

DOI: 10.7251/GFP2111044S

UDC: 340.137:343.21(4-672EU)

Originalni naučni rad*Datum prijema rada:*
30. mart 2021.*Datum prihvatanja rada:*
05. jun 2021.

Long-Term Sentence in the Laws of the Former SFRY and Contemporary European Criminal Law

Summary: Life imprisonment is the term for a prison sentence based on which a convicted person remains in prison for their whole life. After the death penalty, it is the severest criminal sanction. Many countries have introduced it in their legislation as a substitute for the death penalty. On the other hand, many legislations have, along with the long-term sentence, introduced the possibility of the convicts' release, most often conditional release. From the second half of the 20th century onwards, life imprisonment as well as the death penalty has most often been regarded an inhumane and inefficient sanction, given that people sentenced to life imprisonment are considered permanently excluded from society, that is, losing any kind of interest in rehabilitation. This paper analyses the issues related to long-term sentences - life imprisonment in the countries of the former Socialist Federal Republic of Yugoslavia (SFRY) and in the contemporary European criminal law.

Keywords: criminal offence, punishment, prison, long-term imprisonment, comparative law.

Marina Simović

Secretary of the Ombudsman for Children of the Republika Srpska and Associate Professor at the Faculty of Law, University Apeiron Banja Luka.

Vladimir Simović

Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina and Associate Professor at the Faculty of Security and Protection, Independent University in Banja Luka and Faculty of Law, University Vitez in Vitez.

1. LONG-TERM SENTENCE

The countries that abolished the death penalty influenced by abolitionist ideas raised the issue of how and by what means the society or the state could protect itself from the most dangerous forms of unlawful and socially dangerous behaviour by individuals and groups in terms of criminal offences, particularly in cases of professional criminals or repeat offenders, or in case of organised crime. Long prison sentences were accepted as a substitute for the death penalty in a number of countries (long-term sentence, and even life imprisonment). Namely, it is believed that such sentences can achieve an efficient protection of society from crime. However, parallel to the introduction of long-term imprisonment, legal theory brings into question the issue of applicability and purposefulness of this kind of prison sentence¹.

¹ Jovašević, D. (2018). *Krivično pravo, Opšti dio*. Beograd, 205-206.

Numerous objections are made against long-term sentences (life imprisonment), including the following²:

(1) This punishment is not humane. It is inhumane in the same way as the death penalty which it is supposed to substitute. The convicted person is practically sentenced to death by it, which truth does not occur immediately but through a long-term deprivation of liberty. Death is quiet and slow, yet definite;

(2) This punishment cannot achieve the goals of general prevention³. It is believed that if any sentence can have a general preventive effect, it is definitely the death penalty. Given that despite its existence in numerous criminal justice systems from the ancient times until recently serious criminal offences have continued to be committed by repeat offenders, its appalling impact is obviously still exaggerated. The same goes for the long-term sentence (life imprisonment). A lot of doubt has been cast on the possibility of the generally preventive effect of this sentence. All the more so because there is always a possibility of escape by such a convict or that due to changed political or other condition there is a possibility of its replacement by an act of amnesty or a more lenient sentence;

(3) Such a sentence may not achieve the role of special prevention either. If special prevention entails the rehabilitation and resocialisation of the convict, how can one expect this role to be fulfilled in respect of the person, a convict who is sure to never be released until the end of his life or who will be released only at a very old age. Namely, the convict does not have any active attitude towards the treatment imposed on him. He does not have any encouraging possibilities to become actively involved in his own treatment since, regardless of his behaviour while living and working under prison conditions and respecting the rules of conduct and other rules, he may not deserve early release from the penal institution (conditional release) nor the usage of benefits provided for by law;

(4) Even though this sentence is considered to be able to efficiently protect society from crime by eliminating the perpetrators of serious crimes and remanding them in prison for a long time, such persons are still not fully deprived of the possibility to repeat the crime whether at the expense of other convicts or the penitentiary administration workers (educators, medical staff, prison guards) or at the expense of prison property⁴.

In the contemporary criminal law, numerous negative effects of long-term sentences (life imprisonment) are resolved by a wider application of the institute of conditional release, suspended sentence, etc.

2. LONG-TERM SENTENCE OR LIFE IMPRISONMENT IN THE LAW OF THE FORMER SFRY COUNTRIES

The countries that emerged after the disintegration of the SFRY in late 20th century act differently in terms of prescribing sentences for the most serious crimes and severest forms of serious crimes. There are two different approaches used: a) the countries applying long-term sentences: Montenegro and Croatia and b) the countries applying life imprisonment: North Macedonia, Slovenia and Serbia.

The legislations of Montenegro and Croatia recognise long-term sentences.

The Criminal Code of Montenegro in Article 33 stipulates the following types of sen-

² Radovanović, M. (1975). *Krivično pravo, Opšti dio*. Beograd, 250.

³ Grozdanić, V., Škorić, M., Martinović, I. (2011). *Kazneno pravo, Opšti dio*. Rijeka, 209-213.

⁴ Vidović, V. (1981). Prilog razmatranju o pojmu i funkciji kazne lišenja slobode. *Godišnjak Pravnog fakulteta u Banja Luci*, 5, 163-170.

tences: a) prison sentence up to 40 years, b) prison sentence between 30 days and 20 years, c) fine, and d) community service. These sentences, in terms of Article 32 of the law, are supposed to meet the following purposes: a) prevent the perpetrator from committing criminal offences and deter them from committing criminal offences in the future, b) deter others from committing criminal offences, c) express public condemnation of the criminal offence and the duty to abide by the law, and d) build ethics and influence the development of social responsibility⁵.

The Criminal Code of Croatia stipulates that criminal offences and criminal sanctions (in terms of Article 1) shall be prescribed only for such conduct whereby personal freedom and rights of man as well as other rights and social values guaranteed and protected by the Constitution of the Republic of Croatia and international law are violated or jeopardised in such a manner that it would not be possible to achieve their protection without criminal-law enforcement. In its fourth chapter (provisions of Article 40) the Criminal Code recognises the following types of punishment: a) fines, b) imprisonment between three months and 20 years, and c) long-term imprisonment between 21 years and 40 years⁶. These sentences are pronounced in order to achieve the purpose of punishment defined in Article 41⁷: a) to express public condemnation of the criminal offence, b) to raise the confidence of citizens in the legal order based on the rule of law, c) to exert an influence on the offender and all others so that they do not commit criminal offences by raising awareness of the perils of committing criminal offences and of the fairness of punishment and d) to allow the offender's readmission into society⁸.

However, some states in Southeast Europe have criminal legislations that recognise life imprisonment. Those are: North Macedonia, Slovenia and Serbia.

The Criminal Code of North Macedonia stipulates that the protection of human freedoms and rights and of other basic values, and the application of criminal-legal coercion, is necessary to prevent socially harmful activities. Criminal sanctions (Article 4) particularly including punishments are applied to achieve this purpose. The following types of sentences (Article 33) are supposed to achieve this protective function in North Macedonia: a) imprisonment between 30 days and 20 years, whilst only exclusively imprisonment for 40 years (long-term imprisonment), b) life sentence, c) fine, d) prohibition on practicing profession, performing an activity or duty, e) prohibition on operating a motor vehicle, and f) expulsion of a foreigner from the country⁹.

Sentences prescribed in that manner are supposed to achieve the proclaimed purpose (Article): a) to achieve justice, b) to prevent the offender from committing crimes and his correction, and c) educational influence on others not to commit crimes¹⁰.

The Criminal Code of Slovenia establishes that criminal liability may be imposed while respecting constitutionally provided human rights and fundamental freedoms in a democratic arrangement and on the principles of a state governed by the rule of law (Article 1). Criminal sanctions (Article 3) achieve this function, the most significant ones being sentences. The criminal justice system in the Republic of Slovenia under Article 43 of

⁵ Criminal Code of Montenegro, consolidated text (2016). Podgorica, 25-26.

⁶ Grozdanić, V., Škorić M., Martinović I. (2013). *Kazneno pravo, Opšti dio*. Rijeka, 225-232.

⁷ Novoselec, P. (2004). *Opšti dio kaznenog prava*. Zagreb, 394-405.

⁸ Horvatić, Ž. (2003). *Kazneno pravo, Opšti dio*. Zagreb, 182-197.

⁹ Kambovski, V. (2006). *Kazneno pravo, Opšt del*. Skopje, 611-622.

¹⁰ *Ibid.*, 712-716.

the Code (Chapter Four) includes: a) imprisonment of 15 days to 30 years or exclusively a life sentence, b) fine, and c) revoking of driving licence¹¹. These sentences are supposed to achieve the purpose (objective) proclaimed by the law, to suppress and prevent criminal offences.

Finally, the Criminal Code of Serbia¹² in Article 42 stipulates that within the framework of the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of punishment is defined as: a) preventing an offender from committing criminal offences and deterring them from future commission of criminal offences, b) deterring others from commission of criminal offences, c) expressing public condemnation of the criminal offence, enhancing moral strength and reinforcing the obligation to respect the law, and d) achieving fairness and proportionality between the committed crime and severity of the criminal sanction. The following sentences (Article 43)¹³ are supposed to achieve this purpose: a) life sentence, b) imprisonment, c) fine, d) community service, and e) revoking of driving license.

Life imprisonment in Serbia, according to Article 44, is considered the main sentence along with prison sentence. This sentence, pursuant to Article 44a, is imposed for the severest crimes and severest types of serious crimes. It is prescribed for all crimes as an alternative to prison sentence. However, the severest punishment may not be pronounced in the following cases: a) to the person who did not reach the age of 21 at the time of committing the criminal offence, and b) when the mitigation of the sentence is provided for by law (Article 56, paragraph 1, item 1) or if there are grounds for acquittal.

3. LONG-TERM SENTENCE IN THE EUROPEAN CRIMINAL LAW

The situation is similar in the contemporary European criminal law. In case of the most serious crimes and severest forms of serious crimes, certain laws here act in two ways too, foreseeing: a) long-term imprisonment with various duration of the maximum sentence, and b) life imprisonment.

The Criminal Code of Bulgaria¹⁴ in Article 37 prescribes the following types of sentences: a) life imprisonment (given that the death penalty was abolished in 1998), b) imprisonment from three months to 20 years, c) confiscation of property, d) fine, e) deprivation of the right to hold a certain state or public office, f) deprivation of the right to exercise a certain vocation or activity, g) deprivation of the right to receive orders, honorary titles and distinctions, h) deprivation of military rank, and i) public censure. Sentences defined in such a manner are supposed to achieve the purpose (objective) of punishment (Article 36). The purposes are: a) correcting and re-educating the offender to comply to the laws and rules of social community, b) exerting warning impact on him and depriving him of the possibility to commit other crimes, and c) producing an educative and deterring effect on other members of society.

¹¹ Selinšek, Lj. (2007). *Kazensko pravo, Splošni del in osnove posebnega dela*. Ljubljana, 283-290.

¹² Stojanović, Z. (2020). *Komentar Krivičnog zakonika Republike Srbije*. Beograd: Službeni glasnik Republike Srbije.

¹³ Jovašević (2018), 189-190.

¹⁴ Ненов И., Стойнов А. (1992). *Наказателно право на Народна република България, част 1, Особена част*. Софија, 284-288.

The Penal Code of Estonia¹⁵ in its third chapter titled "Types and Terms of Punishments" prescribes the types and terms of punishments for the perpetrators of criminal offences in Estonia. The principal punishments are: a) a pecuniary punishment of 30 to 500 daily rates, and b) imprisonment for a term of 30 days to 20 years, or life imprisonment (Article 45 of the Penal Code)¹⁶.

The Criminal Code of France¹⁷ in Article 111-3 stipulates that no one may be punished for a felony or for a misdemeanour which is not defined by statute, while Article 112-1 stipulates that conduct by a natural or legal entity is punishable only where it constituted a criminal offence at the time when it took place¹⁸.

Article 111-1 differentiates between several types of punishable acts according to their seriousness. The categories are: a) felonies, and b) misdemeanours. The subsection titled "Penalties for Felonies" foresees a system of criminal sanctions for natural and legal entities as perpetrators of felonies, as well as misdemeanours (Articles 131-1 through 131-2). Penalties stipulated in Article 131-1 may be imposed on natural persons for the commission of felonies. Those are the following penalties: a) life imprisonment, b) imprisonment for a maximum of 30 years, c) imprisonment for a maximum of 20 years, d) imprisonment for a maximum of 15 years, and e) imprisonment for a maximum of 10 years¹⁹.

It is interesting that the Criminal Law of Latvia²⁰ in Chapter IV titled "Punishment" does not foresee life imprisonment. In Article 35, the law stipulates the purpose of punishments. According to this legal solution, punishment as provided for in the Criminal Law is a compulsory measure which a court, within the limits of this Law, adjudges on behalf of the State against persons guilty of the commission of a criminal offence, with the purpose of: a) protecting the public safety, b) restoring justice, c) punishing the offender for a committed criminal offence, d) re-socialising (correcting and re-educating) the offender, e) achieving that the convicted person and other persons comply with the law and refrain from committing criminal offences. In addition, Article 36 stipulates the following (basic) punishments to achieve this purpose: a) deprivation of liberty for 15 days up to 15 years, and exclusively imprisonment for 20 years if a serious crime is committed, b) community service, and c) fine.

The Criminal Code of Lithuania²¹ in Chapter VII titled "Penalty" stipulates the type, purpose, duration and terms for the application of penalties. Thus Article 41 thereof defines penalty as a measure of compulsion applied by the State (imposed by a court's judgement) upon a person who has committed a crime for which he is criminally responsible. Paragraph 2 of this legal provision explicitly defines the purpose of a penalty: a) to punish a person who has committed a criminal act, b) to prevent persons from committing criminal acts in the future, c) to exert an influence on other citizens to refrain from violating the regulations and committing criminal offences, and d) to ensure implementation of the principle of justice.

¹⁵ RT I 2001, 61, 364.

¹⁶ Zaplovalova, V. V., Manceva, N.I. (2001). *Ugolovni kood Eesti Vabariigile*. Peterburi, lk 69–71.

¹⁷ Code pénal du France (1992). Paris, 67-69.

¹⁸ Jean, J-P. (2008). *Le système penal*. Paris: La Découverte, 122.

¹⁹ Pin, X. (2014). *Droit pénal général 2015*. Paris: Dalloz, 483.

²⁰ Лукашов, А.И., Саркисова, Е.А. (2001). *Уголовный кодекс Латвии*. Санкт-Петербург, 82-85.

²¹ УГОЛОВНЫЙ КОДЕКС Литовской Республики (УК Литвы). Came into force on 1 May 2003.

Article 42 of this code stipulates the types of penalties the court imposes on the perpetrator of criminal offences. Those are: a) community service, b) a fine, c) restriction of liberty from three months to two years, d) limitation of freedom from 15 days to 90 days, e) custodial sentence from three months to ten years, and f) life sentence of 25 years²².

The Criminal Code of Hungary²³ in Chapter III stipulates a system of penalties titled "Penalties". Pursuant to the provision of Article 33 of this code, the penal system of the Republic of Hungary comprises the following penalties: a) imprisonment of three months to 20 years, and only exclusively life sentence (for the listed most serious crimes against humans and the State), that is, imprisonment of 25 years, b) custodial arrest, c) community service, d) fine, e) prohibition to exercise professional activity, f) driving ban, g) prohibition from residing in a particular area, h) ban from visiting sporting events, and i) deportation of a foreigner from the country²⁴. In Chapter X, the Code stipulates (in the provisions of Article 79) the purpose (objective) of a punishment as the prevention (in the interest of the protection of society) of the offender or any other person from committing an act of crime.

The Criminal Code of Moldova²⁵ in Chapter VII titled "Criminal Punishment" stipulates the types and purpose of punishments imposed on the perpetrators of criminal offences in Moldova. According to this legal solution (Article 61), criminal punishment is a measure of state force and a means of correction and re-education of an offender which is applied by courts in the name of the law and entails certain deprivations and restrictions of their rights. Paragraph 2 of the same article defines the purpose of punishment: a) to restore social equity, b) to rehabilitate the offender, and c) to prevent the commission of new crimes both by convicts and other persons. To achieve this purpose, Article 62 stipulates the following punishments: a) fines, b) deprivation of the right to hold certain positions or to practice certain activities, c) annulment of military rank, special titles and qualifications, d) community service, e) imprisonment from three months to 20 years, and f) life imprisonment.

The Penal Code of Poland in Chapter IV titled "Penalties" in Article 32 stipulates the following types of penalties: a) fine, b) restriction of liberty in the duration of one month up to 12 months, c) deprivation of liberty in the duration of three months up to 15 years, d) deprivation of liberty for 25 years, and e) deprivation of liberty for life²⁶.

The Criminal Code of the Russian Federation in Section I, Chapter 1 titled "The Tasks and Principles of the Criminal Code of the Russian Federation" in Article 2 defines the tasks (purpose, role) of the contemporary Russian criminal law. Its tasks are defined as: a) the protection of the rights and freedoms of man and citizen, property, public order and

²² Богдашич, О. В. (2004). *Уголовный кодекс Литовская Республика*. Санкт-Петербург, 63-66. Уголовный кодекс Литовской Республики = [Текст]: The Lithuanian penal code: Утв. законом № VIII-1968 г. 26 сент. 2000 г.

²³ A Büntető Törvénykönyv, Magyarországon - Act C of 2012, Budapest, 2012., 17-19, available at https://net.jogtar.H/u/jogs_zabaly?docid=A1200100.TV (11.5.2021).

²⁴ Karsai, K., Szomora, Z. (2010). *Criminal law in Hungary*. Wolter Kluwer, 224-228.

²⁵ Criminal Code of the Republic of Moldova No. 985-XV dated 18.04.2002 Republished: *Official Monitor of the Republic of Moldova* No. 72-74/195 dated 14.04.2009 Official Monitor of the Republic of Moldova No. 128-129/1012 dated 13.09.2002. [Ostapciuc, E. (2008). *Criminal Code of the Republic of Moldova*, Chisinau, 2008, 18].

²⁶ Кузьнецова, Н.Ф., Лукашова, А.И. (2001). *Уголовный кодекс Республики Польша*. Санкт Петербург, 72-74.

public security, the environment, and the constitutional system of the Russian Federation against criminal encroachment, b) the maintenance of peace and security of mankind, and c) the prevention of crimes²⁷. The law stipulates that a criminal offence is a socially dangerous act, committed with guilt and prohibited by this Code under threat of punishment. The commission of an act provided for by this Code, but which, by reason of its insignificance, does not represent a social danger, which caused no harm and has not created a threat of damage to a person, society, or the State, shall not be deemed a crime (Article 14).

Article 15 of the Code defines the “types (categories) of crimes” depending on the nature and degree of social danger. It differentiates between: a) crimes of little gravity, b) crimes of average gravity, c) grave crimes, and d) especially grave crimes. According to this legal solution, an especially grave crime is an intentional act, for the commission of which this Code provides a penalty of imprisonment exceeding ten years, or a more severe punishment (life imprisonment or death penalty).

Section III titled “Punishment” stipulates punishments imposed by competent courts on the perpetrators of criminal offences. Chapter 9, “The Concept and Purposes of Punishment”, defines the purpose of punishment. Article 43 stipulates that punishment is a measure of state compulsion assigned by a court’s judgement applied to a person who has been found guilty of the commission of a crime. It consists of the deprivation or restriction of the rights and freedoms of this person. Punishment is applied for the purpose of²⁸: a) restoring social justice, b) reforming a convicted person, and c) of preventing the commission of further crimes.

To achieve this purpose, punishments provided for in Article 44²⁹ are applied. Those are: a) fines, b) deprivation of the right to hold specific offices or to engage in specific activities, c) deprivation of a special or military rank or honorary title, class rank or government decoration, d) compulsory work, e) corrective labour, f) restriction of military service, g) detention from one month up to six months, h) restriction of freedom from two months up to four years, i) restricted liberty from two months up to 20 years, j) serving in a disciplinary military unit, k) life imprisonment, and l) death penalty³⁰.

The Criminal Code of the Republic of Ukraine³¹ in Article 1 defines the purpose (objective) of the criminal code as follows: a) to provide legal protection of the rights and liberties of the human being and citizen, property, public order and public safety, the environment, and the constitutional order of Ukraine against criminal encroachments, b) to secure peace and safety of mankind, and c) to prevent crime.

Article 12 of the Code (titled “Classification of Criminal Offences”) lists the types of crimes depending on the type, gravity and the prescribed punishment. Those are: a) minor offences, b) medium grave offences, c) grave offences, and d) specifically grave offences. A specifically grave offence is considered an offence punishable by more than ten years of imprisonment or a life sentence.

²⁷ Федосова, И., Скуратова Т. (2005). *Уголовный кодекс Российской Федерации*. Москва, 37-41.

²⁸ Уголовный кодекс Российской Федерации (2014). 26-28.

²⁹ Рарог, А. (2008). *Уголовное право России, Часть Общая*. Москва, 312-319.

³⁰ Рарог, А. И., Есаков Г. А., Чучаев, А. И., Степалин В.П. (2007). *Уголовное право России, Часть Общая и Особенная*. Москва, 163-167.

³¹ Кримінальний кодекс України, Відомості Верховної Ради України (ВВР), 2001, № 25-26, ст. 131.

In Chapter X titled "Punishment and its Types" (Article 50) defines the notion and purpose of punishments. Punishment is a coercive measure imposed in a judgment of court on behalf of the State upon a person found guilty of a criminal offence and consists in restraint of the sentenced person's rights and freedoms secured by law (paragraph 1). The punishment is aimed at: a) penalising the offender, b) reforming the offender, and c) preventing further offences by both the convicted and other persons. It is explicitly stated that punishment is not meant to cause physical sufferings or humiliate human dignity of the offender.

Types of punishment are listed in Article 51 of the law. The following types of punishment may be imposed on persons convicted of criminal offences: a) fine, b) revocation of a military or special title, rank, grade or qualification class, c) deprivation of the right to occupy certain positions or engage in certain activities, d) community service, e) correctional labour, f) service restrictions for military servants, g) forfeiture of property, h) arrest in the duration of one month up to six months, i) restraint of liberty in the duration of one up to five years, j) custody of military servants in a penal battalion, k) imprisonment for a determinate term of one up to 15 years, and l) life imprisonment³².

The Swiss Criminal Code³³ (in Title Three titled "Sentences and Measures") defines the notion, types and purposes of punishment, its duration and terms for imposing it. Article 34 prescribes a monetary penalty in the maximum amount of 360 daily penalty units, where the amount of one unit is a maximum of 3000 francs. The court decides on the value of the daily penalty unit according to the personal and financial circumstances of the offender at the time of conviction, and in particular according to his income and capital, living expenses, any maintenance or support obligations, the minimum subsistence level, etc. The convicted person is obliged to pay the monetary penalty imposed on him within one month up to 12 months, that is, in justified cases and in instalments³⁴. Article 40 stipulates a custodial sentence of six months up to 20 years. Only in exclusive cases provided for by law can an offender be imposed life sentence. However, the court is obliged to elaborate on this decision thoroughly and with arguments on the basis of all the presented personal and material evidence³⁵.

4. CONCLUSION

After a number of centuries of existing in the criminal laws of countries around the world, the death penalty finally gave way to prison sentences in late 20th century. Namely, in the field of the crime prevention policy, when seeking an efficient response to the severest forms of unlawful, socially dangerous behaviour by individuals or groups, it has been found that a prison sentence (restriction of the freedom of movement of a convicted person for a certain period of time) is the most efficient measure from the aspect of special as well as general prevention.

³² Коржанський, М. Й. (2007). *Науковий коментар Кримінального кодексу України*. Київ, 45-48.

³³ Schweizerisches Strafgesetzbuch vom 21. Dezember 1937 (Stand am 1. Juli 2020). Bern, 2007, 17-19.

³⁴ Серебрянникова, А. В. (2002). *Уголовный кодекс Швеции*, Санкт-Петербург, 83.

³⁵ StGB, StPO, Schweizerisches Strafgesetzbuch, Schweizwrische Strafprozessordnung (2013). Zürich, 35-38.

Thus, all the contemporary criminal laws, including the laws of the former SFRY countries in the penal system that is supposed to achieve the protective, guarantee function of criminal law - the protection of the most significant social goods and values - recognise the custodial sentence. It is, of course, a pluralistic penal system which recognises several different types and measures of punishment.

Despite many objections that can generally be made against a sentence of long-term, or life imprisonment, the severest punishment is recognised by numerous legislations (as an alternative to the death penalty): North Macedonia, Slovenia, Serbia, as well as the majority of the observed European criminal laws (Bulgaria, Estonia, France, Latvia, Lithuania, Hungary, Moldova, Poland, Russia, Ukraine, Switzerland, etc.).

LITERATURE

Monographs, articles

- Богдашич, О. В. (2004). *Уголовный кодекс Литовская Республика*. Санкт-Петербург.
- Donatsch, A., Tag, B. (2013). *Strafrecht I, Verbrechenslehre, 9. Auflage*. Zürich, Basel, Genf.
- Федосова И., Скуратова Т. (2005). *Уголовный кодекс Российской Федерации*. Москва.
- Grozđanić, V., Škorić, M., Martinović, I. (2011). *Kazneno pravo, Opšti dio*. Rijeka.
- Grozđanić, V., Škorić, M., Martinović, I. (2013). *Kazneno pravo, Opšti dio*. Rijeka.
- Horvatić, Ž. (2003). *Kazneno pravo, Opšti dio*. Zagreb.
- Jean, J.-P. (2008). *Le système penal*. Paris: La Découverte.
- Jovašević, D. (2018). *Krivično pravo, Opšti dio*. Beograd.
- Kambovski, V. (2006). *Kazneno pravo, Opšt del*. Skopje.
- Karsai, K., Szomora, Z. (2010). *Criminal law in Hungary*. Wolter Kluwer.
- Lőrincz, J., Nagy, F. (1997). *Börtönügy Magyarországon, Büntetés-végrehajtás Országos Parancsnoksága*, Budapest.
- Лукашов А.И., Саркисова Е.А. (2001). *Уголовный кодекс Латвии*. Санкт-Петербург.
- Коржанський М. Й. (2007). *Науковий коментар Кримінального кодексу України*. Київ.
- Кузьнецова Н.Ф., Лукашова А.И. (2001). *Уголовный кодекс Республики Польша*. Санкт Петербург.
- Ненов, И. (1954). *Наказателно право на Народна република България, част 1, Особена част*. София.
- Ненов, И., Стойнов, А. (1992). *Наказателно право на Народна република България, част 1, Особена част*. Софија.
- Novoselec, P. (2004). *Opšti dio kaznenog prava*. Zagreb.
- Ostapciuc, E. (2008). *Criminal code of the Republic of Moldova*. Chisinau.
- Pin, X. (2014). *Droit pénal général 2015*. Paris: Dalloz.
- Radovanović, M. (1975). *Krivično pravo, Opšti dio*. Beograd.
- Рапог, А. И., Есаков Г. А., Чучаев, А. И., Степалин В. П. (2007). *Уголовное право России, Часть Общая и и Особенная*. Москва.
- Рапог, А. (2008). *Уголовное право России, Часть Общая*. Москва.
- Selinšek, Lj. (2007). *Kazensko pravo, Splošni del in osnove posebnega dela*. Ljubljana.
- Stojanović, Z. (2020). *Komentar Krivičnog zakonika Republike Srbije*. Beograd: Službeni glasnik Republike Srbije.
- Vidović, V. (1981). Prilog razmatranju o pojmu i funkciji kazne lišenja slobode. *Godišnjak Pravnog fakulteta u Banja Luci*, 5.

Zaplovalova, V. V., Manceva N. I. (2001). *Ugolovni kood Eesti Vabariigile*. Peterburi, lk 69-71.

Legislation

Code pénal Dernière modification: 2021-05-01 Edition: 2021-05-01.

Karistusseadustik (lühend - KarS), Riigikogu (Karistusseadustik – Riigi Teataja) (<https://www.riigiteataja.ee/akt/184411>)

Krivični zakonik Crne Gore, Prečišćeni tekst, Podgorica, 2016., 25-26.

Krivični zakonik *Crne Gore, Službeni list Republike Crne Gore*, br. 70/03, 13/04 i 47/06, 40/08, 25/10, 32/11, 64/11, 40/13, 56/13, 42/15, 58/15, 44/17, 49/2018 i 3/20.

Kazneni (Krivični) zakon Hrvatske, *Narodne novine Republike Hrvatske* br. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18 i 126/19.

Krivični zakonik Srbije, *Službeni glasnik Republike Srbije*, br. 85/05, 88/05, 107/05, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 i 35/19.

Krivični zakonik Sjeverne Makedonije, *Služben vesnik na Republika Makedonija*, br. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 87/07, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14 i 226/15.

Krivični zakonik Slovenije, *Uradni list Republike Slovenije*, br. 55/08, 55/08, 66/08, 39/09, 91/11, 50/12, 54/15, 6/16, 38/16, 23/20 i 91/20.

Krivični zakonik Srbije *Službeni glasnik Republike Srbije*, br. 85/05, 88/05, 107/05, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 i 35/19.

Наказателен кодекс България, в сила от 01.05.1968... изм. ДВ. бр. от 13 Октомври 2015.

Kazna dugotrajnog zatvora u pravu država bivše SFRJ i savremenom evropskom krivičnom pravu

Rezime: Doživotni zatvor je naziv za zatvorsku kaznu na osnovu koje je osuđeni ostaje u zatvoru do kraja svog života. To je poslije smrtne kazne najstrožija krivičnopravna sankcija. U zakonodavstva mnogih država je uvedena kao zamjena za smrtnu kaznu. S druge strane, mnoga su zakonodavstva uz kaznu doživotnog zatvora uvele mogućnost koje osuđenima omogućavaju puštanje na slobodu, najčešće u obliku uslovnog otpusta. Od druge polovine 20. vijeka doživotni zatvor se najčešće kao i smrtna kazna smatra nehumanom i neefikasnom sankcijom, s obzirom na to da se osuđenici na doživotni zatvor smatraju trajno izbačenim iz društva, odnosno gube bilo kakav interes za rehabilitaciju. U radu se analiziraju pitanja vezana za kaznu dugotrajnog - doživotnog zatvora u državama bivše SFRJ i savremenom evropskom krivičnom pravu.

Ključne riječi: krivično djelo, kazna, zatvor, dugotrajni zatvor, uporedno pravo.

