Justice Statistics, SPACE I, and SPACE II) [quantitative] comparative studies became easier to implement, as not only majority of the European countries data are gathered, but also the same methodology is applied (Aebi & Cocco, 2025; Aebi et al., 2021, 2024).

## Historical, Political, Socio-Economic, and Normative Context of Penal Policy Development in Serbia

Over the last seventy years, Serbia has transitioned through several forms of constitutional and state organisation, moving from the Federal People's Republic of Yugoslavia (FPRY), proclaimed in 1945, and the Socialist Federal Republic of Yugoslavia (SFRY), established in 1963, through the Federal Republic of Yugoslavia (FRY) in 1992 and the State Union of Serbia and Montenegro (SCG) in 2003, to the status of an independent state from 2006. Each of these political and constitutional transformations was accompanied by legislative reforms that were reflected in sentencing practices and the structure of criminal sanctions (Jakišić & Davidović, 2013).

Rather than following a linear reform trajectory, Serbian penal policy has evolved through a series of political events and shifting state priorities. More precisely, the period under analysis can be described as a period of major regime changes, state (re)construction, episodes of conflict and crisis, post-authoritarian transition, and more recent phases of Europeanisation and security-oriented policy responses. These developments altered not only the objectives and intensity of punishment but also the institutional conditions under which sanctions were imposed. The socialist period emphasised rehabilitation within a collectivist framework, the 1990s were marked by instability, weakened institutional capacity, and security-driven responses, and the post-2000 period introduced human rights-oriented reforms alongside trends of criminal law expansion and increased reliance on custodial sanctions (Kešetović & Simeunović-Patić, 2010). Taken together, these shifts illustrate how changes in political priorities translated into legislative reforms and institutional constraints, which in turn affect the imposition and structure of penal sanctions. Evidence of this can be seen in the way the system transitioned from a socialist, rehabilitation-oriented framework rooted in ideological collectivism to a human-rights-centred legal framework, and then to an increasingly punitive approach post-independence. Influenced by regional history, cultural identity, and pressures for European Union accession, this trajectory contrasts with the more moderate penal developments seen in other former Yugoslav countries such as Slovenia and Croatia (Hacin et al., 2022; Tripković, 2016).

During the [socialist] Yugoslav era (1945–1991), penal policy in Serbia was influenced by the integration of socialist principles, with its strong emphasis on resocialisation, and the protection of the self-managing society. In the immediate post-war period, the transition from retributive to reform-oriented practices led to a reduction in capital offences, improvements in prison conditions, and a focus on moral transformation through work discipline and a 'spirit of loyalty to the fatherland' (Donnelly, 1952; Kantokoski, 2025; Kešetović & Simeunović-Patić, 2010). It is important to note that this treatment orientation was not a novel departure but rather a refinement of earlier efforts. Specifically, the Law on Enforcement of Deprivation of Liberty, adopted in 1930, had formally introduced the Irish progressive model, but its pre-war implementation had failed due to severe resource shortages and architectural constraints (Jovašević 2019b; Kešetović and Simeunović-Patić 2010). Consequently, in 1948, the progressive model was deliberately replaced with a communal prison system that emphasised collective resocialisation and eliminated the initial solitary phase. The foundations for modern post-penal support were solidified in the Criminal Code (1951), followed by the ratification of the United Nations Standard Minimum Rules for the Treatment of Prisoners (1955). The introduction of open penitentiary institutions in 1961 aimed at

aligning domestic practice with prevailing international penological standards (Kešetović & Simeunović-Patić, 2010). This orientation was institutionalised through legislative reforms and prison organisation, which limited the role of punitive sanctions and prioritised rehabilitative measures, thereby affecting sentencing practices and the structure of penal sanctions. However, the implementation of reforms varied across the Yugoslav republics, resulting in distinct penal landscapes (Flander et al., 2023; Hacin et al., 2022).

The primary legal framework during the initial post-war period (1945–1963) was the Criminal Code of the FPRY, which remained in effect until 1977. The Code brought a new classification of sanctions, introducing principal penalties, secondary penalties, security measures, and suspended sentences (Jovašević 2019b). This period is characterised by pronounced fluctuations in penal severity, beginning with a highly punitive post-war approach and gradually moving towards greater reliance on suspended sentences, which can be understood as a shift in political priorities from post-war consolidation and repression to stabilisation and institutional normalisation (Jakišić & Davidović, 2013). The use of imprisonment increased sharply following the 1948 Cominform Resolution (i.e., the Tito-Stalin split, and the expulsion of Yugoslavia from the coordination body of Marxist-Leninist communist parties in Europe), as internal political purges and divisions within the Communist Party of Yugoslavia expanded the use of criminal law against perceived enemies of the state, thereby directly increasing reliance on custodial and capital sanctions (Lazić & Danilović, 2022). During this phase, criminal law functioned extensively as an instrument of political repression, targeting perceived 'enemies' of the state and the social order. This politicised use of penal power is reflected in the exceptionally high rates of capital punishment recorded in the late 1940s and early 1950s (Janković, 1984; Lukić, 2024). Although imprisonment and fines retained primacy by the end of this phase, suspended sentencing became increasingly prominent, a trend that would persist throughout subsequent decades (Lazić & Danilović, 2022).

The developments in penal policy coincided with broader post-war reforms under Josip Broz Tito (lifetime president of Yugoslavia), which prioritised qualitative improvements in the prison system and redirected penal policy towards resocialisation through labour and education. In the second half of the 1950s, capital offences were significantly reduced, most notably through the abolition of the death penalty for property crimes in 1959, with Executions in Serbia averaging [only] two to three per year until 1991 (Gašparić, 2023). However, punishment remained harsh and highly politicised, marked by the widespread repression of political prisoners, chronic prison overcrowding, and ethnically based discrimination against minorities (Kantokoski, 2025). Although political offences continued to be addressed through forced labour camps, the prevailing penal philosophy formally emphasised offender reform and reintegration into socialist society, thereby establishing an enduring reliance on imprisonment rather than alternative sanctions. The percentage of suspended sentences was, on average, lower than in other republics (e.g., Slovenia, Croatia) (Hacin et al., 2022; Jakišić, 2014; Kantokoski, 2025; Kešetović & Simeunović-Patić, 2010). This coexistence of a formal rehabilitative ideology and extensive use of repression illustrates how political priorities were translated into contradictory penal practices. During this period, imprisonment remained central despite the normative emphasis on rehabilitation and reintegration of offenders.

The SFRY period, initiated by the 1963 Constitution and ending with the state's formal collapse in 1991, introduced further structural changes to the penal system (Jovašević

2019b). Political instability culminated in a major legislative reform in 1977, when the unified Criminal Code (1951) was replaced by nine separate codes (one federal, six republican, and two provincial), which fundamentally changed the penal landscape (Hacin et al., 2022). The Criminal Code of the SFRY, adopted in 1977, decentralised penal legislation, allowing variation in sentencing practices across republics. Serbia applied its own specific regulations, as did the other republics. Under this framework, criminal acts were defined as ‘socially dangerous deeds’ threatening socialist values like self-management, brotherhood, and unity. Punishments were designed to suppress crime, prevent recidivism, and influence society rather than for pure retribution (Gašparić, 2023). Principal sanctions included imprisonment (up to 20 years) and capital punishment (restricted to the firing squad) (Jakišić & Davidović, 2013; Janković, 1984). Until 1976, sentencing was strongly oriented towards imprisonment. However, the new Code abolished rigorous imprisonment and reduced the overall use of custodial sentences, while expanding the use of non-custodial sanctions and increasing judicial flexibility in sentencing; consequently, fines and suspended sentences increased markedly. The introduction of confiscation of material gain reflected broader processes of economic liberalisation and the rise of property-related offending.

The foundations set in the 1960s and 1970s persisted into the post-Yugoslav era, with the 1977 Criminal Code remaining influential until recent reforms (Feješ, 2007). This 1977 turning point, more than two decades before the democratic transition, suggests that internal institutional dynamics and professionalisation, rather than macro-political transformation, were the immediate drivers of sentencing trends. This interpretation is further supported by considerable variation in conviction rates and sentence lengths across Yugoslav republics during the socialist period (Hacin et al., 2022). Overall, Serbian penal policy during this period remained relatively stable until the dissolution of Yugoslavia (Jakišić & Davidović, 2013). In the late 1980s, and especially in the last two years preceding the collapse of the SFRY, worsening political instability led to an unusually lenient sentencing climate. Weakened institutional capacity and declining system legitimacy reduced the ability of courts and enforcement bodies to impose and enforce harsher sanctions (Ignjatović, 1996). Custodial sentences reached their lowest levels in the socialist period, and the death penalty was not imposed in either 1990 or 1991 (Gašparić, 2023). This trend continued into the late 1990s and has been explained by irregular social circumstances and a broader socio-political crisis that adversely affected the functioning of the criminal justice system (Lukić, 2024). These developments were most clearly seen in the severe deterioration of the prison system during the 1991–1995 wars, which further undermined institutional capacity and reinforced reliance on less severe sanctions (Kantokoski, 2025).

In the 1990s, Serbia faced conflict, sanctions, poverty, and hyperinflation. NATO air strikes devastated the economy and contributed to rising crime rates linked to nationalism (Arsić, 2022; Pribičević, 2008; Tomić, 2013). The post-Yugoslav transitional period, encompassing the FRY (1992–2003) and the SCG (2003–2006), was marked by pronounced political instability, legislative volatility, and a sustained trend toward penal leniency in judicial practice (Jakišić & Davidović, 2013), despite increasing crime rates in the first half of the 1990s. This leniency resulted from weakened institutional capacity, economic collapse, and declining system legitimacy, as these conditions directly constrained the ability of courts and enforcement bodies to impose and enforce harsher sanctions effectively. Although introduced to modernise norms and align them with international standards, reforms implemented after 2000, such as the Basic Criminal Law and amendments to the former FRY Criminal

Code, were widely criticised as conceptually incoherent, resulting in fragmented sentencing frameworks and inconsistent penal outcomes. In particular, commentators pointed to a fragmented and ad hoc legislative trajectory marked by inconsistent sentencing policies, frequent amendments, and a growing reliance on longer custodial sanctions. For example, Feješ (2007) and Tripković (2016) argued that no comparable legislative shortcomings had emerged in Serbian criminal law for over a century. They noted the narrow practical use of alternative sanctions and the reinforced centrality of imprisonment in penal practice. Amidst this instability, a major milestone occurred in 2002 with the formal abolition of the death penalty to meet Council of Europe and European Union accession requirements. Capital punishment, with eight sentences issued after 1991 but no executions since 1992, was replaced by a 40-year maximum sentence and the criminalisation of new offences such as human organ trafficking and child pornography (Feješ, 2007; Gašparić, 2023).

International and normative pressures, including European Union accession pressures and Chap. 23 negotiations, became important drivers of penal policy after 2000, resulting in a normative framework largely aligned with European standards (Jakišić & Davidović, 2013). At the same time, public expectations and social movements have also urged reform. For example, increased advocacy by women's groups and feminist researchers in the 1990s reflected the need to address violence against women, initiating legislative responses to rising domestic violence offences, which expanded criminalisation and increased the scope of penal intervention in this area (Ćopić 2019; Jovašević 2019a). Judicial reforms aimed to strengthen the rule of law, judicial independence, and procedural efficiency, while also addressing prison overcrowding and improving post-penal support (Reljanović & Knežević Bojović, 2014). These reforms improved cooperation between police and prosecutors, and also introduced probation mechanisms for offender supervision (Soković et al., 2017; Želeskov-Đorić & Batrićević, 2014). However, political crises such as the 2003 assassination of Prime Minister Đinđić not only interrupted progress but also altered the priorities of political and institutional actors. The government's immediate response included the declaration of a state of emergency, expanded police powers, intensified prosecution of organised crime, and a stronger emphasis on security and control. Furthermore, reform initiatives aimed at system rationalisation and alignment with European standards were temporarily deprioritised in favour of security priorities. Specialised judicial and prosecutorial institutions were established, and legislation targeting organised crime was strengthened (Dragičević-Dičić, 2008). Taken together, these developments illustrate how political shocks can reconfigure penal priorities, change the balance between reform-oriented policies and repression, affect legislative trajectories, and reinforce the use of punitive sanctions.

In response to previous legislative failures, Serbia adopted its first comprehensive Criminal Code in 2005 (effective 2006) (Criminal Code, 2005). While this Code introduced modern measures such as community service, driver's license revocation, and mediation to reduce prison overcrowding, it largely preserved existing solutions as principal penalties (imprisonment, fines, and suspended sentences); in addition, national strategies for combating crime (2010–2015) also promoted community sanctions such as house arrest and electronic monitoring to reduce prison overpopulation. Since its adoption, the Criminal Code has been amended eight times, reflecting ongoing political pressures and shifts in governing priorities, which led to frequent changes and adjustments to the sentencing framework (Bodrožić, 2020; Lukić, 2024; Tripković, 2016). Despite changes to criminal legislation, custodial sentencing did not decrease substantially in the years that followed, as sentencing

structures and the limited availability of alternative sanctions continued to favour imprisonment in practice (Matić Bošković, 2019). The practical impact of reforms also remained limited by the slow development of probation services and a persistent ‘implementation gap’ characteristic of the Western Balkan region (Kantokoski, 2025; Želeskov-Đorić & Batrićević, 2014). Consequently, while formal penal policies are not explicitly punitive, penal practice has remained comparatively punitive (Lukić, 2024; Tripković, 2016). At the same time, critiques of judicial leniency have a longer history in the region, with earlier analyses already describing sentencing practices as relatively mild despite rising crime rates (Ignjatović, 1996). This pattern, where punitive custodial practices coexist with a persistent narrative of judicial leniency, reflects the interaction between judicial practice and the broader institutional and legislative framework that structures sentencing options and effectively constrains judicial discretion. In other words, courts operate within specific sentencing structures and legal constraints that limit the availability of non-custodial sanctions and thus shape the scope of judicial discretion. As Stojanović (2023) argues, the punitive turn in Serbia cannot be attributed solely to judicial practice. However, it should also be linked to broader legislative choices and criminal-law expansionism, visible in stricter sanctioning frameworks, frequent amendments to criminal legislation, and the increasing use of criminal law for short-term political purposes rather than as an *ultima ratio* measure. As argued by Tripković (2016), this discrepancy can be understood as an ‘authoritarian governance of crime within democracy’, in which residual ‘pockets of authoritarianism in the executive’ and broader political dynamics continue to shape penal outcomes despite formally non-punitive legal frameworks. Compared with adult penal policy, juvenile justice in Serbia generally tends to be more lenient. Previous studies reported the dominant use of educational measures and the exceptional imposition of juvenile imprisonment (Ilić, 2016; Joksić et al., 2025; Miladinović Stefanović, 2015). However, Grbić (2023) highlighted criticisms of this approach, citing an overly lenient sentencing policy and arguing that the sentences may not adequately address serious juvenile offences.

Conviction rates demonstrate continuity rather than rupture. Suspended sentences and imprisonment remain the dominant judicial response to crime, followed by fines. This pattern diverges from most democratic systems, where fines typically predominate, suggesting limited development and institutionalisation of non-custodial sanctions in Serbia. Strict penal practices are also reflected in the limited emphasis placed on restorative justice compared with countries in the European Union (Radosavljević, 2020). In practice, Serbian judges continue to rely on suspended sentences as administratively simpler solutions, as underdeveloped probation mechanisms and procedural constraints limit the effective use of alternative sanctions. As Lazić and Danilović (2022) have further noticed, community service and other alternatives remain exceptionally rare and ‘unjustifiably and unfairly neglected’. This sentencing pattern is typical of former socialist European systems, where broad judicial discretion and an emphasis on individualisation, combined with weaker procedural infrastructures, often result in a neglect of the procedural dimensions required for modern, efficient sentencing (Drápal & Plesničar, 2025).

Sentencing in Serbia remains sensitive to political shifts. As demonstrated, changes in governing priorities directly affect legislative frameworks and the practical use of sanctions (Lukić, 2024). Since the mid-2010s, efforts to align with the European Union have happened alongside a renewed use of criminal law for political purposes, as populist governance has prioritised punitive symbolism over evidence-based approaches (Feješ, 2007;

Lukić, 2024; Tripković, 2016). Throughout these changes, the political climate has strongly influenced penal policy, at times supporting more humane reforms, at others reinforcing repression or obstructing implementation through political pressure and institutional control. As a result, recent evidence indicates that imprisonment has remained central in practice, despite the formal adoption of alternative sanctions (Lazić & Danilović, 2022; Lukić, 2024). For instance, a temporary increase in custodial sentencing between 2012 and 2014 followed a change in political authority, illustrating how political contexts and shifts in political authority directly translate into penal outcomes (Tripković, 2016). However, this influence is not always straightforward and does not consistently produce more punitive outcomes. Specifically, recent research on the relationship between democratic backsliding and penal policy in Serbia found that political authoritarian tendencies do not necessarily or directly lead to more punitive penal policies (Tripković, 2025). Frequent changes in governing coalitions and shifting political priorities primarily contributed to discontinuities in its penal reform. Over decades, different political actors alternated between reform-oriented and security-oriented approaches to crime. In more recent periods, political actors have also influenced penal policy through selective legislative interventions and the strategic (re) framing of crime. In the Serbian case, characterised by significant democratic erosion since 2012, political elites have not consistently relied on punitive mobilisation but have instead created narratives portraying crime as declining or under control, thereby reducing pressure for harsher penal responses in political discourse (Tripković, 2025).

Although European Union integration and Council of Europe standards have supported restorative justice and probation, the 2019 Criminal Code amendments marked a significant shift towards penal populism (The Law on Amendments and Additions to the Criminal Code, 2019). Notable examples include life imprisonment without parole for serious sexual offences, recidivism rules similar to the U.S. 'three strikes' law, and bans on sentence mitigation, all of which are widely considered to be driven by media-driven moral panics (Škulić, 2024). This trajectory, often criticised as inconsistent with actual crime data, demonstrates how political rhetoric amplifies public demand for harsher punishment, leading to stricter sentencing frameworks and reduced judicial flexibility, despite prison overcrowding and expert recommendations for alternatives (Škulić & Lukić, 2025). Grujić (2020) further argues that contemporary Serbian criminal legislation follows an expansionist trend, marked by increased criminalisation, greater sanction severity, and a broadening scope of criminal repression. This trend reflects a legislative attempt to respond directly to perceived changes in criminal activity, security threats, and public opinion, often influenced by electoral politics (Bodrožić, 2020). Specific measures, such as the prohibition of conditional release for life imprisonment, are frequently questioned in comparative and international jurisprudence, indicating a continuing conflict between domestic penal policy decisions and international legal standards (Grujić, 2020; Lukić, 2024).

The populist provisions and economic challenges directly contradict Serbia's formal efforts to strengthen alternative sanctions (Lazić & Danilović, 2022). Recent amendments have significantly narrowed the availability of suspended sentences, the primary non-custodial tool for minor offences, thereby reducing judicial flexibility and increasing the likelihood of custodial sentencing (Lukić, 2024). Combined with the decline in the use of fines, this change in the penal course has led to a paradoxical outcome. While Serbia aligns itself normatively with the European Union, its domestic legislative choices and institutional constraints result in systemic overcrowding and an overburdened custodial apparatus, leading

to high financial costs (Babin et al., 2020; Škulić & Lukić, 2025). In comparative perspective, Serbia thus remains among a small group of European states characterised by both a very high prison population rate and a very short average length of imprisonment (Aebi & Cocco, 2025). The Serbian prison system remains mostly retributive and closely aligned with prevailing public opinion, as evidenced by limited organised out-of-cell and rehabilitative activities, chronic budgetary constraints, and a lack of political will (Kantokoski, 2025). Within this context, international influence has been most effective when aligned with domestic political incentives or civil society advocacy, which facilitates the adoption and implementation of reforms (Ćopić, 2019) and least effective when in conflict with political interests or penal populism, which constrains their practical impact (Novaković, 2024; Tripković, 2016).

In summary, the historical, political, and normative developments outlined above demonstrate that Serbian penal policy has evolved discontinuously through shifts in state priorities, institutional reforms, and external pressures. However, the impact of these changes on sentencing practices and imprisonment trends requires further empirical analysis. The following section presents and examines longitudinal data on crime, convictions, and prison populations, demonstrating the effects of broader changes on penal outcomes.

## Penal Policy in Practice: Crime and Punishment in Numbers

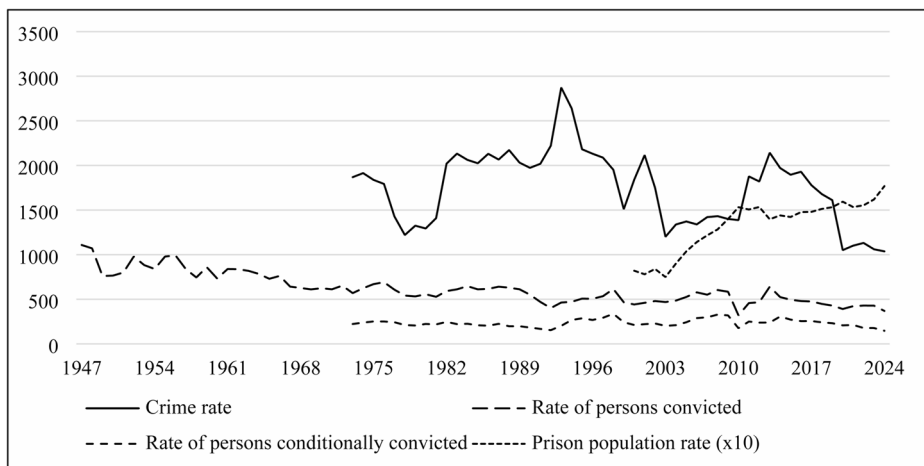
Following the historical and contextual analysis presented in the previous section, the evolution of Serbian penal policy is further examined through its empirical record. Penal policy is a concept difficult to formulate. In general, penal policy refers to the number of convicted offenders and the severity of the imposed sanctions. This makes it impossible to determine it in advance, as it is framed only subsequently based on imposed criminal sanctions. While rates of convicted persons and (especially) the prison population rates are regarded as reliable indicators of the “harshness” of penal policy, one must not disregard crime policy (i.e., politically motivated aims and goals comprised in the national strategy for preventing and suppressing crime), which [in]directly affect the number of crimes, as well as the operation of prosecution and courts; the scope of police reports influence the number of prosecution charges of offenders (Flander et al., 2023; Hacin et al., 2022). Therefore, penal policy is assessed through key indicators that capture its scale and severity: primarily the number of convicted persons, the structure of imposed sanctions, and prison population rates. These measurable indicators help examine penal outcomes over time, in line with our central argument that changes in political priorities and legislative frameworks can be detected in shifts in sentencing practices and imprisonment trends.

The quantitative analyses presented in the following paragraphs are based on the data on crime, convicted persons, and prison populations in Serbia. A detailed description of the data accompanies each graph and table. However, some general information should be delineated. Statistical data on criminal offences refer to all offences detected by or reported to the police. The data indicate the offence after the date of the first finished initial report, resulting in a criminal complaint or report to supplement the criminal complaint. Data on convicted persons refers to individuals who have been pronounced guilty (i.e., receiving a final judgement, in which they are pronounced legally responsible for committing a specific criminal offence) and sentenced to prison, juvenile prison, fine, conditional sentence, judicial

admonition, security or educational measure, as well as pronounced guilty but discharged. A principle of the main criminal offence is applied, meaning that an offender convicted of more than one offence at the same time is counted only once in the statistics; the offence for which the maximum penalty is provided in the law is counted. All data on convicted persons refer to the territory of Serbia – the territory of Kosovo is not included throughout the observed period. Finally, data on the prison population refer to all imprisoned persons, or to a specific category of imprisoned persons on a specific date of the year (31 December, 31 January, or 1 September). The number of entries refers to all admissions to penal institutions in a given year; an individual may have multiple admissions in a single year, as the counting unit is admissions. Prison density refers to the average number of imprisoned persons in 1 year and the number of available places in penal institutions (prison capacity is calculated according to statutory minimum accommodation standards of 4 m<sup>2</sup> of floor space and 8 m<sup>3</sup> of air volume per prisoner, as prescribed by the Law on the Enforcement of Criminal Sanctions (2014/2019).

In Fig. 1, general trends in crime, convicted persons, and prison populations in Serbia, expressed as crime rate, rate of persons convicted, rate of persons conditionally convicted, and prison population (multiplied by 10 to fit the scale), from 1947 to 2024 are presented. The socialist era was characterised by instability in crime rates. The initial decrease in the early 1970s was short-lived. It was replaced by a significant increase that started after 1980 (the death of Josip Broz Tito and the onset of political, economic, and social crises) and lasted until 1993. The steepest rise in crime was recorded in the first years of the 1990s, when socialist Yugoslavia began to dissolve. Changes in crime patterns in post-socialist countries were unique in their rapidity (Krajewski, 2013) and in the emergence of new forms of crime, resulting from market liberalisation and democratisation. After the dissolution of SFRY, Serbia was confronted with conflict, economic and social crisis, as well as political instability, all of which contributed to rising crime rates through weakened institutional capacity, economic disruption, and reduced social control mechanisms, and especially to the rapid rise of crimes related to nationalism (Arsić, 2022; Pribičević, 2008; Tomić, 2013). Such offences had been strictly forbidden and severely punished in the socialist era. The second half of the 1990s and the beginning of the new millennium were characterised by a decline in crime rates, followed by another increase during 2011–2014. In the last ten years, however, trends indicate that crime is decreasing in Serbia, as the lowest crime rate in the last 50 years was recorded in 2024, amounting to 1,036.9. While the transitional period was characterised by fluctuating crime rates and political instability, leading to legislative volatility, penal leniency was sustained in judicial practice (Jakišić & Davidović, 2013). Although fluctuations in crime rates can be closely tied to major political and socio-economic disruptions (Lappi-Seppälä, 2025), in Serbia, they did not directly translate into corresponding changes in penal outcomes, particularly in imprisonment.

Lappi-Seppälä (2012, p. 43) argued that crime, conviction, and prison population rates rise and fall largely independently from each other. The Spearman correlation coefficients were used to test these assumptions in Serbia. The correlations between crime rate and: (1) rate of persons convicted (0.34;  $p < .05$ ) and (2) prison population rate (−0.54;  $p < .01$ ) were statistically significant except for the rate of persons conditionally convicted (0.14;  $p = .34$ ). The correlations between rate of persons convicted and: (1) rate of persons conditionally convicted (0.33;  $p < .05$ ) and (2) prison population rate (−0.59;  $p < .01$ ) were statistically significant. Finally, no statistically significant correlation was detected between the rate of



<sup>a</sup> “Crime rate” refers to the number of crimes recorded by the police through its own activities and reported crimes per 100,000 inhabitants in a year.

<sup>b</sup> “Rate of persons convicted” refers to the number of convicted adults and juveniles per 100,000 inhabitants in a year. A convicted person is an individual who has been pronounced guilty, and upon whom the following sanctions have been imposed: punishment (prison, juvenile prison, and money fine), conditional sentence, judicial admonition, security measure, educational measure, as well as a person pronounced guilty but discharged.

<sup>c</sup> “Rate of persons conditionally convicted” refers to the number of conditionally convicted adults and juveniles per 100,000 inhabitants in a year. Data before 1973 are not available.

<sup>d</sup> “Prison population rate” refers to the number of imprisoned persons per 100,000 inhabitants on 31 December, 31 January, or 1 September of each year. The prison population rate was multiplied by 10 to fit the scale. Data before 2000 are not available.

Source: Aebi & Cocco, 2024, 2025; Aebi & Tiago, 2021; Aebi et al., 2022, 2023; Eurostat, 2015; Gavrilović, 2021, 2022, 2023, 2024, 2025; Hacin et al., 2022; Statistical Office of the Republic of Serbia, 2008.

**Fig. 1** Crime, conviction, and prison population rates in Serbia <sup>a</sup> “Crime rate” refers to the number of crimes recorded by the police through its own activities and reported crimes per 100,000 inhabitants in a year <sup>b</sup> “Rate of persons convicted” refers to the number of convicted adults and juveniles per 100,000 inhabitants in a year. A convicted person is an individual who has been pronounced guilty, and upon whom the following sanctions have been imposed: punishment (prison, juvenile prison, and money fine), conditional sentence, judicial admonition, security measure, educational measure, as well as a person pronounced guilty but discharged <sup>c</sup> “Rate of persons conditionally convicted” refers to the number of conditionally convicted adults and juveniles per 100,000 inhabitants in a year. Data before 1973 are not available <sup>d</sup> “Prison population rate” refers to the number of imprisoned persons per 100,000 inhabitants on 31 December, 31 January, or 1 September of each year. The prison population rate was multiplied by 10 to fit the scale. Data before 2000 are not available Source: Aebi & Cocco, 2024, 2025; Aebi & Tiago, 2021; Aebi et al., 2022, 2023; Eurostat, 2015; Gavrilović, 2021, 2022, 2023, 2024, 2025; Hacin et al., 2022; Statistical Office of the Republic of Serbia, 2008

persons conditionally convicted and the prison population rate ( $-0.19$ ;  $p = .31$ ). Results indicate that higher crime rates are associated with higher rates of persons convicted and lower prison population rates, while higher rates of convicted persons are associated with higher rates of conditionally convicted persons and lower prison population rates. Relatively weak correlations between the crime rate and the rate of convicted persons, and between the latter and the rate of persons conditionally convicted, indicate that crime is diligently prosecuted but that offenders are not necessarily found guilty, resulting in their conditional conviction or imprisonment. Brinc (2005) argued that the decision to charge a suspect is solely in the prosecutor's hands. It seems that higher crime rates and higher conviction rates actually result in lower imprisonment rates. The results indicate a complex relationship among crime, conviction, and imprisonment: increases in crime and conviction rates do not necessarily translate into higher imprisonment rates. This finding is consistent with previous comparative research that showed that imprisonment trends in Europe are often more influenced by policy choices than by crime levels alone (Lappi-Seppälä, 2025).

Official monitoring of criminal sanctions imposed on offenders in Serbia began in 1947. These records were systematically published in federal and republican statistical yearbooks, providing a continuous empirical basis for analysing long-term penal trends (Lazić & Danilović, 2022). This continuity enables longitudinal assessment of sentencing practices and institutional priorities across distinct political and legal regimes. In general, the rate of persons convicted has been in decline throughout the observed period (the lowest rate of persons convicted was recorded in 2010 (319.8), while in 2024, it amounted to 369.3. The overall number of convicted persons in the observed period decreased by 58.5% (Table 1). Decreases were also detected in criminal offences against life and limb (81%), honour and reputation (96%), economy (97%), and property (58%). The number of criminal offences against the rights and freedoms of citizens increased by 77% in the same period (Table 2). By contrast, statistics on juvenile justice are less consistent, as no clear trend emerges. At first glance, penal practice appears “immune” to political and legal changes, as conviction rates show continuity rather than rupture; however, this apparent stability masks important shifts in how punishment is administered. While this can be labelled as a sign of penal moderation, the number of persons in prison has increased drastically after 1990, indicating that while fewer individuals are convicted, more are sentenced to unconditional custodial sentences. Suspended sentences (on average, accounting for 45% of all convictions in the period 1975–2024) and the widespread use of custodial sanctions have persisted from the socialist era to today, while the use of fines has dramatically decreased, as in other former Yugoslav republics (Flander et al., 2023). The conviction rate has been comparable to those in Slovenia and Croatia. However, the sanctions imposed in Serbia have been harsher throughout the observed period (Hacin et al., 2022). As Tripković (2016) argued, while formal penal policies are not punitive (i.e., the declining rate of persons convicted), penal outcomes remain comparatively severe, particularly due to the continued reliance on custodial sentences. Importantly, this should not be interpreted as a reflection of judicial punitiveness alone, since courts are bound by statutory sentencing frameworks that often limit the use of alternative sanctions and structurally favour custodial responses, and thereby structure judicial discretion (Stojanović, 2023). The limits of these system-level generalisations are best seen in areas such as domestic violence, where high rates of case dismissal and acquittal persist despite extensive legislative reform and international normative engagement (Jovašević 2019a). While the capital punishment remained in the criminal legislation

**Table 1** Convicted persons from 1947 to 2024

	Convicted juveniles	Index*	Convicted adults	Index*	Convicted persons	Index*	Conditionally convicted persons	% of conditional convictions	Death penalty	Convicted adults – Fines	Convicted adults – Prison
1947	1,775	100	61,405	100	63,180	100	/	/	46**	/	/
1950	368	21	45,686	74	46,054	73	/	/	20	/	/
1955	1,323	75	61,044	99	62,367	99	/	/	/	/	/
1960	765	43	47,869	78	48,634	77	/	/	/	/	/
1965	1,062	60	49,134	80	50,196	79	/	/	2	/	/
1970	2,056	116	42,671	69	44,727	71	/	/	2	/	/
1975	2,545	143	46,815	76	49,360	78	18,537	37	4	13,401***	10,944***
1980	2,150	121	40,735	66	42,885	68	17,212	40	1	13,774	9,126
1985	2,230	126	45,663	74	47,893	76	16,329	34	2	18,363	10,329
1990	2,967	167	40,197	65	43,164	68	14,334	33	0	18,079	7,379
1995	3,184	179	36,664	60	39,848	63	22,527	57	0	5,491	8,270
2000	2,274	128	31,949	52	34,223	54	16,436	48	1	6,011	9,090
2005	2,234	126	36,901	60	39,135	62	18,051	46	0	8,063	10,361
2010	1,640	92	21,681	35	23,321	37	12,833	55	0	2,406	5,908
2015	1,934	109	33,181	54	35,115	56	19,290	55	0	2,722	8,820
2020	1,239	70	25,487	42	26,726	42	14,179	53	0	2,683	6,150
2024	1,375	77	24,835	40	26,210	41	10,431	42	0	3,956	7,152

\* Index: Year 1947 = 100

\*\* Data refers to 1949 (the first available data). The last execution of the death penalty took place in 1992, and the last two persons were sentenced to death in 2001; in 2002, the death penalty was abolished in criminal legislation

\*\*\* Data refers to 1977 (the first available data)

<sup>a</sup> Convicted person refers to an individual pronounced guilty, and upon whom the following sanctions have been imposed: punishment (prison, juvenile prison, and money fine), conditional sentence, judicial admonition, security measure, educational measure, as well as a person pronounced guilty but discharged. Data for conditionally convicted persons before 1973 are not available

Source: Gavrilović, 2021, 2022, 2023, 2024, 2025; Hacin et al., 2022; Statistical Office of the Republic of Serbia, 2008

**Table 2** Convicted persons according to criminal offence from 1947 to 2024

Year	Life and limb	Index*	%**	Rights and freedoms of citizens	Index*	%**	Honour and reputation	Index*	%**	Economy	Index*	%**	Property	Index*	%**
1947	8,142	100	13	561	100	1	8,510	100	13	20,486	100	32	14,242	100	23
1950	6,850	84	15	574	102	1	8,803	103	19	12,423	61	27	9,160	64	20
1955	13,624	167	22	1,370	244	2	14,504	170	23	7,513	37	12	13,358	94	21
1960	12,589	155	26	816	145	2	16,537	194	34	1,933	9	4	9,371	66	19
1965	11,185	137	22	1,228	219	2	18,028	212	36	2,449	12	5	9,633	68	19
1970	9,920	122	22	1,524	272	3	12,728	150	28	2,631	13	6	9,245	65	21
1975	8,392	103	17	1,513	270	3	9,235	109	19	4,167	20	8	13,008	91	26
1980	6,792	83	16	945	168	2	5,563	65	13	3,523	17	8	10,812	76	25
1985	7,182	88	15	1,036	185	2	5,083	60	11	6,226	30	13	13,993	98	29
1990	5,983	73	14	826	147	2	3,419	40	8	4,956	24	11	12,879	90	30
1995	3,990	49	10	439	78	1	1,496	18	4	5,753	28	14	13,778	97	35
2000	3,712	46	11	381	68	1	1,266	15	4	3,942	19	12	10,883	76	32
2005	4,117	51	11	435	78	1	1,448	17	4	2,549	12	7	10,868	76	28
2010	1,887	23	8	258	46	1	358	4	2	589	3	3	5,699	40	24
2015	2,271	28	6	887	158	3	451	5	1	1,609	8	5	12,444	87	35
2020	1,669	20	6	888	158	3	299	4	1	842	4	3	7,749	54	29
2024	1,508	19	6	991	177	4	340	4	1	678	3	3	6,031	42	23

\*Index: Year 1947 = 100

\*\*%, Percentage of all convicted persons in a year

<sup>a</sup>Convicted person refers to an individual pronounced guilty, and upon whom the following sanctions have been imposed: punishment (prison, juvenile prison, and money fine), conditional sentence, judicial admonition, security measure, educational measure, as well as a person pronounced guilty but discharged

Source: Gavrilović, 2021, 2022, 2023, 2024, 2025; Hacin et al., 2022; Statistical Office of the Republic of Serbia, 2008

until 2002, the trend shows that the widespread use of the death penalty (mostly on Nazi collaborators and political prisoners) was characterised only in the period immediately after the Second World War, and the 1948 Cominform Resolution.

While the crime rate and rate of persons convicted declined during the observed period, the same cannot be said for the prison population rate (Table 3). The harshness of sentences (especially the frequent use of imprisonment by the courts) increased significantly in Serbia, even as the number of convicted persons decreased significantly (also the number of custodial sentences), and the number of prisoners rose more than threefold since 1990, when the lowest prison population rate of 37.0 was recorded. The prison population rates in the first half of the 1990s were comparable to those in other former Yugoslav republics (Hacin et al., 2022). However, they began to increase significantly after 2003, when admissions rose sharply. As Matić-Bošković (2019) argued, the implementation of the new Criminal Code in 2005, which introduced modern alternative measures to imprisonment, has not brought the desired changes, namely a reduction in custodial sentencing (especially for minor offences). In the years that followed, alternative sanctions remained limited in practice due to institutional constraints and established sentencing patterns (Matić-Bošković, 2019).

Taken together, formal penal reforms and actual penal outcomes show that legislative changes promoting alternatives to imprisonment coexist with institutional practices that continue to favour custodial sanctions (Lukić, 2024; Matić-Bošković, 2019). These trends help clarify the paradox through which Serbia belongs to a small group of European countries characterised by a very high prison population rate alongside a very short average length of imprisonment (Aebi & Cocco, 2025). Regional data indicate that post-Yugoslav penal trajectories have not converged. Instead, they display distinct patterns. Serbia and Montenegro consistently record high prison population rates, whereas Slovenia and Bosnia and Herzegovina maintain comparatively low levels. Croatia and North Macedonia have more dynamic, middle positions. Over the longer term (2005–2024), most countries in the region have experienced growth in imprisonment, with Serbia recording the largest increase (+70%), followed by Slovenia (+50%) and Croatia (+47%).

Furthermore, over the past decade, Serbia has shown a continuous upward trend, while other countries have displayed more moderate or fluctuating patterns. In the short term, prison population rates increased across the region between 2022 and 2023, particularly in North Macedonia (+25.5%), Montenegro (+11.3%), and Croatia (+10.4%). Slovenia further experienced a sharp rise between 2023 and 2024 (+25.4%), while Croatia reached its highest recorded prison population rate in 2024 (Aebi & Cocco, 2024, 2025). Overall, these trends indicate that penal systems are under similar but uneven pressures, while also confirming that, despite shared historical legacies, penal developments have diverged along different institutional trajectories and policy choices. In addition, the number of remand prisoners in Serbia was rising until 2010, followed by a steep decline. Since 2020, the number of remand prisoners has begun to increase once again, which can be at least partly attributed to the growing number of foreigners in Serbian prisons. As in Croatia and Slovenia (Flander et al., 2023), Serbia has experienced severe migration pressures along its borders, as it lies on the Balkan migration route, resulting in an increasing number of foreign nationals being incarcerated for illegal border crossings and related offences (smuggling of persons organised by criminal groups). Prison overcrowding has been a severe problem throughout the observed period due to the rising prisoner populations. In recent years, Serbia has tackled the problem by building new prisons and modernising and expanding exist-

**Table 3** Prison population and prison conditions from 1990 to 2024

	1990	1996	2000	2003	2005	2010	2015	2020	2024
Number of prisoners	3,622	3,623	6,160	7,487	7,775	11,197	10,064	11,044	11,701
Index*	100	100	170	207	215	309	278	305	323
Prison population rate	37.0	52.1	82.2	74.9	103.7	153.2	142.2	159.4	176.8
Index*	100	141	222	202	280	414	384	431	478
Number of juveniles	/	/	/	/	/	77	96	231	197
Index****	/	/	/	/	/	100	125	300	256
Number of remand prisoners	/	/	/	2,160	2,346	3,546	1,538	1,903	2,518
Index**	/	/	/	100	109	164	71	88	117
Entries of prisoners	/	/	/	15,255	/	25,320	23,250	21,970	20,902
Index**	/	/	/	100	/	166	152	144	137
Number of foreign prisoners	/	/	/	/	267	252	353	347	733
Index***	/	/	/	/	100	94	132	130	275
Prison density	/	/	/	73.5	80.9	172.3	106.4	107.3	97.9
Index**	/	/	/	100	110	234	145	146	133

Table 3 (continued)

	1990	1996	2000	2003	2005	2010	2015	2020	2024
Number of prison workers	/	/	/	/	/	4,068	4,052	4,207	4,398
Index****	/	/	/	/	/	100	100	103	108

Index: \* Year 1990=100, \*\* Year 2003=100, \*\*\* Year 2005=100, \*\*\*\* Year 2010=100

<sup>a</sup> “Number of prisoners” refers to the total number of imprisoned persons (prisoners, juveniles, remand prisoners (without final sentence), prisoners sentenced to prison in minor offences procedures, and prisoners sentenced to substitute prison) on 31 December, 31 January, or 1 September of each year

<sup>b</sup> “Prison population rate” refers to the number of imprisoned persons per 100,000 inhabitants on 31 December, 31 January, or 1 September of each year. The prison population rate was multiplied by 10 to fit the scale. Data before 2003 are not available

<sup>c</sup> Data for “Number of juveniles” and “Number of prison workers are not available before 2010. Data for “Number of foreign prisoners” are not available before 2005. Data for “Entries of prisoners” are not available for 2005

Source: Aebi & Cocco, 2024, 2025; Aebi & Delgrande, 2012; Aebi & Tiago, 2021; Aebi et al., 2017, 2022, 2023; Hacin et al., 2022; Tripković, 2016

ing facilities (BalkanInsight, 2018; Council of Europe Development Bank, n. d.), although the number of prisoners and prison entries remains high. The number of prison staff has remained relatively stable throughout the observed period, with a prisoner-to-staff ratio of 2.7 in 2024 (Aebi & Cocco, 2025).

## Conclusion

Decades of research on penal policies have highlighted the fact that all penal cultures are products of distinct local developments (Tonry, 2007) and that they change over time. It has also become clear that broader societal developments, including political changes/instability, economic trends, and normative shifts, influence penal policy. The Serbian case presented in the current study confirms the above-stated observations, as penal policy has not adhered to a consistent penal philosophy or policy but has instead responded to significant changes that affected every segment of society at various periods. Furthermore, different phases of penal development were shaped by distinct mechanisms. Firstly, political instability in the 1990s and weakened institutional capacity contributed to inconsistent penal responses. Secondly, after 2000, Europeanisation introduced formal reforms and alternative sanctions, while later political shocks and penal populism reinforced reliance on custodial punishment alongside these reforms. Overall, our findings show that penal outcomes do not reflect crime trends or formal legislation alone. Instead, they result from the interplay of political changes, legal frameworks, and institutional practices. This can lead to contradictions, such as moderate policies existing alongside harsh penal practices.

In contrast to other republics of the former Yugoslavia, Serbian penal policy was harsher, also compared to the national level. While the conviction rate was lower than in the northern republics (namely, Slovenia and Croatia), the percentage of conditional convictions was lower, and custodial sentences were more frequent (Hacin et al., 2022). The number of executions was also the highest, not only in the time of severe political repression, immediately after the Second World War, but also throughout the socialist era and after democratisation; Serbia (together with Montenegro) was the last country of the former Yugoslavia that abolished the death sentence in 2002. While crime rates in the socialist era initially dropped significantly in the first half of the 1970s, then rose sharply, and then stabilised in the 1980s, the rate of persons convicted decreased throughout the entire socialist period. As data on prison populations before 1990 are unavailable, it can only be speculated on the trend in the moderation of the Serbian penal policy in the socialist period. If the trends were similar to those in Slovenia (Flander et al., 2023), that would mean that the prison population rate was decreasing from the beginning of the 1980s until the first half of the 1990s, followed by a sharp increase; however, this is somewhat doubtful, as the number of convicted individuals had not decreased significantly, while the percentage of conditional convictions decreased.

After a very steep increase in crime rates characteristic of postsocialist countries (Krajewski, 2013), following the breakup of socialist Yugoslavia, a prolonged period of decline ensued, punctuated by several short-lived increases. The profound disturbances in Serbia's political, economic, and social spheres in the 1990s also affected the nature of punishment. The number of convictions for failing to pay fines had been declining since 1985, but the largest drop occurred in the second half of the 1990s. While the decline in the number of convicted persons continued from the socialist era, the percentage of conditional convic-

tions increased compared to the period before 1991. The drastic increase in the number of prisoners shattered any illusion of [the possibility of] penal moderation. The prison population rate places Serbia in the group of countries of Central and Eastern Europe characterised by high rates of imprisonment (Dünkel, 2017); with a rate of 176.8 in 2024, Serbia recorded the highest prison population rate among former Yugoslav countries (Aebi & Cocco, 2025). Kantoski (2025) argued that the prison system itself remains retributive in nature, with limited rehabilitative activities, and is additionally hamstrung by budgetary constraints. It can be argued that, while some ambiguities remain regarding the actual trend towards penal moderation in the socialist era, there is clear evidence that penal populism, with the widespread use of custodial sentences, has prevailed since 1991. This has also been characteristic of other former Yugoslav countries (and former socialist countries in general). However, the changes in Serbia were more profound, especially compared to countries such as Croatia and Slovenia, which managed to retain moderation in punishment despite the harshening of criminal/penal legislation (Flander et al., 2023; Hacin et al., 2022).

The contributions of the study to existing knowledge on penal policy, culture, and punishment in general can be summarised as follows. First, building on previous works on penal policy, the current study advances our understanding of Serbian penal policy by combining historical and contextual analyses of political, socio-economic, and normative developments with a longitudinal analysis of crime, conviction and prison population data over the period of more than seven decades, which is without parallel in the Serbian context, and very rare in former socialist countries (Flander et al., 2023). Second, the findings show that penal policy is an evolving concept not immune to broader societal developments. However, these influences seem limited in Serbian judicial practice, in that changes in the scope and nature of crime have not [significantly] disrupted the overall trend of convictions, but have had a profound impact on the sanctions imposed. The widespread use of custodial sanctions is [at least partially] the consequence of popular demands for tough-on-crime approaches, supported by a populist government. Finally, despite analysing numerous indicators, the findings confirm that prison population rates are the best predictors of the harshness of penal policy, supporting the argument that using a comparative approach that included inflicted penalties upon similar offenders at similar stages of the criminal and penal process, the rank ordering of countries' punitivity is very similar to that based on "simple" prison population rate statistics (Cavadino & Dignan, 2006; Hacin & Meško, 2022).

Despite the comprehensive research approach, the study is not without limitations, which should be acknowledged when considering the mechanisms connecting political developments, institutional constraints, and penal outcomes. The comprehensiveness of our research approach constitutes the first limitation, leading to the selection of topics (i.e., fields) included in the paper and to a lack of in-depth analysis of specific developments in politics, society, and legislation. Also, the problem of data quality should be highlighted. While the sources of the data are reliable, as similar data were tested in other studies, several problems should be pointed out: (1) data on crime, conviction, and penal statistics do not cover the same period, preventing comparison, testing of correlations, and determining trends even over a longer period, which would enable a comparison [even] over a longer period; Flander et al. (2023) warned about different perspectives on penal policy developments when analysing short or longer periods; (2) data on accused persons were not available, which presents a significant deficiency in analysing correlations between crime,

convictions, and imposed sanctions; (3) the issue of dark figures of crime remains, especially in the socialist era as victimological studies were not conducted; it seems that, contrary to Kury's (1997) argument, changes in social reality after democratisation have not profoundly affected individuals' willingness to report crime, as rapid and prolonged increases in crime rate, characteristic of other former socialist countries, were not recorded in Serbia; (4) by using national and foreign literature, we aimed to objectively present political, economic, and social changes in Serbia; however, the historical developments can be interpreted differently by other [native] experts; and (5) the problems of comparability of the data should be highlighted, as differences may occur in the years of recorded crime, final adjudication, and imprisonment due to the duration of criminal proceedings.

As with all studies, future challenges remain that should be addressed. While a similar study was already conducted in Slovenia (Flander et al., 2023) and an initial comparative study was conducted for the former Yugoslav countries (Hacin et al., 2022), the development of penal policies in other former Yugoslav republics still needs a thorough examination. Also, a comprehensive comparative study of former socialist countries in Europe should be conducted, as previous studies have shown that these countries should not be considered a monolithic bloc but rather as distinct units with distinct penal policies.

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## Declarations

**Ethics Approval and Consent to Participate** The authors state that the paper complies with ethical standards.

**Consent for Publication** The authors consent to the publication of the paper in the European Journal on Criminal Policy and Research.

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