

THE PENOLOGICAL ASPECT TO OVERCROWDING PENITENTIARY SYSTEM IN THE REPUBLIC OF SERBIA

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Summary: Penitentiary system of the Republic of Serbia is overloaded. The strict observance of international and national regulations regarding standards for the accommodation of convicts would lead to the fact that accommodation in prison facilities in the Republic of Serbia should be reduced from over 10,000 to 4,500 prisoners. As it is necessary to respect the adopted standards, it is a need to find ways of solving problems of overloading penitentiary system in the Republic of Serbia. Namely, according to the authors of this article, solving overcrowding of penitentiary system should be moving in three directions: 1) greater application of the principle of opportunity, 2) increasing use of alternative criminal sanctions, and 3) the establishment of private prisons. Observing the principle of opportunity through the prism of overpopulation of penitentiary system in the Republic of Serbia, we can conclude that the possible application of opportunity to suspects of a crime that is punishable by fine or imprisonment up to five years can mean a relief of penitentiary system. At the same time, there are number of offenses, such as threats to public traffic, falsifying official documents and other in which the effectiveness of the principle of opportunity is large, and there can be no further reduction in the number of prisoners. The structure of criminal sanctions imposed in the Municipal Court in Niš is such that there is no place for further relief of penitentiary system, as the court in the majority of offenses imposed alternative penal sanctions when there are legal requirements. The obtained results of prosecutorial and judicial authorities within the territory of the town of Nis indicate that it is necessary that the Republic of Serbia invests additional funds for the purpose of building new prisons or, if such resources do not exist, approve private companies to be a partner with the state in building new prison facilities.

Keywords: penitentiary system, Republic of Serbia, overload, opportunity, alternative criminal sanctions, private prison.