прокуратуры и судами через мобильные приложения и чат-боты. Будет внедрен независимый аудит правоохранительных услуг.

Продолжится реализация системы «Судебная смарт-аналитика», внедрение искусственного интеллекта в работу судей. В этой связи, актуальны слова Аликперова Х.Д. о том, что «одним из правовых механизмов, способных… разрубить существующий гордиев узел современного правосудия по уголовным делам, может стать электронная система определения оптимальной меры наказания…, которая представляет собой достаточно сложную и многофункциональную технологию с искусственным интеллектом» [1, с. 95].

В целом, как верно заметили Овчинский А.С. и Чеботарева С.О. «эпоха информационных технологий дает реальный шанс практической реализации многих идей, будоражащих криминологическую мысль на протяжении нескольких поколений» [2, с. 13].

Дальнейшие перспективы политики противодействия преступности в свете цифровой эпохи в значительной мере должны быть связаны с созданием необходимых организационно-технических условий, повышением уровня квалификации действующих, а также подготовкой совершенно новых специалистов на основе междисциплинарного подхода.

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ALTERNATIVE CRIMINAL SANCTIONS AND ADEQUACY OF THE STATE REACTION TO CRIME (NORM AND PRACTICE OF THE REPUBLIC OF SERBIA)

The subject of analysis in this paper are issues (theoretical, normative and practical) of alternative criminal sanctions in the Criminal Code of the Republic of Serbia. Among the many such issues, particularly significant are those related to criminal and political reasons of not only justification but also the necessity of anticipating and applying alternative criminal sanctions against perpetrators of criminal acts. Then, there are issues of the manner of normative

elaboration of alternative criminal sanctions in order for them to be in the function expected of them, i.e. also issues of the manner of creating appropriate objective assumptions for practical application of some of the alternative criminal sanctions (the case primarily with community service).

One of the most current issues of criminal law in general, and thus the criminal law of the Republic of Serbia in the last few decades is the issue of alternative criminal sanctions. The key criminal and political reason for such a high degree of topicality of this issue is the fact that for a long time it has become indisputable that criminal law with punishment as a key criminal sanction does not meet the expectations (whether they are real or not) that contemporary society puts before it. Given this, the inevitable question is: How to get out of the crisis in which criminal law finds itself? Among a significant number of possible solutions, the most realistic, almost generally accepted one, is the one that advocates the combined application of simplified forms of action in criminal matters and alternative criminal sanctions.

When it comes to alternative criminal sanctions, there are numerous reasons for the necessity of applying this type of state reaction to crime, i.e. there are numerous advantages over imprisonment sentences, especially those imposed for a shorter period. They eliminate a number of negative effects of short-term imprisonment for both society and convicts. They solve e.g. the issue of prison overcrowding. They are incomparably "more profitable" for the state in relation to imprisonment, they enable convicts to continue working and earn income to support their families, they serve the purpose of rehabilitation of a convicted person, etc. (Bejatović, 2018).

Criminal Code of the Republic of Serbia and alternative sanctions (norm and practice):

Like most other criminal legislations in general, the Criminal Code (Official Gazette of the RS", No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019) of the Republic of Serbia pays great attention to the standardization of alternative criminal sanctions. Recognizing the reasons that speak in favor not only of justification but also of the necessity of this type of state reaction to crime, the Criminal Code envisages several types of alternative criminal sanctions. Some of them already represent a long tradition of this legal text (a case, for example, with a conditional sentence and a fine), while others are relatively recent (a case, for example, with a sentence of community service and house arrest).

Observed from the aspect of the valid text of the Criminal Code of the RS, there are six alternative criminal sanctions envisaged for adult perpetrators of criminal acts. These are: community service, house arrest, fine, conditional sentence with two modalities (without protective supervision and with protective supervision) and a judicial admonition. Without analyzing a large number of extremely debatable issues and theory and practice when it comes to alternative criminal sanctions (Škulić, 2018), the fact is that none of them calls

into question the justification of this type of state reaction to crime. On the contrary, the efforts go both in the direction of their normative expansion (for example, the justification of standardizing of "weekend imprisonments" as a new alternative criminal sanction is emphasized) and in the direction of their greater application in practice. However, despite such efforts, some of the already existing sanctions of this type have hardly come to life in practice. The case is primarily with a sentence of community service and a conditional sentence with protective supervision. For example, less than one percent (0.6%) of the total number of imposed criminal sanctions account for community service. There are two key reasons for such a low representation of this criminal sanction, despite the fact that its imposition is possible for a relatively large number of criminal offenses - for all criminal offenses for which a prison sentence of up to three years or a fine is prescribed. These are still its insufficient acceptance by the judiciary and the absence of objective preconditions for its practical application (Mrvić -Petrović, 2018).

When it comes to juvenile offenders, the situation (both normative and practical) is completely different. In this category of perpetrators of criminal acts, alternative criminal sanctions in the form of rehabilitation measures of a non-institutional character represent the rule. At the annual level, they are imposed as a percentage between 90 and 95%, and among them the key place is occupied by the measure of enhanced supervision of guardianship bodies because it accounts for over ¼ all imposed criminal sanctions against minors on an annual basis (Stevanović, 2018).

One of the indispensable instruments of the state reaction to crime in the Republic of Serbia are alternative criminal sanctions, which is especially evident among juvenile perpetrators of crimes where they are the rule. When it comes to adult perpetrators of criminal acts, the Criminal Code of the RS is the basis for the possibility of imposing six types of these criminal sanctions. However, in practice, legal possibilities, especially when it comes to new alternative criminal sanctions (primarily community service), are not used to the expected level. The efforts of the professional public of Serbia go not only in the direction of wider application of the existing alternative criminal sanctions in court practice, but also in the direction of further expansion of the circle of this type of criminal sanctions. The case is for example with the commitment to introduce weekend imprisonment as a special alternative criminal sanction.

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CONDITIONAL RELEASE FROM LIFE IMPRISONMENT

Prohibition of torture and inhuman or degrading treatment or punishment undoubtedly derives from all the main international human rights instruments. Unlike the death penalty, which is undesirable (see: Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty) and has already been abolished in the member states of the Council of Europe and the European Union (see: Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty, Article 1: «The death penalty shall be abolished. No one shall be condemned to such penalty or executed»), the sentence of life imprisonment is not in itself prohibited and does not constitute a violation of Article 3 of the European Convention on Human Rights. But the question is whether life imprisonment without the possibility of conditional release is in accordance with the European Convention on Human Rights.

Let us first look at the international standards deriving from the relevant legal acts of the United Nations Organisation, the European Union and the Council of Europe.

We have reviewed the following UN legal acts:

– Universal Declaration of Human Rights