

ALTERNATIVE CRIMINAL SANCTIONS IN THE REPUBLIC OF SERBIA¹

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Abstract

The workload of prisons and the increase in crime is not only a problem in the Republic of Serbia but in the region and the whole world. Therefore, the introduction of alternative sanctions is a step toward reducing the prison population, humanizing the sentence, reducing costs, avoiding the harmful consequences of imprisonment such as stigmatization, deprivation and privation instead of rehabilitation, a positive effect on recidivism, crime prevention, and prevention.

The application of alternative criminal sanctions is only at first sight more significant only for minor, possibly moderate crimes. In the first place, that is true, because they are intended for this category of crimes - their perpetrators. However, their application is also of great importance for serious crimes, because it saves the resources of criminal justice, which can be focused on combating serious crimes. Unfortunately, we cannot say that our judicial system applies alternative sanctions exclusively in exchange for short-term imprisonment, which is indicated by the data on the number of persons who have served up to one year in prison in previous years. Statistical data for 2020 for the territory of the Republic of Serbia indicate the following application of alternative sanctions, and according to the Law on Execution of Extrajudicial Sanctions and Measures: Imprisonment served in the premises where the convict lives (house arrest with and without electronic supervision) - 3560, Probation with protective supervision- 19, Penalty of work in the public interest (decisions of the misdemeanor and criminal court) -156, Measure prohibiting leaving the apartment (house arrest) with and without electronic supervision -1066.

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1. INTRODUCTION

These days, the sanctions goals can, to a large extent, be achieved in conditions that are less restrictive than imprisonment. The concept of sanctions is applied under the patronage of the community and it has an aspiration towards a preventive, not a retributive component of punishment since imprisonment has more negative than positive effects on the perpetrator, his family and the whole community. Imprisonment affects general prevention - to warn potential perpetrators that if they commit a crime, they will end up in prison and that the level of correction of prisoners' behavior while serving a prison sentence, their improvement, and their resocialization give very low results (Stevanović, Igrački , 2013: 524-534).

Penal policy (Ignjatović, 2012: 102) can be mild and can be strict (Đorđević, 3/2009: 68), so when sentencing criminal sanctions, the severity, character and structure of the crime to which those sanctions are directed must be considered. The value system, norms of behavior and the behavior code of convicts that exist in prisons largely obstruct efforts to bring about positive changes in the personality, with the aim that when the prisoner returns to the community no longer commits crimes. The most important values that exist among convicts are group cohesion and mutual solidarity, which often lead to great resistance to the formal system, and thus to resistance to engage in activities that lead to positive changes in behavior (Mirić, 2014; Konstatinović-Vilić & Kostić, 2006).

Therefore, the aim was to develop an alternative to imprisonment, especially with the aim of avoiding these negative aspects of imprisonment, especially for prison sentences of up to one year, because experience has shown that it does more harm than good. The alternative sanctions are recognized to have the purpose of providing an adequate social response to crime, above all to enable the individualization of the punishment itself (Soković, 2009). The Criminal Code from year 2009 went a step further in the development of alternative sanctions and legal means, introducing a completely new form of serving a prison sentence, "house confinement", i.e. serving a prison sentence without leaving the premises where the convict lives, as appointed by the legislator. In this way, in addition to fines, work in the public interest and revocation of driver's licenses, the trend of finding alternatives to the existing short-term prison sentence has begun.

A step forward in crime prevention and reduction of the prison population is being brought about by alternative criminal sanctions and legal means, as an instrument of criminal law response to crime in our criminal legislation. The concretization of the very idea of the importance and significance of the application of alternative criminal sanctions and measures found a foothold within the codification of the Criminal Code⁴ in 2006. As a reaction to imprisonment, there is a general movement in European and North American countries to find new sanctions, often called substitutes or alternatives to imprisonment (Pradel, 2009: 34).

⁴ Criminal Code of the Republic of Serbia („Sl. glasnik RS“, No. 85/2005, 88/2005– corr, 107/2005 – corr, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 & 94/2016), the law took effect on January 1st 2006.

2. EXPERIENCES AND EFFECTS OF IMPRISONMENT

In recent years, most research conducted in the United States has shown that there are many problems with standard imprisonments, such as overcrowding in penitentiaries, huge financial costs, violations of basic human rights, and a still high rate of returns among ex-convicts. These problems demanded the urgent need to reform the standard execution of prison sentences in America (Bagalić, Hunter, 2018: 1-64). It is emphasized that the current prison system causes great suffering to prisoners, which is disproportionate to the crime for which they were convicted (Bagalić, Hunter, 2018: 1-64). The former idea that a convict should be able to live a useful life in a social community, from today's point of view, seems utopian, as opposed to the price society pays for an individual to stay in prison for a certain period of time.

Any punishment expressed through the harm imposed on the delinquent, and especially the punishment of deprivation of liberty, represents an inhumane legal means in modern society, in which freedom is a *conditio sine qua non* of human existence (Lazarević, 1974: 78). This does not mean that imprisonment can be abolished. We are witnesses that imprisonment is inevitable for the most serious crimes. The assumption that the length of stay in prison will affect the change of habits and value system of convicts, i.e. that a convict will have more time to understand and accept socially acceptable forms of behavior if he/she is exposed to longer treatment in prison, shows that the length of stay in prison does not significantly affect the change of attitudes and behavior of convicts in relation to those sentenced to shorter prison terms according to the research carried out in 2020 (Igrački, 2020).

Research of the effects of treatment in penitentiary conditions (Igrački, 2020: 101-120), took under monitoring the attitudes of two groups of convicts: those who spent ½ sentences in prison and convicts who have spent more than ½ of the prison sentences in prison, according to the level of influence of the prison on their behavior. The results of this analysis provide an argument that convicts find it difficult to change their attitudes under the influence of the prison program, because most of them do not want to change their attitudes under the influence of prison institutions, and the main reason is that they believe that imprisonment is a waste of time and it does not have any influence on the behavior. Both groups of convicts (more than ½ served sentences and less than ½ served prison sentences), in the high percentage, 47% and 44% - these data indicate that time spent in prison is not useful and that convicts do not expect that the prison institution, with its work program, will help them change their attitudes and correct their behavior.

Moreover, for some crimes, murder of children, rape, the most severe forms of violence, the application of punishment other than imprisonment would cause additional public harassment. The penalty of imprisonment is necessary for the protection of society and the fight against crime. On the other hand, the meaning of retribution, resocialization and prevention as the basic postulates of the execution of criminal sanctions is called into question by short-term sentences of imprisonment (Lazarević, 1974: 78). The theory states that for a certain type of behavior, such as violent crime, the system of traditional imprisonment is the best, compared to drug-addiction associate and non-violent crimes, which could be adequately sanctioned by various forms of alternative sanctions.⁵

⁵ Developments in the Law (1998), Alternatives to Incarceration, *Harvard Law Review*, Vol.111, No.7, p. 1863–1990. www.jstor.org/stable/1342485

The former opinion was overcome and it states that the existence of special institutions for short-term sentences would contribute to eliminating the harmful consequences of short prison sentences which result from internal contacts and lack of a classification of convicts, but would also enable constructive treatment, adapted to the specifics of this sentence (Lazarević, 1974: 4). In addition, the large financial resources that need to be provided have led to the abandonment of the need for special institutions for the execution of short-term prison sentences. The treatment of re-socialization that is carried out in prisons cannot give the expected results when it is done in a short time and therefore most convicts who are in prison do not receive adequate treatment (Lazarević, 1974: 4-6).

Negative effects of short prison sentences are eliminated by applying alternative legal means (substitution of sentence): parole, suspended sentences, court reprimands, work in the public interest, revocation of driving licence and parallel penalties such as home confinement, electronic surveillance, fees, half-day detention, intensive supervision and other legal means (Jovašević, 2016: 155-156). Setting standards and criminal policies for the implementation of alternative criminal sanctions in the field of alternative criminal sanctions and legal means were defined at the UN Congresses on Crime Prevention and Treatment of Defendants in 1980, at the 6th Congress, Resolution no. 8 on Crime Prevention and Treatment of Defendants, in 1985 at the 7th Congress Resolution no. 16 on the reduction of the prison population, alternatives to imprisonment and social integration of convicts, so that at the next session in 1990, the Draft UN Standard on Minimum Rules for Non-Detention Legal Means (the so-called Tokyo Rules) were accepted.

In order to regulate in more detail and create a comprehensive system of European standards of alternative criminal sanctions, a number of different documents will be adopted, including a new Recommendation on European rules on community sanctions and measures, accepted in March 2017.⁶

The Tokyo Rules and Recommendations R (92) 16 and R (2000) 22 of the Council of Europe were adopted with the intention of serving as an incentive to build a more efficient and humane system of sanctioning criminal behavior, and represent the minimum conditions necessary to develop rules for implementing detention, as well as minimum legal means of protection of both legal security and the rights and freedoms of persons subject to these penalties. What the Tokyo Rules especially insist on is the need to measure alternatives to institutional treatment, which start from the idea of spreading the rights of criminals, bringing them in line with victims' rights, public safety concerns and crime prevention (Ignjatović, 2018: 63).

The main objectives are to establish rules on community sanctions, which will ensure fair application of these sanctions by national legislation, contribute to providing guarantees to prevent human rights violations against persons subject to community sanctions and legal means, and propose clear rules of conduct for those in charge. The key issues for conducting an adequate penal policy in Serbia are concentrated around several issues. These are: prescribed penal ranges, the purpose of punishment, mitigating and

⁶ Recommendation CM/Rec (2017) on the European Rules on community sanctions and measures; O relevantnim dokumentima: Compendium of conventions, recommendations and resolutions relating to prison and community sanctions and measures, Council of Europe, 2017.

aggravating circumstances, conditions for a suspended sentence, creating conditions for serving a suspended sentence with supervision, an act of minor offence (an institute which, unlike minor social danger, is quite rare applying in addition to expanding the conditions for its implementation (by the 2009 Amendment) and the possibilities that exist in terms of criminal procedural law (primarily related to the principle of opportunity and plea agreement) (Stojanović, 2012: 1-18).

Guided primarily by the guidelines accepted by the Council of Europe⁷ in the scope of imprisonment and overcrowding, the Government of the Republic of Serbia accepted the Strategy for Reducing Accommodation Overcrowding in Penitentiary Institutions in the Republic of Serbia by 2020⁸ thus setting targets for reducing population density in institutions.

One of the principles set by the Strategy is the further development of the system of alternative criminal sanctions and trust services, as one of the ways to reduce the excessive overcrowding of institutions in our country. The Tokyo Rules of the United Nations⁹ and the European Rules of the Council of Europe¹⁰ provide recommendations and guidelines to member states for the development of effective systems of non-institutional sanctions and legal means.

The high recidivism rate is just one example of the inadequacy of the current criminal policy, which relies on prisons and punishment to solve social problems in society. Therefore, there is an urgent need to find other solutions specifically for certain crimes, such as drug abuse, which is the goal of the European countries that participated in the project, the European Prison Observatory concluded in its 2016 report (European prison observatory) (Heard, 2016: 1-38). The opposite stand to the idea that the standard system of imprisonment can be completely overrun; there are also opinions that deny the crucial role of alternative sanctions in reducing the crime rate (Igrački, Brašovan Delić, 2022: 349-360).

It is obvious that prison treatment is effective if it leads to a reduction in the prison population, a reduction in returns, a change in behavior as well as the desired changes in the environment of the treated person. Institutional resocialization has shown weak effects on changing the behavior of criminals, and the state has approached new ways of resolving this issue. Given that there is a double approach to the punishment with severe penalties for offenders identified as dangerous to society, while alternative sanctions or restorative justice processes are applied to less serious offenders. In order to keep up with the European standards, in 2006 the Republic of Serbia, by accepting the Criminal Code¹¹ and the Law on

⁷ Strategy for Reducing the Overcrowding of Accommodation Capacities in Institutions for Execution of Criminal Sanctions in the Republic of Serbia until 2020. " Službeni glasnik RS ", No. 55/05, 71/05 - corr, 101/07, 65/08, 16/11, 68/12 - US, 72/12, 7/14 - US and 44/14.

⁸ The United Nations Minimum Standard Rules on Alternative Measures from 1990, on the basis of which they were accepted through documents that promote, regulate and enforce alternative sanctions, i.e. community-based sanctions.

⁹Council of Europe Recommendation No. R (92) 16 on the 1992 European Rules on Community Sanctions and Legal Means.

¹⁰ Ibid

¹¹ Criminal Code of the Republic of Serbia " Službeni glasnik RS ", No. 85/2005, 88/2005-corrigendum, 107/2005 - corrigendum, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016), the law took effect on January 1st 2006.

the Execution of Criminal Extrajudicial Sanctions and Legal Means,¹² acquired a precondition for the practical application of alternative sanctions.

3. APPLICATION OF ALTERNATIVE SANCTIONS AND LEGAL MEANS IN EUROPE AND SERBIA

In Europe, the system of alternative sanctions was developed on the basis of experiences of applying two very different institutes of similar importance: conditional sentences, as a continental European one, and probation as an Anglo-American institution. It is assumed that most crimes are committed by non-violent criminals and do not pose a great danger to society, so it can be expected that the goals of punishment can be achieved in conditions that are far more favorable than imprisonment, in the community. Thus, the development and application of community sanctions have been most widely applied to "low-risk" offenders, and traditional probation is in this sense opposed to imprisonment.

Between imprisonment and (conditional) freedom, there is a space to be filled by acts of an alternative nature, "something between probation and imprisonment, where conditions of supervision are still strict, but penalties are more lenient than prison" (Soković, Vasiljević, 2007: 121- 138)¹³. The practice of European countries in the application of non-institutional sanctions, as well as the organization of the probation service, differs significantly from country to country, which indicates that the recommendations and resolutions of the Council of Europe are fully implemented in some countries.

So, we can see that alternative sanctions are most often applied in Finland, England and Wales, Denmark, and the least in Italy and Spain. According to data from recent years, an average of 3,885 alternative sanctions per 100,000 inhabitants per year are imposed in Finland, 2,806 in England and Wales, 2,630 in Denmark, 1,268 in Sweden, 1,067 in Germany, 848 in France, 370 in Italy and 298 in Spain.

These data show that some members of the European Union have developed a system of alternative measures that are largely imposed and that the intention of extra-institutional sanctions have fully taken root in practice. Of course, Finland, England and Denmark are leading the way, and it is unexpectedly applied on a small scale in Spain, Italy and France, which have a well-developed social crime prevention programs (Stevanović, Igrački, 2013: 302). In Italy, alternative criminal sanctions were introduced back in 1981, as special forms of "imprisonment", which gives the convict the right to spend 10 hours in special departments of the penitentiary (supervised liberty), for those sentenced to imprisonment for up to three months who have the obligation not to leave their place of residence and to report regularly to the competent authority (Marietti, 2015).

In 2014, the Italian government undertook to propose a law that would prescribe the possibility of applying home confinement as the main punishment for all crimes indictable by up to 5 years, or the obligation that all prison sentences up to 3 years be imposed exclusively at home (Marietti, 2015). Although the data on whether the Law in this form has

¹² Law on Execution of Extrajudicial Sanctions and Legal Means, " Službeni glasnik RS ", 55/2014

¹³ Anglo-American countries have the most significant and longest experience in the application of alternative measures. In the USA, the wider application of these measures is connected with the Juvenile Justice & Delinquency Prevention Act from 1974, within which the so-called strategy of institutionalization (DSO), and in the UK for the Criminal Justice Act of 1972 on the basis of which, to begin experimentally, the Community Service Order (CSO) and the Day Training Center (DTC) are established.

come to life today is not reliable, it shows the intention of the legislator to replace short-term prison sentences as much as possible with some other types of deprivation of liberty. Thus, the applications of sanctions that are implemented include: fees on daily bases, home confinement, restitution, work in the public interest, electronic monitoring, probation surveillance, daily reporting centers, boot camps and various forms of protective surveillance that can be carried out in the local community that are represented in the laws and practices of individual countries.

The characteristic of the application of these measures is reflected in the restriction of a certain degree of freedom through the obligations and conditions that are imposed on the person; they are applied by certain bodies and are executed in the community. The content of alternative legal means consists of educational, medical or therapeutic doings that are applied within the local community in order to avoid or reduce unnecessary stigmatization of convicts and improve the process of their reintegration.

With the new Criminal Code from 2006, which is in force today with several amendments, for the first time alternative criminal sanctions were introduced into our criminal legislation, so in addition to the mentioned conditional sentence with protective supervision, work in the public interest revocation of driving licences, which in addition to imprisonment and fines, are provided as penalties in our system of criminal sanctions. It is later amended, from 3/9/2009, home confinement was introduced in such a way that it is presented as a way of serving a prison sentence of up to one year.

The execution of sanctions, imposed as an alternative to prison sentences in Serbia, is performed by the Probation Office (Trustee Service), which operates within the Department for Treatment and Alternative Sanctions at the Administration for the Execution of Institutional Sanctions of the Ministry of Justice. The first office was opened in Belgrade on November 14, 2008, and after the initial one, the next offices were opened in Novi Sad, Subotica, Sombor, Valjevo, Niš, Kragujevac and Leskovac.

The formation of the Probation Office provided organizational conditions for the professional and consistent implementation of alternative sanctions. The actions of the trustees are regulated in detail by the Rulebook on protective supervision and penalties for work in the public interest. Scope of authority provides establishment and maintenance of contacts with the convict, respecting the principle whose essence is the restriction of the convict's rights only to the extent necessary to achieve the purpose of the sentence. It cooperates with the competent court, the body of internal affairs, the employer, and other institutions, and has the right to request data and inspect official records and other documents relevant to the execution of a suspended sentence. There is an obligation to submit the file of the sentence to the Department for Treatment and Alternative Sanctions after the execution of the sentence, and it submits it to the court.

Of course, one of the problems is the insufficient number of trustees, and according to the data of the Probation Office, there are 30-50 people on one trustee over whom he/she should implement one of the sanctions. Based on the interview with the judge's associate of the Primary Court in Pancevo, who deals with the matter of execution of criminal sanctions, the problems faced by the Primary Court in Pancevo in this area were: "In practice, it is considered that one of the problems is that the commissioners are not educated in the field of law and that they have not been informed by the Administration that there is a deadline by which the sentence expires, which is a potential danger for the execution of the sentence in those cases where no timely action is taken. Also, the fact is that there are a small number of commissioners in the Republic of Serbia. For example, the Commissioner in charge of the High Court in Pancevo is in charge of the entire territory of the South Banat District,

which is a huge job for one person. There is also a lack of technical possibilities, as well as he does not have a vehicle for the purpose of touring the area he is responsible for.”¹⁴

For our justice system, unfortunately, we cannot say that it applies alternative sanctions solely to replace short-term prison sentences, as indicated by the number of ongoing persons who in previous years had served up to a year in prison.¹⁵ The practice of the judicial authorities of the Republic of Serbia is extremely retributive because it is based on the imposition of short-term prison sentences (up to one year 67% and 82% up to two years), as opposed to alternative sanctions that are more suitable for achieving special prevention.

The main question of the controversy is whether alternative criminal sanctions include ancillary penalties (work in the public interest and the penalty of revoking a driving licence) or whether other measures are considered alternative criminal sanctions for adult perpetrators of criminal offenses (suspended sentence and court reprimand) is not crucial for the issue of house confinement.

In the broadest overlook, any criminal sanction that in an appropriate manner and according to the conditions prescribed by the Criminal Code substitutes imprisonment or fine (when prescribed as the main or only punishment for a specific crime), is an alternative criminal sanction (Škulić, 2014: 251). In a narrower overlook, an alternative criminal sanction should be understood as any criminal sanction that substitutes a prison sentence according to the appropriate legal mechanism (Škulić, 2014: 251). From the narrower definition of alternative sanctions, our legislator has already regulated house confinement as a modality of serving a prison sentence in the very provision of the Criminal Code.

In addition to criminal sanctions (imprisonment, fines, penalties for work in the public interest, revocation of driver's license), which found their place in separate articles of the Criminal Code, and even in special chapters relating to warning measures, it seems that the legislator did not intend to provide for a sentence of house arrest as a separate sentence. This was done not out of the conviction that this punishment does not differ significantly from imprisonment, but because of the legislative technique (Stojanović, 2018: 237). In order not to intervene with numerous provisions in the Criminal Code, because in a number of individual provisions, in addition to imprisonment, it would involve house confinement, too, and an attempt was made to avoid this problem (Stojanović, 2018: 237).

Statistical data for 2020 for the territory of the Republic of Serbia indicate the following application of alternative sanctions: Imprisonment served in the premises where the convict lives (house confinement with and without electronic surveillance) - 3560, Probation with supervision - 19, Work in the public interest (decisions of the misdemeanor and criminal court) -156, Measure prohibiting leaving the living premises (house confinement) with and without electronic supervision -1066.

Looking at the regions of the Republic of Serbia,¹⁶ out of the total number of domestic prison sentences imposed during 2017 (2122), the most were imposed in Belgrade 564, which is logical according to the number of inhabitants and thus the largest number of

¹⁴ Data obtained from an interview with a senior judicial associate of the Primary Court in Pancevo, Jovanov Aleksandar, who has been performing criminal sanctions for three years. Discussion on pre-prepared questions was held on May 27, 2019, in the premises of the High Court in Pancevo.

¹⁵ Adult criminal acts executors in the Republic of Serbia, 2019. Bilten, No. 665, Belgrade, 2020. Republic Bureau of Statistics: <http://www.stat.gov.rs>

¹⁶ Data collected from Administration for the Execution of Criminal Sanctions of the Republic of Serbia, accessed, 8. 5.2022.

cases, then in Southern and Eastern Serbia 612, Vojvodina 494, Šumadija and Western Serbia 452, while there is no data for Kosovo and Metohija.¹⁷

The research conducted in the area of Western, Eastern and Southern Serbia, confirms that of all the imposed alternative criminal sanctions, house confinement dominates in execution in relation to other sanctions. In ten trustee offices, there were 260 prison sentences with electronic surveillance in 2016. Only in the first six months of 2018, 186 sentences were executed, while 266 house sentences were executed without electronic supervision in 2016, and 241¹⁸ sentences in the first six months of 2018 alone. The authors of the research point out that the statistical data are not 100% accurate, because the answers provided by some courts do not keep precise and detailed records.

4. CONCLUSION

Most criminologists and penologists are increasingly presenting the results of examinations that indicate that the effects of current prisons in changing the behavior of criminals are very modest and that it is necessary to look for other mechanisms in crime prevention. In such cases, the differentiation took place between criminals who need isolation from society and those who do not need imprisonment. In recent decades, alternative sanctions have been used more and more in the treatment of criminals. The practice of European countries in the application of non-institutional sanctions, as well as the organization of the probation office, is increasing and more developed and extensive. The first results show that the effects in re-education of criminals are better. It is noticeable that the scope and types of extrajudicial sanctions differ significantly from country to country, which indicates that the recommendations and resolutions of the Council of Europe are partially implemented.

Sanctioning involves a very wide range of means and procedures that can replace criminal proceedings and prevent the prosecution of offenders, non-institutional means imposed by the court to reduce or eliminate the use of imprisonment, as well as those to change and adjust the program of treatment of convicts to serve a prison sentence in order to eliminate the negative consequences of imprisonment. The implementation of standards contributes to the development of appropriate professional attitudes of employees in this field and the establishment of realistic criteria for evaluating the implementation of certain sanctions (Soković, 2011: 69-94). Only a free man can truly feel like a human being. However, in the legal system, there are always certain forms of restriction to the right to liberty (even very numerous in modern criminal/criminal justice systems), and one of the most striking are certain criminal sanctions, among which the most typical are those whose essence is deprivation of people (convicted of a crime), to loss/restriction of liberty for a certain period of time. Certainly, the most typical criminal sanction is imprisonment.

By applying alternative sanctions, the convicted person is not isolated, which enables him/her to maintain family and social contacts without hindrance, to continue his/her education, to establish an employment relationship, and, no less important, to avoid the negative impact of imprisonment. Therefore, although alternative sanctions are repressive, they are more geared towards the perpetrator and much more humane than an effective prison sentence. In the execution of most alternative sanctions, in addition to convicts and

¹⁷ Statistical data taken from the "Bulletin of adult offenders 2017", Republic Bureau of Statistics, Belgrade, 2018, p. 63.

¹⁸ Ibid

commissioners, the wider community takes an active part in helping to supervise the execution of alternative sanctions, as well as in helping and supporting the convicted person, which effectively and publicly reintegrates convicts into society, thus making the convict not feel rejected in society and to a much lesser extent than when he is serving a prison sentence.

The practice of European countries in the application of non-institutional sanctions, as well as the establishment of the probation office, differs significantly from country to country, which indicates that the recommendations and resolutions of the Council of Europe, in some countries, are fully implemented, they are most often applied in Finland, England and Wales, Denmark, and the least in Italy and Spain. According to data from recent years, an average of 3,885 alternative sanctions per 100,000 inhabitants per year are imposed in Finland, 2,806 in England and Wales, 2,630 in Denmark, 1,268 in Sweden, 1,067 in Germany, 848 in France, 370 in Italy and 298 in Spain. Sanctions in Serbia, in 2020, indicate that Serbia is increasingly resorting to these sanctions - work in the public interest (decisions of the misdemeanor and criminal court) - 156, prohibiting leaving the living premises (house confinement) with and without electronic surveillance – 1066.

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