Community Service in the Serbian Context – Problems and Possibilities

Community service has been introduced as an independent penalty in the new Criminal Code of Serbia (hereinafter: CC) from 2006 and marks, with three other punishments (imprisonment, fines, revocation of driver’s license), the punitive core of the CC. The legislative aim behind was to strengthen the system of alternative sanctions, along with the pre-composition of the system of fines and the changing requirements for release on parole and for the suspended sentence.

In the paper the author analyzes the imposition of community service in the court-practice of a 11-year period: from the year of its introduction until 2017. Starting with officially zero (0) convictions for this penalty in 2006, over 71 in 2010 and recording 348 for the year 2017, apart from the rather expected, hence inconclusive tenfold increase in its initial period, the overall results, together with the statistical data on the successful completions of community services imposed, reveal the general attitude of the judicial system towards this sanction, characterized by mistrust and adhering to the old structure. There is a problem with over-population in penitentiary facilities: according to reports of the Council of Europe, Serbia had 109,2% of prison capacity in 2017 and has by this one of the eight most overcrowded penitentiary systems in Europe. Compared to the number of the overall population, the percentage is even much higher. In other words, the rare application of community service is symptomatic for a missed opportunity to release the pressure of the over-crowded penitentiary institutions in Serbia and to fully implement a more socially beneficial approach towards perpetrators of less serious crimes for which community service can be imposed for. Furthermore, by analyzing the structure of these offences, the notion of the judges on what is to be considered a smaller crime becomes clear and can be put in contrast to the abstract understanding of the legislator on the same issue.

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