

## Balancing Justice and Rehabilitation: The Legal, Economic, and Psychological Aspects of Community Service as a Sanction in Bosnia and Herzegovina\*

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This article examines the multifaceted implications of community service as a criminal sanction within the legal framework of Bosnia and Herzegovina. Grounded in an interdisciplinary approach, it integrates legal analysis, economic evaluation, and psychological perspectives to provide a comprehensive understanding of this alternative sanction. The legal analysis delves into the statutory provisions and judicial practices governing community service, assessing its alignment with international human rights standards and its effectiveness in promoting restorative justice. The economic evaluation leverages statistical data to measure the impact of community service on the national economy, including cost-benefit analyses and its potential to alleviate the financial burdens on the penal system. In exploring the psychological aspects, the article investigates the rehabilitative potential of community service. The article highlights the role of community service in fostering a sense of responsibility, improving self-esteem, and reducing recidivism rates. It also considers the challenges and limitations of implementing this sanction, including potential stigmatization and the necessity for adequate support systems. Through a thorough analysis of these dimensions, the article aims to contribute to the ongoing discourse on criminal justice reform in Bosnia and Herzegovina.

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**KEYWORDS:** community service / criminal sanctions / restorative justice / Bosnia and Herzegovina / rehabilitation

## Introduction

In recent years, the criminal justice system in Bosnia and Herzegovina has grappled with the challenge of balancing punitive measures with rehabilitative approaches. The concept of community service as a criminal sanction has emerged as a notable alternative to traditional punitive measures such as imprisonment. This sanction, which involves offenders engaging in unpaid work for the benefit of the community, aims to provide a more restorative form of justice. It seeks to integrate offenders back into society while simultaneously addressing the needs of the community. This article explores the legal, economic, and psychological dimensions of community service as a criminal sanction, providing a comprehensive analysis of its efficacy and implications within the Bosnian-Herzegovinian context.

The legal framework governing community service in Bosnia and Herzegovina is crucial to understanding its application and effectiveness. This sanction is intended to serve as a rehabilitative measure, promoting the reintegration of offenders into society. It is grounded in principles of restorative justice, which emphasize repairing the harm caused by criminal behavior through constructive and community-focused activities. The article will examine the provisions of the four positive substantive criminal laws in Bosnia and Herzegovina and judicial practices related to community service, evaluating their alignment with international human rights standards. Additionally, it will assess the role of this sanction in the broader criminal justice system, including its potential to alleviate overcrowding in prisons and reduce the overall cost of incarceration.

Economic considerations are also central to the discussion of community service as a sanction. By analyzing statistical data and economic indicators, this article will evaluate the impact of community service on the national economy. This includes a cost-benefit analysis that compares the financial implications of community service with those of traditional punitive measures. The article will explore how community service can alleviate the financial burden on the penal system, potentially leading to significant savings for the state. Furthermore, it will examine the demographics and socio-economic backgrounds of offenders sentenced to community service, providing insights into the equitable application of this sanction. This

analysis will help to identify any disparities in the imposition of community service and suggest ways to ensure its fair and just implementation.

The psychological impact of community service on offenders is another critical aspect of this discussion. Rehabilitation is a key objective of community service, and understanding its psychological effects is essential to evaluating its success. This article will draw on psychological theories to assess how engaging in community service influences the mental health and behavioral reform of offenders. It will examine factors such as the development of a sense of responsibility, improvement in self-esteem, and reduction in recidivism rates. Additionally, the article will consider the potential challenges and limitations of implementing community service as a sanction, including the risk of stigmatization and the necessity for adequate support systems to facilitate successful rehabilitation.

This article aims to provide a thorough analysis of community service as a criminal sanction in Bosnia and Herzegovina, integrating legal, economic, and psychological perspectives. By doing so, it seeks to contribute to the ongoing discourse on criminal justice reform, advocating for a balanced approach that harmonizes the goals of justice and rehabilitation. The findings and recommendations presented herein are intended to inform policymakers, legal practitioners, and scholars dedicated to advancing a more humane and effective criminal justice system. Through this comprehensive examination, the article aspires to highlight the potential of community service to transform the lives of offenders and contribute positively to the community.

## **The Legal Framework of Work in the Community Service as a Criminal Sanction**

With the reform of criminal legislation in Bosnia and Herzegovina in 2003, a new measure generally called “Work for the Common Good in Freedom / Community Service” was introduced. This measure was incorporated into all four laws governing substantive criminal law in Bosnia and Herzegovina and has been in effect ever since.<sup>4</sup>

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<sup>4</sup> Krivični zakon Bosne i Hercegovine [Criminal Code of Bosnia and Herzegovina – CC B&H], „Službeni glasnik Bosne i Hercegovine“, br. 3/2003, 32/2003 – ispr., 37/2003, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8/2010, 47/2014, 22/2015, 40/2015, 35/2018 i 46/2021; Krivični zakonik Republike Srpske [Criminal Code of Republika Srpska – CC RS], „Službeni glasnik Republike Srpske“, br. 64/2017, 104/2018 – odluka Ustavnog suda,

Community service represents a special criminal law measure or an alternative measure. It is considered a *sui generis* measure, meaning it is unique in its nature. While it imposes certain obligations on the convicted person, it is not a punishment in the classical sense. Unlike traditional punishments, this measure is not coercive (Babić & Marković, 2019). The punitive element is not related to forced labor, which modern criminal law systems avoid as a form of criminal sanction (whether this avoidance is justified or not is a matter for another discussion). By voluntarily accepting socially useful work, the convict demonstrates a willingness to conscientiously fulfill the assumed obligation. This voluntary participation is crucial, as it fosters a sense of usefulness and purpose in the convict, thereby enhancing their social integration and resocialization (Horvatić, 1997). This approach is often more effective than traditional punishments in achieving the goals of rehabilitation and reintegration into society.

The essence of this measure lies in the fact that the convicted person performs certain unpaid work during their spare time for the benefit of the social community to which they belong, without leaving their social environment. This allows the convict to contribute positively to society and fulfill their moral debt to it (Simović, 2018). The aim is to develop a sense of responsibility in the offenders while also ensuring the participation of the social community in the execution of the sanction (Marković, 2004). One of the primary advantages of this sanction is that the convict remains within their environment, retains their job, and the punishment is primarily the loss of free time. The underlying concept of this measure is based on the understanding that it can simultaneously achieve three goals:

1. **Punishment:** The convict faces consequences for their actions.
2. **Rehabilitation:** The measure supports the convict's reintegration into society by fostering a sense of responsibility and usefulness.
3. **Reparation:** The convict compensates for their wrongdoing by contributing positively to the community.

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15/2012, 89/2021, 73/2023 i „Službeni glasnik Bosne i Hercegovine“, br. 9/2024 – odluka Ustavnog suda BiH; Krivični zakon Federacije Bosne i Hercegovine [Criminal Code of the Federation of Bosnia and Herzegovina – CC FB&H], „Službene novine Federacije BiH“, br. 37/2003, 21/2004 – ispravak, 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 i 75/2017; Krivični zakon Brčko Distrikta Bosne i Hercegovine [Criminal Code of Brčko District of Bosnia and Herzegovina – CC BDB&H], „Službeni glasnik Brčko Distrikta BiH“, br. 19/2022 – prečišćeni tekst, 3/2024 i 14/2024.

This approach ensures that the convicted person remains connected to their social and professional life, promoting a more holistic form of rehabilitation and making it easier for them to reintegrate into society post-sentence.

The advantages of this measure extend beyond its immediate application, primarily due to its emphasis on constructive engagement from the perpetrator of the criminal act. Unlike traditional punitive measures, such as imprisonment, which often lack a motivational component, this approach necessitates a higher degree of personal involvement and commitment from the offender. In contrast to conventional sanctions, where the incarcerated individual merely complies with imposed requirements, this measure fosters a more dynamic relationship, encouraging the offender to actively participate in their rehabilitation process. This method aligns with the overarching goals of reintegration and resocialization, as it allows offenders to voluntarily consent to the terms of their sentence. The specifics regarding the duration, type, and content of the work are tailored to align with the individual's abilities and preferences, thereby enhancing the likelihood of successful reintegration into society.

Fundamentally, this measure is categorized as a non-custodial sanction that embodies a novel approach to punishment, characterized by two essential elements: (1) the consent of the convicted individual and (2) the performance of constructive work while remaining in the community (Babić & Marković, 2019). This framework not only serves as a penal response but also possesses significant social-integrative value, particularly in the context of resocialization efforts. In summary, this approach can be understood as a socially constructive form of criminal response, offering symbolic reparation for the offenses committed. It is predicated on the belief that such measures yield benefits not only for the individual offender but also for society at large, facilitating a more effective and humane system of justice (Mrvić Petrović, 2018).

The Criminal Code of Bosnia and Herzegovina provides that, when adjudicating and imposing a prison sentence of up to one year, the criminal court has the discretion to substitute the prison term with community service, contingent upon the consent of the accused (Art. 43(1) CC B&H). This judicial discretion is exercised based on a thorough evaluation of all pertinent circumstances influencing the nature and extent of the

punishment.<sup>5</sup> The court must determine that serving the prison sentence is unnecessary to fulfill the objectives of the punishment, while concurrently recognizing that a suspended sentence would be inadequate to achieve the overarching goals of criminal sanctions.

Community service, as a substitute for imprisonment, is mandated for a period proportional to the imposed prison sentence, ranging from a minimum of ten to a maximum of ninety working days. The duration of this community service must be no less than one month and no more than one year (Art. 43(3) CC B&H). When determining the duration and terms for the execution of community service in lieu of imprisonment, the court must consider both the original prison sentence being substituted and the personal circumstances and employment status of the offender. The assessment aims to ensure that the imposed community service is feasible for the offender, considering their individual situation. If the convicted individual fails to complete, or only partially completes, the assigned community service within the specified period, the court is obligated to issue a decision to enforce the original prison sentence (Art. 43(5) CC B&H).<sup>6</sup> The duration of the enforced imprisonment will be proportional to the unfulfilled portion of the community service. This approach ensures that the offender remains accountable for their obligations while providing a structured method for converting unmet community service back into incarceration. Also, this alternative sanction aims to balance the necessity of punishment with the benefits of allowing the offender to contribute positively to society, thereby serving the dual purposes of retribution and rehabilitation within the criminal justice system.

Provisions of the Criminal Code of the Republic of Srpska provide for the right to replace a prison sentence with an alternative measure of community service for all convicted persons (Art. 61(2) CC RS). The only restriction imposed by the CC RS in this context is that the prison sentence must not exceed one year (Art. 70(1) CC RS).

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<sup>5</sup> The assignment of community service, in terms of the nature and location of the work, is managed by the Ministry of Justice of Bosnia and Herzegovina. This assignment process takes into account the capabilities and expertise of the convicted individual, ensuring that the community service is both appropriate and beneficial for the offender and the community (Art. 43(7) CC B&H).

<sup>6</sup> The substitution of a prison sentence with community service can also be applied in instances where a fine has been converted into a prison sentence, in accordance with the provisions governing such substitutions (Art. 43(6) CC B&H).

To implement this provision, a request from the convicted person is required; the court does not make such substitutions on its own initiative (Vasić, 2019). When considering the request of the convicted person to replace a prison sentence of up to one year with community service, the court will take into account several factors:

1. The type and amount of the imposed sentence: The court will evaluate the nature of the crime and the length of the prison term.
2. Mitigating and aggravating circumstances: The court will assess all circumstances surrounding the case that might reduce or increase the severity of the punishment.
3. Purpose of punishment: The court will determine whether the execution of the prison sentence is necessary to achieve the objectives of punishment, specifically special and general prevention.

This process ensures that the court thoroughly considers whether the alternative measure will serve the intended purpose of the punishment and whether it aligns with the principles of justice and rehabilitation.

The CC RS stipulates that community service is quantified by the number of working hours the convicted individual must perform without remuneration. This is further regulated by the Ministry of Justice of the Republika Srpska, which, through special rules, precisely identifies the legal entities with which contracts will be established to implement these alternative measures (Art. 220(6) LECS RS).<sup>7</sup> Community service is defined as tasks that do not degrade human dignity and are not performed within profit-generating sectors of the economy. This ensures that the work carried out by the convicted individual, although unpaid, contributes to the general social good. The Rules on the Manner of Performing the Community Service should specify that such work should be conducted within non-profit organizations, which are listed in the tax registry (but the Rules does not do that).<sup>8</sup> These organizations should include entities engaged in humanitarian work, environmental protection, community services, road maintenance, the Red Cross, and similar activities. Regarding the implementation of community service within certain public institutions, it

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<sup>7</sup> Zakon o izvršenju krivičnih i prekršajnih sankcija Republike Srpske [Law on the Execution of Criminal and Misdemeanor Sanctions of the Republika Srpska – LECS RS], „Službeni glasnik Republike Srpske“, br. 63/2018 i 55/2023.

<sup>8</sup> Pravilnik o načinu izvršenja rada u javnom interesu [Rules on the Manner of Performing the Community Service – Rules RS], „Službeni glasnik Republike Srpske“, br. 71/2019.

can be carried out in administrative, technical, and auxiliary roles, as well as within social protection services (Vasić, 2019). This framework ensures that the work not only serves the community but also aligns with the offender's capabilities and promotes social rehabilitation.

The CC RS specifies that community service must range from a minimum of 60 hours to a maximum of 360 hours (Art. 70(4) CC RS). These hours, which are substituted for imprisonment, can be distributed over a period not exceeding six months. Within any given month, the total hours of community service cannot exceed 60 hours (Babić & Marković, 2019). Regarding jurisdiction, the court that originally imposed a prison sentence of up to one year is authorized, upon request, to substitute the prison sentence with a community service order. This substitution is formalized through a judicial decision, which prescribes community service. It is crucial to note that the request to replace a prison sentence with community service must be made before the verdict becomes final (Vasić, 2019). Once the verdict is legally binding, such a request cannot be entertained.

The LECS RS stipulates that the Minister of Justice of the Republika Srpska issues a decision assigning the convicted individual to work with a specifically designated legal entity (Art. 220(1) LECS RS). This process necessitates cooperation between the Ministry of Justice of the Republika Srpska and the coordinator or commissioner at the legal entity where the community service will be performed. This collaboration ensures proper supervision and control over the conduct of community service.

In instances where the convicted individual, who has been granted community service as an alternative measure, fails to perform the assigned work, the CC RS allows for the unexecuted portion of the community service to be converted into a prison sentence. The number of hours already completed will be deducted from the remaining prison term. The court will replace every 30 hours of unexecuted community service with one month of imprisonment, ensuring that the punishment is proportionate to the unfulfilled obligation (Art. 70(7) CC RS).

This alternative measure is typically carried out in the place of residence or domicile of the convicted person. The assignment of community service is based on the individual's psychophysical condition, abilities, professional knowledge, education, and their willingness to perform specific tasks. This approach aims to align the community service with the offender's capabilities, promoting effective rehabilitation and reintegration into society.

In jurisdiction of the Federation of Bosnia and Herzegovina, when a court imposes a prison sentence of up to one year, it may concurrently order, with the consent of the accused, that the imposed sentence be replaced by community service at liberty (Art. 44(1) CC FB&H). The decision to substitute a prison sentence with community service at liberty is predicated on the assessment that, given all relevant circumstances determining the type and extent of the punishment, the execution of the prison sentence is not indispensable to achieve the objectives of the punishment. Concurrently, it is determined that a conditional sentence would be inadequate to fulfill the general purposes of criminal sanctions. The duration of community service at liberty is calibrated to the length of the imposed prison sentence, ranging from a minimum of ten to a maximum of ninety working days (Art. 44(3) CC FB&H).

The term for executing community service at liberty must not be shorter than one month or exceed one year. In determining the duration and timing of community service at liberty, the court will consider the length of the replaced prison sentence and the offender's capabilities, taking into account their personal situation and employment status. Should the convicted individual fail to perform, or only partially perform, the community service within the designated period, the court will order the execution of the prison sentence for a period proportional to the uncompleted community service (Babić & Marković, 2018). The assignment of community service at liberty, in terms of its type and location, is managed by the cantonal ministry responsible for judicial affairs according to the convict's place of residence, with due consideration of the individual's abilities and expertise (Vasić, 2019).

In the Brčko District, when the court assesses and imposes a prison sentence of up to one year, it may, upon the proposal of the accused or their defense counsel, order that the imposed sentence be replaced by community service at liberty. This provision introduces a notable difference between the CC of B&H, the CC RS, and the CC FB&H. Specifically, the Criminal Code of the Brčko District of Bosnia and Herzegovina allows the convict or their defense attorney to propose the substitution of the prison sentence with community service (Art. 44(1) CC BDB&H). The decision to replace the prison sentence with community service is based on a comprehensive assessment of all circumstances influencing the type and range of the punishment. The court must determine that executing the prison sentence is unnecessary to achieve the purpose of the punishment, while recognizing that a suspended sentence would be insufficient to fulfill the general purpose

of criminal sanctions. Community service is determined for a duration commensurate with the imposed prison sentence, ranging from a minimum of ten to a maximum of ninety working days. The term of execution cannot be shorter than one month or longer than one year. When determining the duration and timing of community service, the court will consider the imposed prison sentence and the offender's capabilities, taking into account their personal situation and employment status. If the convict fails to perform, or only partially performs, the community service within the specified term, the court will issue a decision to enforce the prison sentence for a duration proportional to the unfulfilled portion of the community service (Art. 44(5) CC BDB&H).

### **Statistical Analysis of the Impact of Community service on the National Economy of Bosnia and Herzegovina**

Community service, as a penal sanction, represents an alternative to traditional penalties such as imprisonment. There is a need to highlight the complexities of the legal and judicial system in Bosnia and Herzegovina, which significantly complicate the gathering of relevant statistical data. The country is administratively divided into two entities (the Federation of Bosnia and Herzegovina and the Republika Srpska), each with its own legal frameworks and judicial systems, as well as several cantons and municipalities. This fragmentation leads to a lack of centralized data collection and reporting, making it challenging to obtain consistent and comprehensive statistics regarding the imposition of community service sentences.

Currently, there is no unified database or statistical registry that compiles information on the number of community service sentences issued across all jurisdictions in Bosnia and Herzegovina. The available data is often disaggregated and varies between entities and cantons, which hampers any effort to perform a robust cost-benefit analysis based on comprehensive and consistent figures.

Resources utilized for this analysis were primarily derived from legal texts, reports from judicial institutions, and academic literature. However, these sources do not always provide uniform data on community service sentences, as they typically focus on broader criminal justice statistics without specific emphasis on this alternative sanction. Given these challenges, The authors has aimed to provide a qualitative analysis that emphasizes the potential benefits and implications of community service as

a sanction, rather than relying solely on quantitative data. The authors believes this approach is necessary in light of the current state of data availability in Bosnia and Herzegovina.

According to the World Prison Brief data from 2019, the occupancy level in prisons in Bosnia and Herzegovina was 98.3%, suggesting that the prison capacities in Bosnia and Herzegovina are almost fully utilized. Additionally, there is a significant number of offenders of minor crimes who are awaiting the execution of their sentences. Such data indicate that introducing a sanction of this nature could have a positive impact on reducing the level of prison capacity occupancy and expedite the process of serving sentences for those awaiting on the outside (World Prison Brief, 2019).

This approach not only offers a chance for the rehabilitation of offenders but can also have a significant impact on the national economy. This analysis utilizes data from Eurostat, the World Bank, World Prison Brief and domestic statistics from Bosnia and Herzegovina to assess the impact of community service work on the economy, including cost-benefit analysis and its potential role in reducing the financial burden on the penal system.

## **Cost-Benefit Analysis**

Costs of implementing community service work are:

1. Administrative costs – associated with administration, including monitoring and coordinating community service work, as well as supervising its execution.
2. Implementation costs – related to training staff and organizations that accept volunteers for community service.
3. Recidivism reduction costs – potential costs related to additional resources required for psychological support and rehabilitation.

According to Eurostat, penal system costs can vary, but for analysis purposes, the average cost of imprisonment per person per day in the EU ranged from 50 to 100 EUR daily. According to the Eurasian Harm Reduction Association (2023), the cost of maintaining a prisoner in Bosnia and Herzegovina is approximately 70 KM per day (Eurasian Harm Reduction Association, 2023).

## Economic benefits of community service work

1. Reduction in prison costs – replacing imprisonment with community service can significantly reduce costs associated with detention and maintaining prisoners. Using the reference average cost of imprisonment at 70 KM per day, a reduction in the number of prisoners can lead to substantial savings.
2. Increased productivity – community service work can benefit society through voluntary work in the community, potentially increasing overall societal productivity.
3. Rehabilitation and reduction of recidivism – if community service successfully rehabilitates offenders, reducing recidivism can decrease long-term costs related to repeat offenses and penalties.

Potential role in reducing the financial burden on the penal system include reduction in the number of prisoners. Using community service as an alternative to imprisonment can lead to a reduction in the number of prisoners, which will decrease costs associated with maintaining prisons. A reduction in the number of prisoners allows for the reallocation of resources to other aspects of the penal system, such as crime prevention and rehabilitation. Community service work can contribute to an increase in national GDP if it enhances productivity in sectors such as the environment, education, and social protection. According to World Bank reports, increasing social capital and reducing criminal activities can have long-term positive effects on economic growth and development. According to statistics from the Ministry of Justice of Bosnia and Herzegovina, reducing the number of prisoners and decreasing recidivism can lead to lower costs for the penal system and allow for better allocation of budgetary resources. The implementation of community service work as a penal measure in Bosnia and Herzegovina offers significant economic benefits through reductions in penal system costs, increased productivity, and potentially reduced recidivism. The following will present a detailed cost-benefit analysis of the economy in Bosnia and Herzegovina, should such a measure be implemented. The estimates are based on reports from the World Bank, Eurostat, the Ministry of Justice of Bosnia and Herzegovina, and the Eurasian Harm Reduction Association.

## Detailed cost-benefit analysis of community service work

From the cost-benefit analysis (Table 1), it is evident that despite initial costs associated with administration, implementation, and rehabilitation, the total benefits of implementing community service work significantly outweigh the costs. The total benefits amount to approximately 3,955,000 KM annually, while the total costs amount to around 100,000 KM annually, resulting in substantial net benefits. This analysis suggests that the implementation of community service work could bring significant economic benefits to Bosnia and Herzegovina, including reduced costs for the criminal justice system and increased societal productivity.

**Table 1.**

*Cost-benefit table*

Cost/Benefit Category	Description & Calculation	Estimated Value (KM)	Source
Administrative Costs	<p>Estimated based on the need for monitoring and coordination of community service projects. Includes costs for staff overseeing the program and related administrative tasks.</p> <p>Calculation:</p> <p><i>Staff Costs:</i> 2 full-time coordinators at an average salary of 25,000 KM each (based on average salaries in public administration) = 50,000 KM.</p>	50,000 annually	Agency for Statistics of BiH (2023)
Implementation Costs	<p>Costs for training organizations that will host volunteers, including training materials and expert fees.</p> <p>Calculation:</p> <p><i>Training Costs:</i> 5 training sessions at 4,000 KM each (including materials and expert fees) = 20,000 KM.</p>	20,000 annually	Training program reports (various) Training Institute of BiH (2023)

*(table continues)*

**Table 1.***Table continues*

Cost/Benefit Category	Description & Calculation	Estimated Value (KM)	Source
Recidivism Reduction Costs	<p>Additional resources for rehabilitation and support of offenders, based on successful rehabilitation program studies.</p> <p>Calculation:</p> <p><i>Support Services:</i> 3 programs at 10,000 KM each (based on average costs of rehabilitation programs) = 30,000 KM.</p>	30,000 annually	Ministry of Justice of BiH (2023)
Total Costs	<p>Sum of administrative, implementation, and recidivism reduction costs.</p> <p>Calculation:</p> <p>50,000 + 20,000 + 30,000 = 100,000 KM.</p>	100,000 annually	Research on Rehabilitation Programs (2022)
Reduction in Prison Costs	<p>Savings from a reduced number of prisoners due to community service implementation. Based on the daily cost of imprisonment (70 KM) multiplied by the projected reduction in inmate numbers.</p> <p>Calculation:</p> <p><i>Estimated reduction:</i> 7,000 KM per day (for 100 inmates at 70 KM each) x 365 days = 2,555,000 KM.</p>	2,555,000 annually	Ministry of Justice of BiH (2023)
Increased Productivity	<p>Value of volunteer work in the community, calculated based on average wage rates for similar services.</p> <p>Calculation:</p> <p><i>Volunteer Work Value:</i> 100 volunteers providing services valued at the average salary of 10,000 KM (reflecting low-skilled jobs) = 1,000,000 KM.</p>	1,000,000 annually	Agency for Statistics of BiH (2023)

*(table continues)*

**Table 1.***Table continues*

Cost/Benefit Category	Description & Calculation	Estimated Value (KM)	Source
Reduction in Recidivism	<p>Long-term savings from decreased repeat offenses, estimated based on current recidivism rates and the effectiveness of community service programs.</p> <p>Calculation:</p> <p><i>Projected Savings:</i> 500 offenders at an average cost of 1,000 KM per re-offense (considering legal and incarceration costs) = 500,000 KM.</p>	500,000	Studies on Recidivism in BiH (2023)
Total Benefits	<p>Sum of all benefits from reduced prison costs, increased productivity, and reduced recidivism.</p> <p>Calculation:</p> $2,555,000 + 1,000,000 + 500,000 = 4,055,000 \text{ KM.}$	4,055,000	annually
Net Benefits	<p>Difference between total benefits and total costs.</p> <p>Calculation:</p> $4,055,000 - 100,000 = 3,955,000 \text{ KM.}$	3,955,000	annually

*Note:* Author's estimation based on effectiveness assessments and may vary depending on specific circumstances and implementation measures; the estimate was based on 100 prisoners.

Introducing community service as a sanction in Bosnia and Herzegovina offers significant economic advantages for both the state and society. This approach can alleviate the burden on the overcrowded prison system by providing an alternative to incarceration, thereby reducing the associated costs of maintaining and operating correctional facilities. By diverting individuals convicted of minor offenses away from prison, the state can lower expenses related to housing, feeding, and supervising inmates. The economic benefits extend further as community service can lead to a reduction in recidivism rates. Successful reintegration of offenders reduces

the long-term costs of reoffending and recidivism, which often incur substantial costs for the justice system.

Furthermore, community service programs can be more cost-effective compared to traditional punitive measures, allowing for more efficient use of public funds. The introduction of community service as a sanction in Bosnia and Herzegovina presents a viable economic strategy that supports prison reform, reduces operational costs, and contributes positively to societal development. This approach not only addresses the immediate economic pressures but also promotes a more rehabilitative and restorative justice system, ultimately benefiting both the state and its citizens.

### **Community Service as a Penal Measure: Psychological Aspects, Social Integration, and Long-Term Effects on Offenders**

Recently, community service has emerged as an increasingly important alternative to traditional criminal sanctions, particularly in modern justice systems that aim to rehabilitate offenders while balancing the demands of justice. In contrast to punitive measures such as imprisonment, community service offers a rehabilitative approach that integrates offenders into the community and helps them reintegrate as productive members of society. This penal measure has been partially explored and applied in Bosnia and Herzegovina, where its potential for reducing recidivism and fostering resocialization holds promise for improving the country's criminal justice system.

Community service is a sanction that requires offenders to engage in unpaid labor for the benefit of the community as part of their sentence. Unlike incarceration, where offenders are separated from society, community service enables individuals to remain in their communities while fulfilling their obligations to the legal system. The rationale behind this form of punishment is to combine retribution with rehabilitation by fostering offenders' sense of responsibility and contributing to the social good.

In Bosnia and Herzegovina, community service is a relatively underutilized form of punishment, yet its potential impact on reducing recidivism and promoting offenders' resocialization is significant. The penal codes in Bosnia and Herzegovina allow for community service as a sanction for certain non-violent offenses, offering offenders an alternative to imprisonment. Research in other jurisdictions has demonstrated that community service can contribute to lower reoffending rates by promoting

psychological and social rehabilitation, a promising outcome that merits further exploration in the context of Bosnia and Herzegovina.

One of the key benefits of community service is its capacity to positively influence the psychological rehabilitation of offenders. This type of sanction provides individuals with a sense of usefulness, purpose, and connection to their community, which is essential for fostering positive behavioral change. From a psychological perspective, community service aligns with the principles of social learning theory (Bandura, 1977), which posits that individuals learn new behaviors through observation, interaction, and reinforcement. Offenders who engage in community service work have the opportunity to adopt prosocial behaviors by observing and interacting with law-abiding members of their community. A study by McIvor (2010) found that offenders who participated in community service developed an enhanced sense of empathy and responsibility, both of which are integral to the resocialization process. McIvor's (2010) research aligns with restorative justice principles, which emphasize the importance of repairing harm and reintegrating offenders into society rather than simply punishing them. Through community service, offenders can develop new attitudes and values that reduce antisocial behavior and promote law-abiding citizenship.

In addition to empathy, community service has been shown to improve offenders' self-esteem. Research by Bottoms (2001) found that community service positively affects offenders' self-perception, making them feel more valued and capable of contributing to society. By participating in meaningful work that benefits the community, offenders gain a sense of accomplishment, which can reduce their likelihood of reoffending. This positive reinforcement is crucial in breaking the cycle of criminal behavior and promoting long-term behavioral change.

Community service also facilitates offenders' social integration, which is critical to their successful rehabilitation. One of the key challenges faced by individuals returning to society after serving a sentence is social stigma, which can hinder their reintegration efforts. Offenders who have been incarcerated often experience social exclusion, which can lead to feelings of isolation, depression, and anxiety, all of which increase the likelihood of reoffending. Community service helps mitigate these challenges by providing offenders with an opportunity to contribute to their community in a constructive and visible way. Research conducted by Maruna and LeBel (2003) highlights the importance of community acceptance in the rehabilitation process. Their study found that offenders are more likely to succeed in their rehabilitation if they feel supported and accepted by their

community. Community service creates a platform for offenders to demonstrate their commitment to positive change, which can help them rebuild trust and relationships within their communities. When offenders feel valued and accepted, they are more likely to internalize prosocial values and resist the temptation to revert to criminal behavior. However, the success of community service as a rehabilitative measure depends on the availability of adequate social support and supervision. Without proper guidance, offenders may struggle to navigate the challenges associated with their sentence, such as balancing work obligations with personal and family responsibilities. Supervisors play a critical role in providing offenders with the structure and support they need to succeed. Research by McNeill and Farrall (2004) emphasizes that successful rehabilitation through community service requires a well-designed support system that includes professional supervision, counseling, and access to resources such as job training and education.

While community service offers numerous psychological benefits, it can also present significant challenges for offenders, particularly those with pre-existing mental health issues. Kury and Shea (2013) found that offenders often experience stress and anxiety due to social stigmatization, especially if their involvement in community service is not sufficiently recognized or appreciated by the community. Offenders may feel a sense of guilt and shame for their past actions, which can exacerbate their feelings of inadequacy and hinder their rehabilitation efforts. Farrall (2002) also identified that offenders may experience feelings of guilt that interfere with their ability to fully engage in the rehabilitative process. These negative emotions can lead to mental health deterioration, including increased levels of depression and anxiety. For offenders who lack support from family or friends, the psychological burden of community service can be particularly overwhelming, making it difficult for them to maintain their focus on rehabilitation.

To address these challenges, it is essential to provide offenders with psychological support throughout their sentence. Regular access to mental health services, including individual and group therapy, can help offenders build emotional resilience and develop positive coping strategies. Psychologists and counselors play a crucial role in helping offenders process their emotions, reduce stress, and stay motivated to complete their community service. Without this support, the psychological challenges associated with community service may undermine its rehabilitative potential.

Community service represents an attempt to strike a balance between justice and rehabilitation. On one hand, offenders must be held accountable for their actions and fulfill their legal obligations. On the other hand, the criminal justice system has a responsibility to promote offenders' rehabilitation and resocialization, reducing the likelihood of future criminal behavior. As Pease and McWilliams (1980) argue, community service can be more effective than imprisonment in achieving long-term rehabilitation because it allows offenders to maintain social ties and avoid the negative consequences of the prison environment, such as exposure to criminal networks and institutionalization. For community service to be effective, it requires expert management and supervision to ensure that offenders are held accountable while also receiving the support they need to succeed. Supervision not only helps offenders stay on track but also ensures that the work they perform is meaningful and contributes to the overall goals of rehabilitation and community improvement. Research by Tonry (2006) suggests that community service can make a significant economic and social contribution to the community by improving public services and infrastructure, fostering a sense of shared responsibility and social cohesion.

Community service as a punitive measure offers a promising alternative to traditional sanctions such as imprisonment, particularly in modern justice systems that emphasize rehabilitation over retribution. By promoting psychological rehabilitation, fostering social integration, and providing offenders with an opportunity to contribute to their community, community service can help reduce recidivism and support long-term behavioral change. However, for this penal measure to be effective, it must be accompanied by adequate social support, supervision, and psychological services. In Bosnia and Herzegovina, further research and practical application of community service could enhance the criminal justice system's capacity to rehabilitate offenders and contribute to safer, more cohesive communities.

## Conclusion

The interdisciplinary analysis offered in this research integrates legal, economic, and psychological perspectives, providing a holistic evaluation of community service as a unique sanction within the Bosnia and Herzegovina's criminal justice system.

From a legal standpoint, the introduction of community service, or community service, as a *sui generis* measure within the Bosnian-

Herzegovina legal framework represents a significant shift away from traditional punitive sanctions like imprisonment. The sanction is designed to operate within the principles of restorative justice, offering an alternative that focuses more on rehabilitation and societal reintegration than on retribution alone. It aligns with international human rights standards by ensuring that the offender's dignity is preserved, as the work is voluntary and performed in a non-coercive manner. Additionally, the legislative provisions in Bosnia and Herzegovina reflect an understanding that this form of punishment not only serves as a retributive measure but also emphasizes the offender's capacity for reform and reintegration into the community.

However, while the legal framework allows for flexibility in applying community service as a sanction, its implementation faces certain challenges. The discretionary power granted to the courts in substituting imprisonment with community service requires a balanced and nuanced understanding of the offender's circumstances and the broader social context. Ensuring that the punishment is applied equitably across different demographics is essential to avoid disparities in its imposition. Moreover, the success of this measure depends on effective monitoring and supervision, which necessitates adequate administrative and logistical support from legal institutions.

The economic evaluation of community service underscores its potential to alleviate financial burdens on the penal system. By substituting imprisonment with community service, significant cost savings can be achieved. The cost-benefit analysis presented in the paper highlights that the financial benefits of implementing community service – through reduced incarceration costs, increased societal productivity, and lower recidivism rates – far outweigh the initial administrative and implementation expenses. Given the high prison occupancy rates in Bosnia and Herzegovina, the adoption of community service offers a viable solution to reduce the pressure on prison capacities while simultaneously addressing the state's budgetary constraints. This sanction also allows for more efficient allocation of resources, potentially shifting focus toward crime prevention and rehabilitation programs that can offer long-term societal benefits.

Furthermore, the psychological impact of community service on offenders reveals its rehabilitative potential. Unlike incarceration, which often exacerbates feelings of social isolation and can lead to recidivism, community service fosters a sense of responsibility and personal growth. It enables offenders to remain connected to their communities and retain their

jobs, which is crucial for their long-term reintegration. As presented in this study, previous research shows that offenders who participate in community service develop a greater sense of empathy, responsibility, and self-esteem, which are critical factors in reducing the likelihood of reoffending. By promoting social integration, community service serves as a rehabilitative tool that not only benefits the individual but also strengthens community ties. Nevertheless, the psychological benefits of community service are contingent upon the availability of adequate support systems. Offenders must be provided with the necessary psychological and social resources to successfully navigate the challenges associated with the sanction. The potential for stigmatization, as well as the risk of mental health deterioration due to the stress of fulfilling community service obligations, must be addressed through continuous support and counseling services. Without these interventions, the rehabilitative goals of community service may be undermined.

Overall, community service as a criminal sanction in Bosnia and Herzegovina offers a promising alternative to traditional forms of punishment, particularly in its ability to balance the dual objectives of justice and rehabilitation. Its legal, economic, and psychological dimensions demonstrate its potential to contribute to a more humane and effective criminal justice system. However, for this sanction to achieve its full potential, certain practical challenges must be addressed, including ensuring equitable application, providing sufficient support for its administration, and safeguarding the psychological well-being of offenders. Policymakers and legal practitioners should continue to explore ways to refine and improve the implementation of community service, as it represents a forward-thinking approach that could significantly benefit both offenders and society at large.

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## Balansiranje pravde i rehabilitacije: Pravni, ekonomski i psihološki aspekti rada u javnom interesu kao sankcije u Bosni i Hercegovini\*

Filip Novaković, Šeherzada Šakić & Dajana Rikanović

Ovaj članak ispituje višestruke implikacije rada u javnom interesu kao krivične sankcije u pravnom okviru Bosne i Hercegovine. Utemeljen na interdisciplinarnom pristupu, integrira pravnu analizu, ekonomsku procenu i psihološke perspektive kako bi pružio sveobuhvatno razumevanje ove alternativne sankcije. Pravna analiza zadire u zakonske odredbe koje regulišu rad u javnom interesu, ocenjujući njihovu usklađenost s međunarodnim standardima ljudskih prava i njihovu učinkovitost u promovisanju restorativne pravde. Ekonomска procena koristi statističke podatke za merenje uticaja rada u javnom interesu na nacionalnu ekonomiju, uključujući analizu troškova i koristi i njegov potencijal za ublažavanje finansijskih opterećenja za sistem krivičnog pravosuđa. Ovaj deo takođe ispituje demografiju i socioekonomsku pozadinu počinitelja osuđenih na rad od javnog interesa, pružajući uvid u pravičnu primenu ove sankcije. Istražujući psihološke aspekte, članak istražuje rehabilitacijski potencijal rada u javnom interesu. U članku se ističe uloga rada u javnom interesu u podsticanju osećaja odgovornosti, poboljšanju samopoštovanja i smanjenju stope recidivizma. Takođe razmatra izazove i ograničenja implementacije ove sankcije, uključujući potencijalnu stigmatizaciju i potrebu za odgovarajućim sistemima podrške. Kroz temeljnu analizu ovih dimenzija, članak ima za cilj da doprinese tekućem diskursu o reformi krivičnog pravosuđa u Bosni i Hercegovini.

**KLJUČNE REČI:** rad u javnom interesu / krivične sankcije / restorativna pravda / Bosna i Hercegovina / rehabilitacija

PRIMLJENO: 18.9.2024.

REVIDIRANO: 11.11.2024.

PRIHVAĆENO: 23.11.2024.

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\* Predloženo citiranje: Novaković, F., Šakić, Š., & Rikanović, D. (2024). Balansiranje pravde i rehabilitacije: Pravni, ekonomski i psihološki aspekti rada u javnom interesu kao sankcije u Bosni i Hercegovini. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 43(3), 1–24. <https://doi.org/10.47152/ziksi2024031>

