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P R E F A C E

Dear readers,

In front of you is the Thematic Collection of Papers presented at the International Scientific Conference “Archibald Reiss Days”, which was organized by the Academy of Criminalistic and Police Studies in Belgrade, in cooperation with the Ministry of Interior and the Ministry of Education, Science and Technological Development of the Republic of Serbia, School of Criminal Justice, Michigan State University in USA, School of Criminal Justice University of Laussane in Switzerland, National Police Academy in Spain, Police Academy Szczytno in Poland, National Police University of China, Lviv State University of Internal Affairs, Volgograd Academy of the Russian Internal Affairs Ministry, Faculty of Security in Skopje, Faculty of Criminal Justice and Security in Ljubljana, Police Academy “Alexandru Ioan Cuza” in Bucharest, Academy of Police Force in Bratislava, Faculty of Security Science University of Banja Luka, Faculty for Criminal Justice, Criminology and Security Studies University of Sarajevo, Faculty of Law in Montenegro, Police Academy in Montenegro and held at the Academy of Criminalistic and Police Studies, on 7, 8 and 9 November 2017.

The International Scientific Conference “Archibald Reiss Days” is organized for the seventh time in a row, in memory of the founder and director of the first modern higher police school in Serbia, Rodolphe Archibald Reiss, after whom the Conference was named. The Thematic Collection of Papers contains 131 papers written by eminent scholars in the field of law, security, criminalistics, police studies, forensics, informatics, as well as by members of national security system participating in education of the police, army and other security services from Belarus, Bosnia and Herzegovina, Bulgaria, Bangladesh, Abu Dhabi, Greece, Hungary, Macedonia, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Czech Republic, Switzerland, Turkey, Ukraine, Italy, Australia and United Kingdom. Each paper has been double-blind peer reviewed by two reviewers, international experts competent for the field to which the paper is related, and the Thematic Conference Proceedings in whole has been reviewed by five competent international reviewers.

The papers published in the Thematic Collection of Papers provide us with the analysis of the criminalistic and criminal justice aspects in solving and proving of criminal offences, police organization, contemporary security studies, social, economic and political flows of crime, forensic linguistics, cybercrime, and forensic engineering. The Collection of Papers represents a significant contribution to the existing fund of scientific and expert knowledge in the field of criminalistic, security, penal and legal theory and practice. Publication of this Collection contributes to improving of mutual cooperation between educational, scientific and expert institutions at national, regional and international level.

The Thematic Collection of Papers “Archibald Reiss Days”, according to the Rules of procedure and way of evaluation and quantitative expression of scientific results of researchers, passed by the National Council for Scientific and Technological Development of the Republic of Serbia, as scientific publication, meets the criteria for obtaining the status of thematic collection of papers of international importance.

Finally, we wish to extend our gratitude to all the authors and participants in the Conference, as well as to all those who contributed to or supported the Conference and publishing of this Collection, especially to the Ministry of Interior and the Ministry of Education, Science and Technological Development of the Republic of Serbia.

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STRENGTHENING OF THE PENITENTIARY SYSTEM IN THE FUNCTION OF CRIME PREVENTION

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Abstract: This paper analyses the role of the penitentiary system in prevention and control of crime which has been constantly growing over the last decades and which is being expressed in different and more and more severe forms. While looking for mechanisms for fighting against crime, the prevalent opinion is that the more severe penal policy and longer prison sentences have greater effects on deterring future perpetrators. The role of the penitentiary institutions in combating crime can be viewed from three perspectives which correspond to three schools of thought. The first theory claims that penitentiary institutions repress criminal behaviour because the discomforts of life in prison and negative social stigma contribute to crime prevention. The second school of thought claims that the prisons are “schools of crime”, namely, that they teach criminals and reaffirm their criminal behaviour. The third theory which is often called the “minimalistic theory” claims that the consequences of penitentiary institutions in crime prevention are largely minimal and that being in prison has more negative than positive effects.

This paper emphasises the need for strengthening the penitentiary institutions which would then be qualified to influence the change of criminal pattern of behaviour of the perpetrators which would significantly contribute to crime prevention. There is a general consensus in the field of penology that it is necessary to strengthen the penitentiary institutions in two directions: the first one is towards an improvement of normative acts and organisation of the prison system in line with international standards and the second one is towards the introduction of new, contemporary treatment programs which would respect individuality and personal characteristics of convicts, i.e. specialisation of treatments for specific categories of prisoners.

Keywords: penitentiary system, crime, crime prevention, treatment program, convicts, organisation of prison system

INTRODUCTION

A large number of theoreticians and practitioners who are studying penitentiary systems rightly state the dilemma whether the prison systems are an adequate need of the society and whether they succeed to fulfil their function. The function of the penitentiary system is mirrored in the protection of the society against criminals by isolating them, in warning the public not to commit crimes, in correcting criminal patterns of behaviour and in preparing the perpetrators for a normal life in the society. The analyses of the penitentiary and prison system have showed that the goals and the purpose of punishment are, as a rule, too ambitious considering the real possibilities of the society and that the prison system only partially

achieves the goals on a practical level. There was constantly a dilemma on whether the penitentiary system and its realisation in prisons can achieve the necessary level of efficiency which would satisfy the proclaimed goals. Throughout history, prisons were the most efficient in achieving the goal of isolating perpetrators from the rest of the society and the prison sentence partially succeeded in achieving general prevention by warning possible perpetrators that if they commit crime they will end up in a prison, while the results concerning the level of correction of their behaviour during serving the sentence, their change and re-socialisation were very modest results. The most important question here is whether there is a real possibility for disciplining perpetrators.¹ It is a well-known fact that the penal institutions in most systems except in the cell enable “criminal infection” of the majority of prisoners who are not structured as persons who are not prone to committing new crimes according to their criminological characteristics. Researches show that the penitentiary institutions may cause further criminalisation of their “inhabitants”. Due to these facts, criminologists, penologists, psychologists and other experts from different of fields of science are focused on finding efficacious penitentiary systems which will eliminate negative effects of imprisonment and at the same time increase crime prevention.

In addition to making an effort to partially remove noted consequences caused by the penal institutions, there are also certain activities towards improvement of the penitentiary system and lowering the negative consequences of detention. In order to achieve this goal, norms and principles of execution of penitentiary sanctions are being developed, the legislation is being improved – the rights of prisoners are being widened, and the comprehensive categorisation of penitentiary institutions is being conducted along with the classification of prisoners according to personal characteristics, the level of criminal structure, the length of a prison sentence, social danger of the committed crime, etc. Along with these measures, contemporary penology insists on individualisation with regards to working with convicts, respect of dignity, humane treatment of detained persons, finding alternative criminal sanctions, etc.

PENAL POLICY AND PENAL REALITY

The right to punish is one of the basic rights of a state which determines the purpose and the goal of punishment, i.e. the penal policy with regards to crime prevention. Issues of penal policy, the purpose and goals of punishments and execution of prison sentence are always topical in different fields of sciences such as criminal law, criminology, penology, victimology, psychology of crime, sociology and other disciplines which study human behaviour and social relations. There is a significant disproportion between praxis and theoretical doctrine on punishment, especially in the field of penal practise and penal reality. Over the last decades there have been extensive changes regarding response to crime. It is well known that the idea of resocialisation and rehabilitation of the perpetrators was rejected in the second half of 20th century and the policy of sharpening of the penal policy is more and more prevalent along with the increasing affirmation of prisons, politicisation of crime, expansion of crime prevention, involving civil society in crime control, accent on security, a new way of managing prisons critical situations, etc.

The conventional approach which relies on the treatment and rehabilitation gave way to the retributive way of thinking². In the contemporary society or the risk society or the

1 Stevanović, Z. (2005) Kako novim zakonskim rešenjima unaprediti penalni sistem, *Kazneno zakonodavstvo: regresivna ili progresivna rešenja*, Institut za kriminološka i sociološka istraživanja, Beograd, p.507.

2 Vasiljević-Prodanović, D. (2011) Teorije kažnjavanja i njihove penološke implikacije, *Socijalna edukacija i rehabilitacija*, Beograd, p. 511.

postmodern society as different authors call it, the penal policy is focused on pragmatic goals of social control. A significant number of authors think that changes in the manner of reacting to crime are inconsequent, versatile, contradicting and deprived of a clear theoretical concept. A dual approach is noticeable: while perpetrators marked as dangerous for the society are severely punished, less dangerous offenders are punished with alternative sanctions or involved in processes of restorative justice. In the strategy of control and crime prevention, the policy of "harsh attitude" which relies on severe punishments and widened level of usage of penitentiary institutions has led to abandoning the concept of resocialisation of convicts. The penal policy which overrates the power of prisons is experiencing difficulties because prisons no longer have the power to prevent crime in a substantial way. Nowadays, the prison institutions are not achieving the expected goals. Prisons are not efficient enough in effecting changes in the behavior of prisoners towards a successful reintegration in the society after being released from prison. In fact, the prison sentence is primarily isolation of a perpetrator from the society. If a prison sentence is nothing but isolation and the prison as an institution does not fully achieve the purpose and goals of the punishment, there is a reason to question the effects of a prison sentence and the role of prisons in general. Is prison becoming a "reserve" for criminals who are being "disciplined" and remodelled into serious criminals being reproduced in arithmetic progression³? This is why there is a prevalent opinion that it would be better to leave perpetrators out of the penitentiary institutions, especially the ones who have just started their criminal careers. For this category of people, prison can be a negative experience which can lead to identification with criminals and acceptance of criminal patterns of behaviour.

Over the past few decades, with the tightening of the penal policy, penitentiary institutions have been more intensively used for crime control. This trend is especially present in America, but also in majority of countries around the world, and it is based on the opinion that the longer prison sentence is the means of discouraging perpetrators from committing new crimes. There are three schools of thought within the professional circles. One of them starts from the opinion that prisons repress criminal behaviour on a large scale. Considering the unpleasant life in prison and the negative social stigma which is related to detention, a prison sentence should be used to prevent future criminal behaviour. The second opinion is directly opposite to the previous one: penal institutions are increasing the crime rate, and prisons are "schools of crime". According to this theory, prisons produce much harder consequences for prisoners' personalities due to their destructive nature and inhuman conditions which include elements of destructivity and humiliation of various kinds as well as psychological suffering and diverse means of deprivation. All this leads to forming criminal patterns of behaviour which remain a permanent form of behaviour. The third school of thought, which is called "minimalist", claims that prisons have minimal effects on the change of behaviour of prisoners and that they in fact, "psychologically deep freeze" prisoners. Prisoners come with a number of anti-social attitudes, habits and culture and they change very little during their time in prison. This theory also emphasises that a longer stay in prison carries a serious risk of forming and accepting negative patterns of behaviour while the impact on antisocial and criminal attitudes of prisoners is minimal.

What is the function of prisons today and what are their effects? Are they institutions which execute prison sentences, act preventively to other citizens by encouraging them not to commit crimes and encouraging the process of resocialisation and reintegration of convicts into the society, or they are becoming "schools of crime". Characteristics of the contemporary prison systems on a global level have shown that they are overcrowded in relation to

3 Stevanović, Z. & Igrački, J. (2012) Stroga kaznena politika u fazi izvršenja kazne zatvora, *Kaznena politika -raskol između zakona i njegove primene*, Ministarstvo pravde Republike Srpske i Srpsko udruženje za krivičnopravnu teoriju i praksu, Istočno Sarajevo, p.325.

the available capacity while there is an insufficient number of staff, the general conditions are bad (for both convicts and staff), the level of security is low, the members of staff are not motivated to perform professionally, and there is a “toxic” blend of prisoners sentenced to long punishments as well as those who suffer from mental illnesses, drug addiction, etc. Such a situation among prisoners leads to creating strong informal communities which are to a large extent in control of prisons and which are also becoming mafia-like gangs⁴, leading and controlling certain businesses within the prison and outside it. In such circumstances, the informal groups in certain cases collaborate with parts of the formal prison structure and cause riots, conflicts and other incidents which jeopardise the functioning of prison systems. This has led to huge crises of prisons on a global level.

The harsh penal policy and other prison sentences strongly affect individuals and the society as a whole. The dramatic growth of the prison population is the result of the lack of other mechanisms in fighting against crime. Repeated glorifying of the prison sentence is the result of the current policy which promotes the policy of punishment based on the anticipated popularity, and that prison is there to maintain security of the society but without taking penological consequences into consideration. Mass detentions are the result of such concept of punishment and they are above any level of the prison population and opposite of historical and comparative norms for the society of this type.⁵

The prison sentence is certainly necessary and there is no better solution in fight against crime at the moment. However, there is a question of measure in the application of the prison sentence, especially in weighing the punishment. The protagonists of such penal policy are convinced that a harsh penal policy and high prison sentences will deter people from committing further crimes. The influence of prisons on changes of behaviour of the prisoners sentenced to long prison sentences is not especially important, which is shown in the fact that recidivism is 3% higher among convicts with long prison sentences in comparison to convicts with shorter prison sentences⁶. Contrary to expectations that the prison sentence will have an effective impact on crime prevention, the practice shows that a stronger penal policy and frequent sending perpetrators to prisons do not affect crime prevention to the extent that is expected. The consequences that prisons leave on perpetrators are negative in many ways. The limitation of life activities, small living space and the limitation of freedom of movement is being perceived as humiliation and degradation as well as a threat to personality. This leads to the lack of self-confidence and emotional tensions which are hard to cope with for many prisoners. The regime which regulates every moment of life to the smallest details creates unbearable monotony which causes affinity towards fantasies and unreal events as a defence mechanism which is why prisons are called “kingdoms of obsessions, illusions and deceits”. Moreover, prisons make people indifferent and dull their intellectual capabilities. Convicts find it particularly hard to cease connections with the outer world, especially communication with their families and friends. Some people experience a big shock and then emotional atro-

4 There are various prison gangs in America which are functioning within the prison system. The most famous ones include **Aryan Brotherhood**, **La Nuestra Familia** and **The Mexican Mafia** known for drug trafficking, extortion and murders. According to statistics, out of all the murders in American prisons about 10% are executed by this mafia. **Nazi Low Riders** –the nazi gang which is, along with other nazi gangs, the fastest growing gang and has the aim to clash with coloured people inside as well as outside the prison. Over the past few decades, the number of prison gangs has increased on a global level and there is a tendency for these gangs to overtake control over the prison systems and thereby become a serious partner to the formal prison system.

5 Garland, D. (2001) *The culture of control-crime and social order in contemporary society*. Oxford university Press., p.14.

6 Stevanović, Z. & Igrački, J. (2012) Stroga kaznena politika u fazi izvršenja kazne zatvora, *Kaznena politika -raskol između zakona i njegove primene*, Ministarstvo pravde Republike Srpske i Srpsko udruženje za krivičnopravnu teoriju i praksu, Istočno Sarajevo, p.325

phy, while others develop a fear from life in freedom due to the weakening of belief in future and lack of moral strength. Many of them no longer want freedom.

Convicts are also exposed to many other deviations and deprivations such as: deprivations of heterosexual intercourse which leads to a whole range of sexual deviations which are explained by the fact that the community in which they live in is made up of persons of the same sex; inability to use many other material goods which is especially hard for people who are used to a certain social status and possessions that come with it; deprivation of the feeling of security caused by attacks by other convicts and constant tension they have to live with in order to be ready to resist the attacks. There is a range of prison procedures which have a huge effect on a prisoner's psyche and cause degradation of person such as wearing uniforms, being identified by numbers instead of names, locking and unlocking of prison cells after leaving and entering them, etc. These deprivations and humiliations force prisoners to invent certain mechanisms in order to adjust to the harsh conditions of the prison regime such as: attempts to escape from the institution; psychological withdrawal, innovation (attempts to change life conditions in a peaceful way), conformism, ritualism, manipulation.

Recent research has shown that the prison isolation causes psychosis, depression, inhibitions, withdrawals and other psychological conditions. These conditions enhance the negative influence of a prison sentence and worsen the inmates' mental health. In social terms, the negative influence of prison sentences is mirrored in the problems that convicts' family members are faced with. Data show that 70% of married couples without children go through a divorce, and families with children survive crises because the environment puts pressure on children and this leads to emotional problems for all family members. Ever since the prison sentence was established, there has been a prevalent public opinion that deprivation of freedom is in itself dishonourable and any contact with prison creates a stigma that stays for a lifetime. This makes recovery of convicts and their return to the society much harder, but also affects their families. And it is not just the criminal offence that is considered as dishonourable, but also serving the sentence itself.

From the perspective of the right of execution of criminal sanctions, efficiency in crime prevention is measured by the number of perpetrators who are successfully reintegrated into the society after the prison sentence, the level of recidivism, the scale of realised treatment, etc. The treatment is efficient if it leads to: lower percentage of recidivism, desirable changes in behaviour, personality and environment of the convicted person⁷. Špadijer-Džidić and a group of authors have stressed that success of resocialisation with minors can be judged by the level of recidivism, alcoholism, gambling, begging, vagabondism, idleness, rude behaviour and connections with deviant groups, but can also be judged based by the outward appearance and success in school⁸.

With the aim to find a more efficient method for fighting against crime, there is a tendency to find new ways of punishing perpetrators (such as imposing fines and alternative sanctions), in order to personalise the punishment, relieve the prisons and create a rational approach to punishment. It is obvious that the institutional resocialisation does not bring about changes of behaviour patterns in expected ways and that convicts quickly return to the criminal pattern of behaviour which often ends with much more brutal criminal offences.

⁷ Stakić, Đ. (1977), *Neki problemi evaluacije metoda resocijalizacije*, Jugoslovenska revija za kriminologiju i krivično pravo, br.3, Beograd, p. 78-83.

⁸ Špadijer-Džidić, Ignjatović, I., Radovanović, D. (1975), *Kriterijumi merenja uspešnosti resocijalizacije maloletnih delinkvenata*, Zbornik Instituta za kriminološka i sociološka istraživanja, Beograd, p. 271-310.

THE CRISIS OF THE PENITENTIARY SYSTEM – NECESSITY OF REFORMS OF THE PRISON SYSTEM TO INCREASE EFFICIENCY OF CRIME PREVENTION

The penitentiary system is a part of the wider system of legislation and interior affairs. The number of convicted persons which passes through the prison system depends on other parts of this system such as achievements of police regarding arrest of suspects, quality of work performed by the judiciary, the speed of courts in making verdicts and choosing sentences by the court. On the other hand, the results of the prison system also have influence on the crime rate – whether acting as a deterrent or through the process of disciplining the convicted persons with the aim to make them less prone to commit crimes after they have been released from prisons. The prison system should not be the weakest link in this wider system because this would make the entire system less efficient.

Today everyone agrees that the prison sentence just like the prison itself is going through a big crisis because it has failed in combating crime and the most important purpose of the prison sentence had not been achieved. In the context of the discussion on the crisis of prisons and the prison system as a whole, there are different types of crises which are mentioned in the literature. There is a *content crisis* which is related to the content of life and work in prisons, the system of organisation and regime of life of prisoners. This crisis is caused by the overcrowded prisons and lack of efficiency in organising life in prisons. There is also the *crisis of conditions* in prisons which is related to the living conditions and everything that goes with it. The special emphasis is on the *crisis of authority* in prisons which comes as a consequence of the prison administration, especially guards and social pedagogues. Over the past several years limitations of powers of persons who participate in treatments are more prevalent and this has the aim to increase respect of prisoners' rights. However, the prison administration finds this as a threat to their professional authority and, in such circumstances, they lose motivation to work and also lose authority in the eyes of prisoners. The *crisis of public* is yet another type of crisis which is related to traditional conservatism and narrow-mindedness of the prison system in their relation to the public. In most cases, there is an element of mystery because the public is not aware of what goes on in prisons and prisons themselves cause this. In the times of digital communication it is not possible to hide anything from the public and this includes functioning of prisons. Prisoners find different ways to share information on their lives in prisons and the state itself makes more efforts to make this segment of the society known to the public. Additionally, there is also the *crisis of legitimacy* which is especially visible in the British prison system and it is related to the "call for eliminating deprivation of freedom". It is thought that this crisis has a moral justification. The fact that the prison sentence has become a serious problem was shown in many papers presented at the First Congress of the European Society of Criminology which was dedicated to prisons. The most prevalent problems stem from the lack of adequate programs for working with prisoners, increasingly bad conditions in prisons, underdeveloped system of protection of the right of prisoners, overcrowded premises, the increasing number of drug addicts and mentally ill convicts, a strong informal system of prisoners which goes to the level of mafias, poor material conditions of prisons and inadequate staff. In such environment, it is hard to make important achievements in the rehabilitation and reintegration of convicts and this means that the majority of them will return to crime once they are released from prisons.

Modest effects of prison sentences on crime prevention have stimulated professionals in the field to find the new methods of punishment which are widely known as the alternative sanctions. Alternative sanctions can be defined as methods of punishment which are located

in a continuum between the traditional probation and traditional punishment (Junger - Tas, 1994). They are often referred to as detention alternatives, non-institutional measures and community programs, and sometimes they are related to the wider penal strategies which are called deterrents or diversions, deinstitutionalisation and penal reductionism. In 1986 the European Union issued a report which mentioned alternative sanctions that had been applied in its member states. They included modified institutional sanctions such as half-imprisonment, job placement, weekend arrest, house arrest and serving sentence in other institutions such as hospitals and drug addiction centres. The second group of alternative sanctions which was referred to as non-institutional sanctions included fines, sanctions which limit certain rights (revocation of a driver's licence, confiscation, restitution, prohibition of work), disciplinary measures, moral sanctions (judicial admonition, special obligations) and supervision. Another special group of alternative sanctions include: *probation measures* and *unpaid community work*. Measures which are related to delaying the sentence include: delaying execution of the institutional punishment, delaying the verdict and not imposing a sanction at all. In some countries alternative sanctions include *mediation* between the victim and the perpetrator which is often followed by *restitution* or *compensation* which can include paying a fine or mending a destroyed or damaged object and working for a victim. There are also other modalities of alternative sanctions such as daily fines and work in the community (non-paid work in the community is measured by hours and is limited to a certain period of time), referral to the daily centres, increased supervision and electronic surveillance (electronic bracelet or a telephone call), intensive supervision programs, boot camps designed for younger adults as a "shock therapy" caused by the strict military regime.⁹

In addition to inventing these contemporary methods of punishing perpetrators, there is also a global effort to reform the prison system. The reform of the prison system in Serbia is an integral part of the reform of the legal system and police which is an obligation imposed in the Action Plan on alignment of the Serbian legal system with European standards. The strategy for reform of the system of execution of sentences outlined three assignments that are related to three interconnected fields of this system: institutional sanctions, non-institutional sanctions and the period after the release. These three fields together contribute to the realisation of the key goal of the system for execution of institutional sanctions, and that is a humane execution of the sanction with the aim of protecting citizens and lowering the percentage of recidivism. To determine the priority of the reform, the following assignments have been imposed: (1) Adoption of laws and legal acts which provide the legislative framework for further development of stable, efficient and humane system of execution of criminal sanctions in line with European standards; (2) Improvement of infrastructural capacities of the prison system by building new objects and reconstruction and adaptation of the existing objects in order to improve security and proper functioning of the system and create conditions for adequate accommodation of persons deprived of freedom; (3) Ensuring respect of human rights of prisoners through efficient mechanisms of protection and cooperation with independent institutions and organisations for prevention of torture and human rights protection; (4) Improving conditions for accommodation of minors, women, disabled people, sick persons and persons in charge of security measures in penal institutions; (5) Improving specialised and individualised programs for vulnerable groups with the aim to achieve successful resocialisation and reintegration and enable adequate post-penal acceptance; (6) Application of the wide spectrum of program treatments (therapy, education, professional training, learning social skills, etc.) which are focused on maintaining mental and physical health of the convicted persons while serving their sentence; (7). Improving health care; (8) Modernisation and security of the obligatory psychiatric treatments; (9) Improving organisation of trust services; (10)

⁹ Stevanović, Z. & Igrački, J.(2011), Efekti kazne zatvorai institucionalnog tretmana u prevenciji kriminaliteta, Pravna riječ, br. 2. Udruženje pravnikarRepublikeSrpske, BanjaLuka,

Strengthening capacities of the Centre for Professional Training of the Directorate for Execution of Criminal Sanctions; (11) Building efficient surveillance systems to monitor functioning of the Directorate and the institution with the aim to improve the way the staff treats prisoners and ensure that the treatment is in line with European standards; (12) Establishing integrated security systems based on new information technologies¹⁰.

CONCLUSION

Execution of prison sentences reflects other, wider social problems. The penal policy and policy of executing prison sentences are closely connected to the level of development of the society and its economic as well as political power. This paper analyses the effect of punishment and the role of a penitentiary system in crime prevention.

The key question related to the prison sentence is whether it achieves the purpose of the stated sentence and to what extent it does so. This also reflects the influence of the penal institution on crime prevention. In contemporary penology, efficacy of the treatment of convicts is very topical because results show that the majority of the forms of treatments applied in the process of resocialisation have not met the expectations. The percentage of recidivism and behaviour during serving a prison sentence shows that the institutional influence on convicts does not give positive results. As a reaction to limited effects in crime prevention over the last decades traditional method of combating crime was prevalent –sharpening the penal policy and application of repressive concept of punishment. Worryingly, the results of this approach have not given expected results in crime prevention; on the contrary, crime in its various forms is more and more present and the prison population has grown to about 10 million people, the prisons are overcrowded and institutional treatment also does not affect the change in the behaviour pattern which means that the results of prevention are modest. In such conditions of the crisis of prisons, attempts of finding new ways to punish perpetrators (fines and other alternative sanctions) are permanently present in order to personalise the punishment, relieve the prisons and economically rationalise the punishment. Over the last few decades, the prevalent attitude is that the institutional resocialisation does not adequately affect the change of pattern of behaviour and that the perpetrators quickly return to the criminal pattern of behaviour which often results in committing even more brutal crimes. The situation in the prison system is generally very complex and it generally generates new criminal behaviour. The prisons are congested, the structure of prisoners is increasingly complex in the criminal as well as in psychological sphere, there are more and more drug addicts, the material situation is poor, the staff is inadequate and workers in prisons are not sufficiently motivated. In such an environment, the “criminal infection” is further emphasised, the formal system is weaker and less efficient which, in synergy of all factors, leads to questioning the purpose and goal of punishment itself.

There are activities aimed at crime prevention and new forms of punishing perpetrators are being introduced, and there is also the permanent reform of penitentiary system which is being adjusted to fit contemporary needs of the society.

¹⁰ Strategija razvoja sistema izvršenja krivičnih sankcija u Republici Srbiji do 2020. godini, poglavlje, 1.2., Službeni glasnikRS, br. 114/2013.

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