DOCTORAL THESIS

University of Miskolc
Faculty of Law
Deák Ferenc Doctoral School of Law
Central European Comparative Law Programme

CRIMINOLOGICAL ANALYSIS OF RECIDIVISM: ON THE ETIOLOGY, PHENOMENOLOGY AND POTENTIAL PREVENTION OF REOFFENDING

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Miskolc
2026

Acknowledgements

Although a doctoral dissertation is ultimately a reflection of its author’s effort, thought, and work, and therefore carries the author’s responsibility, its completion would not have been possible without the support, encouragement, and guidance of a number of individuals and institutions.

First and foremost, I would like to express my deepest gratitude to my supervisor, Professor Anna-Maria Getoš Kalac, for encouraging me to embark on this endeavour and for her continuous guidance throughout the doctoral process. Her critical comments and words of encouragement alike have been invaluable in shaping this work and in guiding me towards the rigorous academic standards that a doctoral dissertation requires.

I am deeply grateful to the Central European Academy of the University of Miskolc, and in particular to Director General Professor Tímea Barzó-Heinerné and Strategic Director Professor János Ede Szilágyi, for recognising the potential of this research and for fostering an environment in which international academic cooperation is actively encouraged and supported. Their commitment to cooperation grounded in mutual respect, openness, and academic exchange has provided an important foundation for this research, as has their recognition of the importance of approaching critical national issues through rigorous scientific inquiry and of understanding their implications beyond national boundaries. I am equally grateful to the management of the CEA UM, and especially to our “CEA Mom”, Monika Nagy Cserge, who, from the technical and organisational side, always tried to find a way to turn our wishes into reality, no matter how challenging that sometimes was.

My sincere thanks also go to my colleagues, Dr Reana Bezić and Dr Petra Šprem, whose advice, encouragement, and warm words of support were a constant source of strength throughout this process.

I am grateful to all the professors and colleagues whom I have encountered throughout my academic journey. Through countless discussions, exchanges of ideas, and different perspectives, you have challenged me to question, rethink, and refine my own assumptions, and in doing so, have helped me develop my critical thinking and shape my approach to research. It would be impossible to name everyone whose comments, questions, and perspectives have contributed to the development of this dissertation. However, I would like to express my particular gratitude to Professor Dr Hans-Jörg Albrecht, Professor Barbara Janusz-Pohl, and Professor Natalija Lukić for their thoughtful and detailed feedback, as well as for their critical comments and encouragement. Their careful observations and constructive suggestions have undoubtedly contributed to raising the academic quality and overall standard of this work.

I would also like to express my gratitude to the Ministry of Justice and Digital Transformation of the Republic of Croatia and the Directorate for the Prison System for recognising the importance of this research and for granting access to the field. Without this opportunity, the empirical dimension of this dissertation would not have been possible.

My sincere gratitude goes to all the participants who took part in the empirical research. Thank you for trusting that your experiences and voices matter, and for believing that change is possible. This research would not have had its meaning without your willingness to share your experiences.

Most of all, I want to thank my colleagues, friends, and family. You made this entire process not only bearable, but genuinely enjoyable. You were there when I needed help, whether that meant cutting questionnaires with me, driving countless kilometres from one prison to another across Croatia, listening to yet another research problem, or simply offering a few words of encouragement when they were most needed. Your support made the difficult moments easier and the good ones even better.

This dissertation is, undoubtedly, a reflection of my own academic thinking, work, and development. Yet it would not be what it is today without all the people who were part of the journey. For that, I am profoundly grateful.

Summary

Titled "Criminological Analysis of Recidivism: On the Etiology, Phenomenology and Potential Prevention of Reoffending", this thesis comprises eight chapters that systematically examine recidivism from theoretical, normative, and empirical perspectives. After the Introduction (Chapter 1), which sets out the research objectives, research questions, hypotheses, and the historical–theoretical background of repeat offending, the work proceeds to clarify the conceptual landscape in Chapter 2, "Recidivism – Concepts, Approaches and Definitions", by distinguishing criminological, normative, and penological understandings of repeat offending and expanding the scope of a criminological definition as a foundation for future empirical analysis. Chapter 3, the "Recidivism Research and Literature Review", situates the study within existing international and domestic scholarship, highlighting key findings, methodological differences, and gaps in comparative research. Chapter 4, "Current Penal Policy Responses to Recidivism", analyses alternative sentencing models (flat-rate, recidivist premium, progressive loss of mitigation, and lenient continued-crime doctrines) and their implications for proportionality, deterrence, and prison populations. Chapter 5, the "Comparative Normative Analysis of Recidivism in Croatia and in Regional Context", compares Croatia's recidivism framework with that of Serbia, Hungary, Romania, Poland, Slovakia, and Slovenia, focusing on legislative framework, judicial approaches to recidivism, and data-collection processes. Chapter 6, "Research Methodology", explains the mixed-methods design, limitations, the challenges of measuring recidivism, and the combined use of secondary data and primary questionnaire data from incarcerated individuals in Croatia. Chapter 7, "Presentation of Results", reports on regional recidivism indicators and the descriptive and qualitative analysis of prison-based survey data, while also testing the four central hypotheses formulated in the Introduction. Finally, Chapter 8, "Conclusion with Evidence-Based Policy Recommendations", synthesises the findings, draws conclusions on the prevention factor along with patterns of reoffending, and proposes concrete, evidence-based policy and research directions for Croatia and the broader region.

1. Introduction

1.1. Structure of the Thesis

This thesis comprises eight chapters that systematically address the criminological analysis of recidivism, progressing from theoretical foundations and literature review through comparative legal analysis, empirical methodology, results and evidence-based policy recommendations.

Chapter 1. Introduction defines the research objectives, questions, and hypotheses of the study and provides its historical and theoretical background. It explains that the aims are to compare how recidivism is defined and measured across Central European countries, with special attention to methodological differences and their impact on data comparability, as well as to examine sociodemographic risk factors and prisoners' views on deterrence in Croatia. The chapter outlines four hypotheses concerning methodological heterogeneity, the influence of adverse social conditions, early contact with the justice system, and the preventive role of systemic and personal factors. It then traces the historical development of responses to repeat offending from ancient retributive systems such as the Code of Hammurabi, through medieval deterrence practices, to Enlightenment reforms, and concludes with an overview of major criminological theories, from classical and positivist schools to contemporary perspectives, demonstrating the multidisciplinary foundations for understanding recidivism.

Chapter 2. Recidivism: Concepts, Approaches and Definitions present the conceptual framework of the thesis by examining how recidivism is interpreted in criminology, law, and penology. It clarifies key terms related to repeat offending, including reoffending, rearrest, reconviction, reincarceration and shows how these meanings vary depending on institutional and theoretical perspectives. The chapter reviews criminological, normative, and penological approaches, with particular attention to inconsistent definitions, the impact of the dark figure of crime, and the limitations of official statistics in measuring repeat offending. A central objective is to demonstrate that no single, universally accepted definition of recidivism exists, since its meaning depends on legal context, methods of measurement, and research purpose. In this thesis, recidivism is understood primarily in the criminological sense as the repetition of criminal behaviour that is temporally or substantively linked to prior offending. This definition serves as the working foundation for the study, while the chapter as a whole provides a systematic analysis of the conceptual and methodological complexities of the term.

Chapter 3. Recidivism Research and Literature Review provide an overview of relevant international and domestic studies on recidivism to present the current state of knowledge and key research findings. The chapter explains the selection and review of available literature and outlines the main thematic areas addressed in previous research, such as sentencing practices, resocialisation efforts, and factors associated with reoffending. Attention is given to differences in research design, measurement approaches, and definitions of recidivism, as these influence the comparability and interpretation of results. The chapter also considers the main risk factors and correlates of repeat offending identified in prior studies, as well as the reported effects of various interventions. By synthesising existing findings, the chapter identifies recurring patterns, methodological limitations, and gaps in the literature, thereby situating the present study within the broader academic context and demonstrating the need for further comparative and methodologically consistent research.

Chapter 4. Current Penal Policy Responses to Recidivism examines how contemporary sentencing systems respond to repeat offending and how prior criminal history is incorporated into punishment decisions. It addresses whether offenders should receive harsher sentences due to prior convictions or if each offence should be assessed independently, analysing the normative foundations and practical implications of different sentencing models for proportionality, deterrence, prison populations, and public trust. The chapter presents key models: the flat-rate model that excludes prior convictions and focuses solely on current offence seriousness; the recidivist sentencing premium model that increases penalties for repeat offenders, exemplified by U.S. “three strikes” laws; the progressive loss of mitigation model that reduces leniency for reoffenders without proportional escalation; and lenient continued-crime doctrines treating multiple acts as single offences to preserve proportionality. It concludes that no uniform approach exists, as each model reflects competing priorities of fairness, deterrence, public protection, or proportionality, underscoring the need for clear definitions and empirical evaluation of sentencing policy effectiveness.

Chapter 5. Comparative Legal Analysis of Recidivism in Croatia with Regional Context provides a detailed comparison of recidivism regulation between Croatia and selected Central/Southeastern European countries (Serbia, Hungary, Romania, Poland, Slovakia, Slovenia). It begins with Croatia’s criminal justice overview, covering legislative reforms, crime trends showing long-term decline interrupted by war and legal changes, moderate prison population rate, sentencing patterns dominated by suspended imprisonment, overcrowding challenges and prison system structure. The chapter then examines Croatia’s recidivism framework, tracing historical evolution from Vinodol Code through Yugoslav codes to the current Penal Code's discretionary approach. In the second part, the chapter analyses regional approaches, highlighting definitional divergences, sentencing consequences and implications for cross-border comparability.

Chapter 6. Research Methodology outlines the mixed-methods approach addressing recidivism measurement challenges from inconsistent definitions like rearrest, reconviction or reimprisonment, methodological limitations noted by scholars, and cross-jurisdictional comparability issues due to varying legal frameworks and data practices. The chapter explains secondary data sources including national prison/probation statistics, Eurostat data and SPACE statistics, detailing which specific datasets will be analysed, their selection rationale and methodological limitations affecting cross-national comparability. It then describes the primary data collection process from incarcerated individuals in Croatia, covering sample selection criteria and size, fieldwork timing and locations, questionnaire, data analysis procedures, plus comprehensive ethical considerations including informed consent, confidentiality and research with vulnerable prison populations.

Chapter 7. Presentation of Results presents the empirical findings from both secondary regional data and primary survey data collected from incarcerated individuals in Croatia, while also systematically testing the study's hypotheses. The chapter first examines recidivism indicators and data collection in the region, then moves to the descriptive analysis of questionnaire data from incarcerated individuals and finally presents the qualitative analysis of questionnaire responses on the disadvantages and advantages of the prison system.

Chapter 8. Conclusion with Evidence-Based Policy Recommendations, synthesises the key findings of the dissertation and presents the main conclusions, evidence-based policy recommendations, and directions for future research.

1.2. Research Objectives and Hypothesis

1.2.1. Aim

The purpose of the research is to provide a comprehensive etiological and phenomenological analysis of recidivism in Croatia, with a particular emphasis on criminological patterns and practical criminal law responses. It further aims to conduct a comparative analysis of recidivism in Croatia and selected countries of Central and Southeast Europe (Croatia, Serbia, Hungary, Romania, Poland, Slovakia, Slovenia). The study examines how differences in the definitions of recidivism, together with variations in data collection processes, enable or limit valid cross-national comparisons. Through a lived experience approach, the research seeks to gain deeper insight into the real-world challenges of recidivism, particularly barriers to resocialisation and reintegration. Drawing on normative sources, as well as primary and secondary data, and combining qualitative and quantitative analysis, the study explores underlying factors shaping recidivism patterns in Croatia. Based on these findings, the research aims to propose evidence-based policy recommendations for more effective and coherent approaches to reducing recidivism.

1.2.2. Research Questions

1. How do recidivism definitions differ across Central European countries (Croatia, Serbia, Hungary, Romania, Poland, Slovakia, Slovenia), and to what extent do these definitional differences, alongside variations in data collection processes, enable or preclude valid comparisons of recidivism data?
2. How are early arrest and drugs addiction related to recidivism?
3. Which factors do prisoners consider crucial for deterring recidivism?

1.2.3. Hypotheses

1. Methodological heterogeneity in recidivism definitions and data collection protocols between Croatia and selected regional comparators (Serbia, Hungary, Romania, Poland, Slovakia, Slovenia) precludes statistically valid cross-jurisdictional comparisons of recidivism data.
2. Individuals who were arrested before the age of 18 are more likely to reoffend.
3. The frequency of drug addiction is higher among recidivists compared to non-recidivists.
4. Prisoners perceive systemic factors as more important than personal factors in preventing recidivism.

   Systemic factors include the possibility of finding permanent employment, access to safe and stable housing, acquiring additional education and work skills, access to therapy and mental health care, and social acceptance without stigma.
   Personal factors relate to an individual's internal resources, such as family and friend support, finding a partner and starting a family, successful treatment of addiction, acceptance of responsibility for committed acts and motivation for change, as well as the ability to manage emotions and impulsive behaviour.

1.3. Historical Context and Significance of Recidivism

1.3.1. Evolution of Recidivism with Focus on the Purpose of Punishment

Recidivism has long been recognised worldwide as a persistent phenomenon, historically known for as long as crime itself, and often addressed through increasingly severe punishments applied in different ways across various societies and historical periods. While a comprehensive examination of all recorded instances of recidivism from the earliest accounts of criminal behaviour and societal responses is beyond the scope of this section, some key periods and approaches to its treatment will be mentioned as examples of its historical evolution from the earliest times to the modern era. This section will begin with an overview of recidivism in ancient civilisations, including Egypt, Greece, and Rome, followed by the Middle Ages, and worldwide examples from the 14th to the 18th century. It will also highlight the application of new perspectives on recidivism in the 18th century, with a focus on the period of Enlightenment.

In ancient civilisations, punishment primarily aimed to restore social order and deter future criminal behaviour, initially emphasising retribution and later incorporating restitution.[1] The earliest written records of criminal behaviour can be found in the Code of Hammurabi. However, this legal code does not address recidivism or the repetition of criminal acts.[2] Instead, it is focused on retribution and restitution, with punishments primarily consisting of the death penalty. Given the severity of these sanctions, the Code effectively eliminates the possibility of repeated offences, as the harsh penalties leave no opportunity for offenders to reoffend. The legal systems of Ancient Egypt, Greece, and Rome followed similar practices, focusing on retribution and restitution as the primary responses to criminal behaviour. In Ancient Egypt, crimes were seen as disruptions to *maat* (cosmic order), and offenders were subjected to harsh corporal punishments or execution.[3] Ancient Greece emphasised public retribution, as seen in Draco's severe laws, which often prescribed death for various offences.[4] Likewise, Roman law, exemplified by the Twelve Tables (Leges Duodecim Tabularum), relied on punitive measures and financial restitution.[5] In all these systems, punishments were often extremely severe, with the death penalty being a common sanction. By permanently removing offenders from society,

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[1] Hallevy, 2013, Section 5.5.

[2] *The Code of Hammurabi, 1754 B.C.E.*

[3] Lorton, 1977.

[4] The system of punishment was so severe that even today, excessively harsh penalties are referred to as Draconian punishments. See: Godfrey et al., 2008, p. 155; Roffer, 2015, pp. 21–22.

[5] Hallevy, 2013, pp. 17–18; Roffer, 2015, pp. 27–18.

such measures entirely prevented the possibility of reoffending, thereby 'resolving' the issue of recidivism not through resocialisation or deterrence, but by eliminating repeat offenders altogether. As a result, early legal documents rarely mention recidivism, as the legal framework itself did not allow for the possibility of repeated offences. In the Middle Ages (also known as the "Dark Ages" or "Medieval period"), punishments became more organised, with religious authorities playing a key role in regulating behaviour, though punishments were carried out by secular rulers.[6] The focus shifted from just punishing offenders to using punishment as a way to prevent future crimes.[7] Offenders were punished publicly to serve as a warning to others, with the main goal being to deter further wrongdoing.[8] In all medieval legal systems, the death penalty was viewed as entirely legitimate and was classified as a severe form of punishment.[9] Between the 14th and 15th centuries, punishments for crimes began to exhibit a slight shift towards less severe forms, such as stocks and pillories[10], with certain practices such as mutilations being abolished.[11] Nonetheless, harsh penalties were still employed as a deterrent to recidivism.[12] In England during the Middle Ages, individuals were marked with visible brands to identify and punish offenders, serving as a public warning of their criminal actions (for example, 'B' was used for blasphemers and 'R' for robbers).[13] This branding not only marked the individual as a criminal but also acted as a deterrent, warning others of the consequences of such crimes. Furthermore, special treatment for recidivists is evident in practices such as the protocol for punishing petty thieves. For a first offence, the thief would lose an ear, and for the second, the other ear.[14] However, once the recidivist had no ears left, it was deemed that no further punishment could reform their behaviour, and they were typically sentenced to hanging.[15] During the Ottoman Empire, recidivist offenders faced severe punishments, including the amputation of the right hand for habitual crimes like purse snatching and forgery, and by the mid-16th century, they were often sent to the galleys as an

[6] Stearns, 1936, p. 223.
[7] Stearns, 1936, p. 223.
[8] Hallevy, 2013, p. 124.
[9] Hallevy, 2013, p. 124.
[10] Stocks and pillories were wooden public shaming devices used to punish offences like fraud, forgery, and impersonation, often involving physical mutilation or prolonged exposure, sometimes leading to death. See more details in: Roth, 2011, p. 39.
[11] Roth, 2011, p. 38.
[12] For instance, rapists were subjected to castration or blinding, while thieves faced extreme punishments, such as being scalded to death or having an eye gouged out. See: Roth, 2011, p. 38.
[13] Roth, 2011, p. 39.
[14] Roth, 2014, p. 72.
[15] Roth, 2014, p. 72.

example for others.[16] The specific shape of deterrence, involving public shaming and severe penalties, was observed worldwide. In China, during the Qing dynasty, recidivists were often subjected to the cangue, a public humiliation where their heads were shaved to prevent them from hiding from public view, aiming to deter future offences.[17] The focus during the Middle Ages was not on rehabilitating offenders but on sending a message to society through brutal forms of punishment. Before the 18th century, recidivism was not studied or understood in the same way it is today, but the concept of repeat offenders existed in various forms throughout history.

From ancient civilisations to the Middle Ages and up until the 18th century, punishment primarily focused on retribution with harsh penalties such as the death penalty and public humiliation used to eliminate the possibility of reoffending. Recidivism was not a primary concern, as the severity of punishments often left no room for repeat offences. Even when the punishment was not death, offenders were marked as criminals, ensuring they could not reintegrate into society as full members. The focus remained on maintaining social order and sending a deterrent message rather than addressing the issue of repeat offending.

It was only from the eighteenth century onwards that legal systems began to actively seek ways to alleviate the suffering of those sentenced to execution.[18]As opposition to monarchies grew, humanitarian ideals gained importance, leading to a shift in how offenders were viewed.[19] Early efforts focused on addressing individuals through religious methods, which later evolved to include education as a way to correct behaviour.[20] These changes laid the foundation for the modern concept of reform, while still using punishment as a tool to maintain social order. Furthermore, development reflected a broader shift in the approach to punishment, as legal systems moved away from the harsh, often brutal methods of earlier periods and began to prioritise more humane practices, recognising the need for a less agonising and more measured approach to capital punishment.[21] This period of change, known as the Age of Enlightenment (Aufklärung), marked a shift from medieval pessimism to optimism, moving from cruelty and severity to liberty and freedom.[22] Enlightenment philosophers such as Montesquieu, Voltaire, and Rousseau emphasised humanity's inherent goodness and viewed individuals as rational

[16] Roth, 2014, p. 116.
[17] Roth, 2014, p. 206.
[18] Hallevy, 2013, p. 124.
[19] Stearns, 1936, p. 230; Miller, 2009a, p. 3.
[20] Stearns, 1936, p. 230.
[21] Kellogg, 1977, p. 180.
[22] Fattah, 1997, p. 193; Miller, 2009a, p. 3.

beings capable of moral choice.[23] This belief in human potential and rationality led to significant changes in crime police and justice, replacing theological ideas of expiation with the utilitarian principle of deterrence, which became the basis for a new system of punishment. During the Enlightenment era, several figures stood out for their contributions to criminal justice and punishment reform. Figures such as Beccaria, Bentham, Samuel Romilly, John Howard, and Elizabeth Fry played pivotal roles in advocating for more rational, humane, and effective approaches to dealing with offenders, challenging traditional punitive measures and laying the groundwork for modern criminal justice systems.[24]

Cesare Beccaria and Jeremy Bentham, often considered the fathers of utilitarianism, rejected the demonic perspective and emphasized that individuals exercise free will, act rationally to maximize pleasure and minimize pain, and can be deterred from crime through the threat of swift and certain punishment.[25]

Beccaria, in his *Essay* on *Crimes and Punishments*[26], advocated for a fundamental shift in the criminal justice system, urging the abandonment of excessively harsh punishments that were often evaded or ineffective. He proposed instead a system focused on improved policing and the greater certainty of punishment, believing that such an approach would not only enhance deterrence but also allow for the application of less severe and more proportionate penalties, thereby ensuring justice while maintaining order.[27] Beccaria's main contribution was organising Enlightenment ideas into a clear system, combining the belief that people seek pleasure and avoid pain with societal theories influenced by utilitarianism and Rousseau's social contract.[28] He advocated for the philosophy of deterrence, arguing that certain and proportional punishment would prevent both offenders and potential criminals from committing crimes.[29] Beccaria's belief in isolating offenders from society to prevent them from causing harm or spreading negative influences helped establish the modern idea of incapacitation, where offenders are removed from society to stop them from committing further crimes.[30]

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[23] Fattah, 1997, p. 193; Parkhurst, 2017, p. 99.
[24] Getoš Kalac and Feuerbach, 2025.
[25] Brisman, Eamonn and Nigel, 2017, p. 8.
[26] Beccaria, 1764.
[27] Godfrey, Williams and Lawrence, 2008, p. 153.
[28] Fattah, 1997, p. 194.
[29] Maloić, Ricijaš and Rajić, 2012, p. 30.
[30] Maloić, Ricijaš and Rajić, 2012, p. 30.

Bentham built on Beccaria's ideas by supporting the use of solitary confinement and hard labour as forms of punishment.[31] He argued that the intensity and duration of these punishments should be proportional to the crime, presenting them as a rational and organised way to punish offenders.[32] Furthermore, he applied utilitarian principles to morality, advocating for the greatest happiness for the greatest number, devising a moral arithmetic to measure pleasure and pain, and contributing significantly to prison reform through his progressive ideas.[33] Bentham's core idea was that no two individuals or crimes are identical, and it is the responsibility of the law to account for these differences before administering punishment on behalf of the state, for its protection and that of its citizens.[34]

Building on Beccaria and Bentham's ideas, Samuel Romilly pushed for reforms by arguing that the death penalty should be used only for the most serious crimes and that punishments should be fair and consistent.[35] His efforts were aimed at making the criminal justice system more humane by eliminating practices such as public executions, which he believed promoted cruelty rather than effectively deterring crime.[36]

John Howard was a British prison reformer who dedicated his life to improving the conditions of prisons across Europe.[37] After conducting extensive visits to prisons across Europe, he documented the appalling conditions he encountered in his work *The State of the Prisons*, which highlighted issues such as overcrowding, poor sanitation, and the mistreatment of inmates.[38] He introduced the term "penitentiary", advanced the philosophy of penitence as a basis for rehabilitation, and through his detailed reports led to significant reforms, which introduced a system for secure, sanitary, and reformative prisons.[39] This aligns with a modern lived experience perspective to some extent, as his insights were directly shaped by personal observation rather than abstract theory.

Moreover, Elizabeth Fry was also instrumental in transforming prisons from places of despair and harsh punishment into institutions that focused on humane treatment and rehabilitation.[40] Fry, working as a volunteer, began by making clothes for the babies of women prisoners at

[31] Cooper, 1981, p. 676.
[32] The idea was expressed in Bentham's work *A View of the Hard-Labour Bill*. See: Cooper, 1981, p. 676.
[33] In Bentham's work: *An Introduction to the Principles of Morals and Legislation*. See: Godfrey, Williams and Lawrence, 2008, p. 142.
[34] Draper, 2002, p. 2.
[35] Godfrey, Williams and Lawrence, 2008, p. 159.
[36] Gregory, 1902; Fattah, 1997, p. 204; Godfrey, Williams and Lawrence, 2008, p. 159.
[37] Godfrey, Williams and Lawrence, 2008, p. 153; Roth, 2011, pp. 87–88.
[38] Godfrey, Williams and Lawrence, 2008, p. 153; Roth, 2011, pp. 87–88.
[39] Godfrey, Williams and Lawrence, 2008, p. 153; Roth, 2011, pp. 87–88.
[40] Cooper, 1981.

Newgate Prison in London.[41] Her involvement led to the establishment of a school within the prison, where women were taught to read, write, and sew.[42] The positive changes she observed in the morale and behaviour of the prisoners caught the attention of prison authorities, which ultimately contributed to broader prison reforms.[43]

This brief historical overview highlights the tight relationship between the evolution of the purpose of punishment and the responses towards recidivism. From early retributive practices to contemporary rehabilitation efforts, the development of punishment reflects shifting societal values, priorities, and attitudes toward offenders. Key figures such as Beccaria, Bentham, Samuel Romilly, John Howard, and Elizabeth Fry have made lasting contributions to the criminal justice system, advocating for more rational, humane, and effective approaches to offender management. Their work emphasises the importance of understanding historical perspectives to meaningfully shape current strategies for resocialisation.

1.3.2. Perception of Recidivism in Criminological Theories

Understanding the development of criminological schools and approaches is crucial for comprehending recidivism, as these schools offer varying perspectives on the causes of criminal behaviour and thus recidivism. Theoretical criminology aims to uncover general principles regarding norms and violations, yet it has yet to establish a comprehensive theory of criminal behaviour.[44] A comprehensive understanding of crime and the underlying mechanisms of criminal behaviour is essential, since the aetiology of recidivism is influenced by the same general and specific conditions, both exogenous and endogenous, that shape criminal conduct in a broader sense.[45] This theoretical framework informs applied criminology, which focuses on practical applications, such as addressing recidivism and implementing crime prevention strategies. By examining the evolution of criminological thought, it becomes possible to better grasp the multifaceted nature of recidivism and devise more effective interventions to mitigate reoffending. The search for the causes of crime evolved through four phases: single-factor reductionism, systemic reductionism, multidisciplinary theories, and ultimately, interdisciplinary theory, which now dominates as the leading model for explaining crime and other human behaviours.[46] The interplay between theory and practice in criminology

[41] Đurin, 2017, p. 3; Heseltine and Day, 2017, p. 834.
[42] Đurin, 2017, p. 3; Heseltine and Day, 2017, p. 834.
[43] Đurin, 2017, p. 3; Heseltine and Day, 2017, p. 834.
[44] Fattah, 1997, p. 175; Miller, 2009a, p. 3.
[45] Derenčinović and Getoš, 2008, p. 177.
[46] For more details see: Miller, 2009, p. 12.

highlights the necessity of a nuanced understanding of crime to tackle the challenges associated with recidivism effectively. This section will explore the evolution of criminological theories and their contributions to understanding recidivism. By focusing on key developments and frameworks from the 19th century to the present, the analysis will highlight how shifting perspectives on crime have influenced approaches to dealing with reoffending.

The analysis of recidivism dates to the 19th century when early criminologists and sociologists began systematically studying patterns of criminal behaviour.[47] One of the earliest figures in this field was Cesare Lombroso, an Italian criminologist who linked criminal behaviour to physiological traits. Although his theories were later discredited, his role in the development of modern criminology is undeniable.[48] His work stimulated research into the causes of criminal behaviour, and in the late 19th and early 20th centuries, other important criminologists such as Adolphe Quetelet and André-Michel Guerry emerged and began to use statistical methods to analyse crime data, including recidivism.[49] But question is why did the scientific study of crime and recidivism only emerge in the 19th century, despite crime and reoffending being as old as society itself? Answer lays in the fact that before the 18th century, human actions were believed to be guided by 'Divine Will', with supernatural forces seen as the cause of sin and crime.[50] This belief in divine control over social phenomena left no room for scientific exploration of criminal behaviour. It was only in the 18th century that scholars began to view social phenomena as governed by natural laws, paving the way for the scientific study of crime in the 19th century.[51] The first systematic research on crime began in the 1820s with the publication of national criminal statistics in France, allowing the analysis of crime's extent and causes through factors like age, sex, climate, and economic conditions, suggesting that crime's causes were external to individual control rather than a matter of personal choice.[52]

Beccaria advocates for the objective theory, which focuses on the crime itself and the circumstances surrounding it, without considering the offender's attributes, motives, or background.[53] Along with the jurists of the Classical school, he viewed recidivism as irrelevant to the determination of punishment, advocating for the same penalty for all individuals committing the same crime (regardless of their prior criminal history or age) as they believed

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[47] Fattah, 1997, p. 207; Brisman, Eamonn and Nigel, 2017, p. 7.
[48] Derenčinović & Getoš, 2008, p. 192.
[49] Beirne, 1987, p. 1166; Friendly, 2022, p. 1.
[50] Fattah, 1997, p. 207; Brisman, Eamonn and Nigel, 2017, p. 7.
[51] Fattah, 1997, p. 207; Brisman, Eamonn and Nigel, 2017, p. 7.
[52] Muncie and Hughes, 2003, sec. Introduction: Theorizing Crime and Criminal Justice.
[53] Fattah, 1997, p. 194.

that individualization of punishment would lead to disparity in sentencing.[54] The Classical school of criminology, represented by figures such as Carrara in Italy, Bentham in England, and Feuerbach in Germany, posits that individuals are rational, hedonistic beings guided by reason and the pursuit of pleasure and pain.[55] This school asserts that humans possess free will, making them morally responsible and legally accountable for their actions, which can be influenced by the fear of punishment.[56] However, critics argue that the Classical school ignores the complexity of human behaviour by rejecting the influence of natural causes and various factors that lead to criminal acts.[57] It fails to acknowledge that individuals vary in their capacity to resist temptation and control their impulses, thereby neglecting the notion of differential responsibility.[58] In contrast, the Neo-Classical school, with key figures like Rossi in Italy and Garraud and Joly in France, offers a more detailed view of criminal behaviour by considering factors that reduce responsibility and recognising that offenders may have different levels of accountability.[59] Furthermore, the Neo-Classical school introduced several key innovations to the criminal justice system. It modified the doctrine of free will, recognising that factors like pathology, incompetence, or insanity could impair an individual's ability to choose freely.[60] The school also accepted mitigating circumstances, including environmental and mental conditions, allowing for the consideration of partial responsibility and individual's capacity to choose between right and wrong was admitted into court proceedings, which could lead to a reduction in punishment.[61]

Particular attention should be given to the Positivist school, also known as the school of Criminal Anthropology, as it focused on identifying the natural causes of crime, unlike the Classical and Neo-Classical schools, which were primarily concerned with criminal law and justice reform rather than the aetiology of crime.[62] The Positivist School, represented by key figures like Cesare Lombroso, Enrico Ferri, and Raffaele Garofalo, sought to isolate key differences between criminals and non-criminals and uncover the causes of criminal behaviour, which continued to inform contemporary discussions on recidivism and the understanding of

[54] Fattah, 1997, p. 194.
[55] Fattah, 1997, p. 201; Muncie and Hughes, 2003, pp. 1–4.
[56] Fattah, 1997, p. 202.
[57] Fattah, 1997, p. 204.
[58] Fattah, 1997, p. 204.
[59] Fattah, 1997, p. 205.
[60] Fattah, 1997, p. 205.
[61] Fattah, 1997, p. 205.
[62] Fattah, 1997, p. 214.

criminological factors affecting offenders.[63] Notably, the Classical school[64] and the Positivist School[65] differ fundamentally in their perspectives on crime, responsibility, and punishment. While the Classical School values individual responsibility, free will, and justice, the Positivist School emphasises social protection, determinism, and the need to tailor penalties based on the offender's risk to society.[66] In addition to the Classical and Positivist Schools, other criminological approaches, which include sociological and economic perspectives, have emerged to understand crime.[67] These schools view crime not merely as an individual or pathological issue but as a product of broader social and economic conditions, highlighting the complex interplay between social structures and individual behaviour, broadening the scope of criminological thought.[68] These schools explore various factors, including cognitive processes, personality traits, and emotional responses, to understand why individuals engage in criminal activities. Some approaches focus on individual differences, examining how factors such as intelligence and mental health influence criminality, while others consider the impact of social and environmental contexts. As the field evolved, criminological psychology increasingly diverged from traditional criminology, particularly following the rise of sociological perspectives like those of the Chicago school, which shifted focus towards environmental and social factors in understanding crime.[69]

The Cartographic school, also referred to as the geographic, statistical, or ecological school, is best exemplified by the work of Adolphe Quetelet and André-Michel Guerry.[70] Adolphe Quetelet played a crucial role in the development of positivist criminology by applying

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[63] Fattah, 1997, p. 214; Muncie and Hughes, 2003, sec. Introduction: Theorizing Crime and Criminal Justice.

[64] The Classical school focuses on the crime itself, seeing it as immoral and illegal, with an emphasis on the offender's free will. It views individuals as rational, weighing pleasure against pain before committing crimes. Punishment is seen as a way to deter crime, both by stopping the individual from reoffending and by discouraging others. The law determines punishments based on the crime's severity, and the Classical school supports protecting individual rights, opposing capital punishment, and viewing clemency or pardons as weakening the deterrent effect of punishment. See more in: Fattah, 1997, pp. 219–220.

[65] In contrast, the Positivist school shifts the focus from the crime itself to the criminal, seeing crime as a result of underlying biological and social factors. It rejects free will, believing that people are influenced by their biology and environment. Offenders are seen as products of these influences, with crime being an inevitable result. Responsibility is viewed as social, not moral, and society must protect itself from dangerous individuals. Punishment is about protecting society, not about retribution or deterrence. Measures should be based on the offender's level of danger, and the judge's role is to assess the criminal's type and threat, sometimes supporting capital punishment for the most dangerous offenders. See more in: Fattah, 1997, pp. 219–220.

[66] Fattah, 1997, pp. 219–220)

[67] Fattah, 1997, chap. 10; Miller, 2009a, pt. Theories of Crime and Justice; Maguire, Morgan and Reiner, 2012, pt. Criminology: History and Theory.

[68] Find more details in: Maguire et al., 2012, Chapter Criminological psychology.

[69] Maguire, Morgan and Reiner, 2012, pp. 86–87.

[70] Fattah, 1997, p. 208.

statistical methods to the study of crime, demonstrating that criminal behaviour is shaped by broader social patterns and influenced by societal conditions rather than being solely the result of individual choice.[71] In terms of recidivism, Quetelet's work indirectly highlighted the failure of penal institutions in rehabilitating offenders, particularly the so-called "dangerous classes".[72] His statistical analyses contributed to an understanding that rising recidivism rates pointed to the inefficacy of prisons in preventing reoffending.[73] This recognition, supported by statistical data, helped emphasise the need for reforms and a more empirical approach to understanding criminal behaviour and recidivism in the context of social structures. André-Michel Guerry, like Quetelet, played a crucial role in advancing the empirical study of crime and recidivism through statistical analysis.[74] He also pointed out that recidivism rates were particularly high in central prisons, despite the efforts to improve conditions there, compared to forced labour camps.[75] This observation further emphasised that the reforms made in prisons were ineffective, calling attention to the need for more structured and scientifically informed approaches to addressing recidivism rather than relying on random or speculative reforms.
Furthermore, from the 1920s to the 1940s, the Chicago School demonstrated that crime is primarily influenced by social ecology, focusing on factors such as economic disadvantage, community cohesion, and social stability, rather than individual traits like intelligence or personality, and established a dominant paradigm in U.S. criminology centred on environmental and community-level causes of crime and delinquency.[76] A mark of early Chicago school scholars was their intellectual diversity, drawing insights from disciplines like sociology, anthropology, human ecology, social psychology, and geography, while employing varied methodologies such as case studies, ethnographic fieldwork, participant observation, geographic mapping, and statistical analysis.[77] The Chicago school studies revealed that crime and delinquency often co-occurred with social problems like poverty and residential turnover, suggesting a connection between social and economic conditions and crime rates, and demonstrated that certain areas maintained high crime rates regardless of the residents' ethnicity.[78] It found that crime rates are closely tied to the geographic and physical

[71] Beirne, 1987, p. 1166; Derenčinović and Getoš, 2008, p. 192.
[72] Beirne, 1987, p. 1146.
[73] Beirne, 1987, p. 1146.
[74] Friendly, 2022, p. 1.
[75] Guerry, 2002, p. 25.
[76] Miller, 2009a, p. 5.
[77] Brisman, Eamonn and Nigel, 2017, p. 96.
[78] Brisman, Eamonn and Nigel, 2017, p. 98.

environment, as high delinquency areas consistently maintained their crime levels despite changes in the ethnic and racial composition of residents, highlighting the greater importance of environmental factors over individual characteristics in determining crime rates.[79] Moreover, social disorganization theory, initially proposed by Emile Durkheim, was further developed by the Chicago school in the early twentieth century, highlighting how disorganized communities contribute to higher crime rates.[80] This theory posits that weak social bonds within such communities are key drivers of increased criminal activity.[81]

The contribution of the Chicago school to understanding recidivism lies in its focus on the role of social and environmental factors in shaping criminal behaviour. By highlighting how disorganized communities, characterised by poverty, weak social bonds, and instability, foster crime, the Chicago school shifted the focus away from individual traits and towards broader social structures. This is important for understanding recidivism because it emphasises that reoffending is not merely a result of personal failings but is influenced by external conditions that persist even after an individual has been punished. Addressing recidivism, therefore, requires not only reforming the individual but also improving the social environments that contribute to repeat offending. By demonstrating that crime is deeply rooted in community conditions such as poverty, instability, and weak social ties, the Chicago School laid the foundation for policies that address recidivism through social interventions rather than relying solely on punitive measures. This perspective challenges traditional approaches that focus on personal rehabilitation alone, emphasising the need for structural reforms, such as community development, education, employment opportunities, and social support systems, to reduce repeat offending. In contemporary criminology, the insights of the Chicago School continue to shape discussions on re-entry programmes, restorative justice, and crime prevention strategies, highlighting the enduring importance of social context in tackling recidivism.

Several theories developed after the Chicago school provide fresh perspectives on recidivism. Cultural criminology highlights how power shapes the construction of criminological phenomena, including the creation and violation of rules and the interplay of moral entrepreneurship and transgression.[82] This perspective broadens the scope of criminology to encompass not only crime and criminal justice but also media portrayals, criminalised deviance

[79] Fattah, 1997, p. 213.
[80] Brisman, Eamonn and Nigel, 2017, pp. 100–101.
[81] Brisman, Eamonn and Nigel, 2017, pp. 100–101.
[82] Maguire, Morgan and Reiner, 2012, chap. Cultural Criminology.

among elites, and the emotional expressions of victims.[83] By examining the meanings assigned to crime within cultural contexts, cultural criminology emphasises fluidity and change, advocating for methods that respect the complexities of human actors (including offenders, victims, law enforcement, and the public).[84] This perspective is particularly important in the realm of penal populism, as it underscores how cultural narratives and power dynamics influence public perceptions and responses to crime. In the context of recidivism, cultural criminology brought a new perspective by showing how crime and reoffending are influenced by social meanings, media portrayals, and public perceptions. It highlights how former offenders are often labelled and stigmatised, making reintegration difficult and increasing the risk of reoffending. This approach is important because it reveals how moral panic and public fears shape policies, leading to harsher punishments instead of support for rehabilitation. Today, this understanding remains crucial, as negative stereotypes and penal populism continue to impact responses to recidivism. Recognising these cultural influences helps develop policies that prioritise reintegration over exclusion, improving rehabilitation efforts. This aligns with labelling theory, which argues that being labelled as a criminal reinforces an offender's identity and increases the likelihood of reoffending.[85] Today, labelling theory insights remain important, as negative labels continue to limit reintegration efforts. Recognising the impact of labelling helps promote policies that support reintegration, reduce stigma, and provide better opportunities for former offenders. By shifting the focus from punishment to social support, this perspective encourages rehabilitation strategies that address the root causes of recidivism and foster long-term desistance from crime. Social learning theory underscores the importance of peer influences and the learning of behaviours through social interactions, which can directly affect the likelihood of reoffending.[86] Social learning theory contributed to understanding recidivism by focusing on how criminal behaviour is learned through interactions with others, particularly peers who reinforce deviant behaviours and attitudes. It suggested that individuals are more likely to reoffend if they continue to associate with those who model and reward criminal conduct. This theory was important because it moved the focus from individual traits to the influence of social environments in shaping behaviour. Today, social learning theory

[83] Maguire, Morgan and Reiner, 2012, p. 113.
[84] Maguire, Morgan and Reiner, 2012, p. 133.
[85] Piquero, Farrington and Blumstein, 2003, p. 394; Miller, 2009a, p. 211; Cullen, Jonson and Nagin, 2011, p. 54; Bales *et al.*, 2012, p. 72.
[86] Fattah, 1997, p. 273; Hollin and Palmer, 2006, p. 5; McGuire, 2006, pp. 71–75; Miller, 2009a, p. 248; Raynor and Robinson, 2009, pp. 12–13; Wikström and Treiber, 2009; Bales *et al.*, 2012, p. 72; Getoš, Albrecht and Kilchling, 2014, p. 380; Brisman, Eamonn and Nigel, 2017, pp. 115–118.

remains crucial in addressing recidivism, as it highlights the importance of changing the social circles of offenders. By recognising the role of peer influence, rehabilitation programmes can be designed to encourage positive social interactions and deter criminal behaviour. Routine activity theory shifted focus from individual traits to the surrounding environment and situations that make crime more likely, providing insights into situational prevention strategies.[87] Routine activity theory contributed to understanding recidivism by highlighting how crime is more likely to occur when three elements come together: a motivated offender, a suitable target, and a lack of capable guardianship.[88] Today, this theory is still important for addressing recidivism, as it helps in identifying opportunities for crime that can be reduced or eliminated. By improving environmental factors, such as increasing surveillance and strengthening social controls, it is possible to lower the chances of reoffending and support the successful reintegration of offenders. Strain theory explaining how socioeconomic factors and perceived injustices can push individuals towards criminal behaviour, highlighting the connection between social structures and recidivism.[89] This theory remains important in understanding recidivism, as it underscores the need for addressing the underlying social and economic factors that lead to crime. By reducing inequality and providing better opportunities for offenders, the likelihood of reoffending can be lowered, supporting more effective rehabilitation efforts. Control theory is significant for its emphasis on the role of social bonds and community involvement in deterring criminal behaviour, suggesting that strengthening community ties can reduce recidivism.[90] The relevance of control theory for recidivism lies in its focus on the importance of social bonds and connections in preventing reoffending. According to this theory, when individuals lack strong ties to family, community, or societal institutions, they are more likely to reoffend. This understanding highlights the need for rehabilitation programs that help strengthen offenders' social bonds, promote positive relationships, and provide support to reduce the chances of recidivism. Life-course theory

[87] Derenčinović and Getoš, 2008, p. 225; Miller, 2009a, pp. 279–287; Tillyer and Eck, 2011; Maguire, Morgan and Reiner, 2012, p. 54; Coleman and Norris, 2013, p. 58; Brisman, Eamonn and Nigel, 2017, pp. 536–539; DeKeseredy and Dragiewicz, 2018, p. 24.

[88] Derenčinović and Getoš, 2008, p. 225; Miller, 2009a, pp. 279–287; Tillyer and Eck, 2011; Maguire, Morgan and Reiner, 2012, p. 54; Coleman and Norris, 2013, p. 58; Brisman, Eamonn and Nigel, 2017, pp. 536–539; DeKeseredy and Dragiewicz, 2018, p. 24.

[89] McGuire, 2006, p. 72; Wikström and Treiber, 2009, p. 434; Maguire, Morgan and Reiner, 2012, p. 16; Coleman and Norris, 2013, p. 109; Brisman, Eamonn and Nigel, 2017, pp. 136–139; Dadashazar, 2017, pp. 8–9; DeKeseredy and Dragiewicz, 2018, pp. 32, 219; Maloić and Todosiev, 2020, p. 238.

[90] Eck, 1995, pp. 787–788; Maguire, Morgan and Reiner, 2012, pp. 49–54; Coleman and Norris, 2013, pp. 67–69; Brisman, Eamonn and Nigel, 2017, pp. 24–26; Gómez, 2018, pp. 34–36.

examining how criminal behaviour develops over an individual's lifetime.[91] Life-course theory is important for understanding recidivism because it emphasises that criminal behaviour is not just a one-time event but a process that evolves over the course of a person's life. It suggests that individuals are more likely to reoffend if they face disruptions or negative experiences at key stages in life.[92] Today, life-course theory helps us understand that recidivism is not just the result of past behaviour, but also how life experiences, relationships, and opportunities can shape the likelihood of reoffending over time. Like life-course theory, developmental criminology also examines how an individual's experiences and environment influence their criminal behaviour over time. However, while life-course theory emphasizes key life events and transitions that can impact the likelihood of offending, developmental criminology focuses more on the process by which criminal behaviour develops and changes across the lifespan. It places particular importance on early influences, such as family dynamics, peer relationships, and childhood experiences, and how these factors interact and evolve over time to either promote or prevent criminal behaviour.[93] Situational crime prevention theory is highlighted for its practical applications in crime prevention, suggesting that modifying the environment can effectively reduce opportunities for reoffending.[94] By addressing specific locations and conditions that enable criminal behaviour, situational crime prevention offers practical and targeted strategies to reduce recidivism by decreasing the chances of reoffending in particular contexts. Psychological theories draw attention to individual psychological traits, recognising that mental health and personality factors play a critical role in the likelihood of reoffending.[95] These theories are important for understanding recidivism because they emphasise that criminal behaviour may stem from deeper psychological issues, and addressing these through therapy, cognitive restructuring, and emotional support can be crucial for reducing reoffending. Critical criminology explores how power, inequality, and social structures shape crime and the justice system.[96] It is important for understanding recidivism because it reveals how factors

[91] Wikström and Treiber, 2009, p. 354,392; Maguire, Morgan and Reiner, 2012, pp. 538–545; Brisman, Eamonn and Nigel, 2017, pp. 65–68; Gómez, 2018, pp. 31–33.
[92] Wikström and Treiber, 2009, p. 354,392; Maguire, Morgan and Reiner, 2012, pp. 538–545; Brisman, Eamonn and Nigel, 2017, pp. 65–68; Gómez, 2018, pp. 31–33.
[93] Farrington *et al.*, 2006, p. 3; Farrington and Davies, 2007, p. 13; Wikström and Treiber, 2009, pp. 315–320; Maguire, Morgan and Reiner, 2012, pp. 532–537; Brisman, Eamonn and Nigel, 2017, pp. 60–64.
[94] Cullen, Jonson and Nagin, 2011, p. 61; Tillyer and Eck, 2011, pp. 186–188; Maguire, Morgan and Reiner, 2012; Brisman, Eamonn and Nigel, 2017, p. 526.
[95] Fattah, 1997, pp. 132–133; Muncie and Hughes, 2003, p. 74; Hollin and Palmer, 2006, pp. 1–2; McGuire, 2006, p. 71; Miller, 2009a, sec. 31; Maguire, Morgan and Reiner, 2012, pt. 3; Dadashazar, 2017, p. 3.
[96] Jones *et al.*, 2009; Maguire, Morgan and Reiner, 2012, pp. 312–312, 722; Coleman and Norris, 2013, p. 76; Çalik, 2018, p. 313; DeKeseredy and Dragiewicz, 2018, p. 235.

like poverty, discrimination, and social exclusion contribute to reoffending. Unlike traditional approaches that focus on individual responsibility, critical criminology emphasises the role of systemic injustices in shaping criminal behaviour.[97] This perspective remains relevant today, as it highlights the need for policies that address social inequalities, improve rehabilitation efforts, and support reintegration, rather than relying solely on punishment. Convict criminology, rooted in the principles of critical criminology, advocates for a bottom-up approach to understanding crime and its control.[98] Emerging in the early 1990s, convict criminology has been characterised as a school, movement, or network, primarily advocating for the recognition of convict voices that have been overlooked, minimised, or misinterpreted in academic and policy-related research.[99] It highlights the significant shortcomings of public policies that are imposed on a deeply marginalised segment of society, emphasising the need to consider the lived experiences of those directly affected by the criminal justice system.[100] Convict criminology provide deeper insight into crime, recidivism, and their causes but also ensure that convicts and prisoners are recognised as active participants rather than passive subjects of research, acknowledging them as key stakeholders in efforts to reduce crime and recidivism.[101] By including the perspectives of those with lived experience, policies and rehabilitation programmes can be designed to address real challenges, such as employment discrimination, social stigma, and inadequate post-release support. This approach shifts the focus from purely punitive measures to evidence-based strategies that prioritise education, vocational training, and community reintegration. Recognising the voices of prisoners helps create more effective policies that reduce reoffending by tackling the root causes of recidivism rather than just its consequences.

Furthermore, it is important to mention modern criminology, in which the influence of neurocriminology become increasingly significant. Neurocriminology emerged as a distinct field in the late 20th and early 21st centuries, fuelled by advances in neuroscience that uncovered the role of neurobiological factors in criminal and antisocial behaviour.[102] Neurocriminology's roots can be traced back to the positivist school of criminology, and while early theories, such as those of Lombroso in the 19th century, were flawed and based on biased

[97] Jones *et al.*, 2009; Maguire, Morgan and Reiner, 2012, pp. 312–312, 722; Coleman and Norris, 2013, p. 76; Çalik, 2018, p. 313; DeKeseredy and Dragiewicz, 2018, p. 235.

[98] Miller, 2009a, p. 215.

[99] Newbold, 2017; Ross, 2017, sec. 4.4.

[100] Miller, 2009a, p. 215.

[101] Getoš Kalac and Feuerbach, 2023, p. 20.

[102] Brisman, Eamonn and Nigel, 2017, sec. 1.16.; Getoš Kalac and Feuerbach, 2023, p. 17.

methodologies, modern neurocriminology extends the positivist view by applying advanced neuroscience techniques (e.g. brain imaging (MRI, fMRI) and neurophysiological measurement) to explore the role of the brain, neurochemicals, and genetics in criminal behaviour.[103] Neurocriminology introduces a new perspective by highlighting that criminal behaviour is not only a result of social, environmental, or psychological factors, but also deeply connected to biological processes. This perspective challenges the traditional view of offenders as merely making conscious, rational choices to commit crimes and instead considers the influence of brain functioning on their actions.[104] By investigating the neurological and biochemical markers that may predispose individuals to criminal behaviour, neurocriminology provides more precise tools for assessing risk and developing effective rehabilitation strategies.[105] However, the field also raises ethical concerns, including the potential for stigmatization, misuse of neurobiological data, and questions about free will and moral responsibility. Balancing these risks with the potential benefits is crucial as neurocriminology continues to shape the future of crime prediction, prevention, and resocialisation.[106]

All the above theories collectively enrich the understanding of recidivism by addressing its causes from multiple angles, informing more effective prevention strategies. This is not an exhaustive list of theories, as fully mentioning and describing all frameworks that explain potential causes of criminal behaviour could be a dissertation topic itself. Rather, this serves as an overview of some key theories and developments that have influenced contemporary approaches to recidivism. The diverse perspectives and schools within criminology illustrate the complexity of understanding criminal behaviour and the multifaceted nature of crime. Each school contributes valuable insights, from classical and positivist approaches to neurocriminology, enriching the field with various methodologies and theoretical frameworks. By integrating these insights, researchers and practitioners can identify not only the individual predispositions that contribute to criminal behaviour but also the social, environmental, and cultural contexts that may facilitate or hinder the resocialisation of offenders. This comprehensive approach is a precondition for designing targeted interventions that address the root causes of recidivism, ultimately improving the effectiveness of prevention strategies and fostering more informed criminal justice policies that support resocialisation and reduce recidivism.

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[103] Brisman, Eamonn and Nigel, 2017, sec. 1.16.

[104] Brisman, Eamonn and Nigel, 2017, sec. 1.16.; Blakey, 2018.

[105] Glenn and Raine, 2013; Brisman, Eamonn and Nigel, 2017, sec. 1.16.

[106] Brisman, Eamonn and Nigel, 2017, sec. 1.16.; Anderson, 2021.

Table 1: Overview of Criminological Schools and Their Contemporary Relevance

CRIMINOLOGY SCHOOL	KEY FIGURES	EMERGENCE	KEY FOCUS	MAIN CONTRIBUTIONS TO UNDERSTANDING RECIDIVISM
CLASSICAL SCHOOL[107]	Beccaria, Bentham, Feuerbach, Carrara	18th century	Rational choice, deterrence, free will.	Emphasis on rational choice suggests that recidivism occurs because individuals make conscious decisions to reoffend, and advocates for the application of uniform punishment for similar crimes, regardless of the individual's background. Limited relevance today because it overlooks the complex social, psychological, environmental and other factors that contribute to recidivism, focusing primarily on individual responsibility and the deterrent effect of punishment.
POSITIVIST SCHOOL[108]	Lombroso, Ferri, Garofalo	Late 19th century	Determinism, crime as a social and biological phenomenon.	Shifting the focus from individual choice to external factors that may influence criminal behaviour. It laid the groundwork for understanding how factors such as genetics, mental illness, and social environment could increase the likelihood of reoffending and helped explain why some individuals are more prone to recidivism than others. While the Positivist School's contributions remain significant in shaping our understanding of the causes of crime and recidivism, its

[107] (Mannheim, 1936, p. 33; Fattah, 1997, pt. III; Muncie and Hughes, 2003, pt. I; Miller, 2009a, chap. 2; Coleman and Norris, 2013, pp. 17–25; Brisman, Eamonn and Nigel, 2017, pt. I)

[108] (Weinhofen, 1929; Kellogg, 1977; Beirne, 1987; Fattah, 1997; Roth, 2011, p. 182; Dragičević Prtenjača, 2014; Brisman, Eamonn and Nigel, 2017, sec. 1.4; Knepper, 2017)

				deterministic framework is largely replaced by more comprehensive and multifaceted approaches.
CARTOGRAPHIC (GEOGRAPHIC) SCHOOL[109]	Quetelet, Guerry	19th century	Relationship between geographic and social factors on crime.	Understanding crime patterns based on geographical locations helps identify high-risk areas where recidivism is more prevalent, aiding in targeted crime prevention efforts. By focusing on environmental and social factors, strategies can be developed to improve neighbourhood conditions, reduce crime opportunities, and support reintegration efforts in high-risk areas.
NEO-CLASSICAL SCHOOL[110]	Rossi, Garraud, Joly	Early 20th century	Mitigating circumstances	Builds on the Classical School but acknowledges mitigating circumstances, promoting more individualized sentencing. This recognition has led to more tailored resocialisation programs and a humane approach to addressing recidivism by focusing on the root causes of offending behaviour.
CHICAGO SCHOOL[111] **+ SOCIAL DISORGANIZATION THEORY**[112]	Robert Park, Ernest Burgess, Shaw, McKay,	Early 20th century	Social structures and urban environments as causes of crime.	Focuses on the role of social structures and urban environments in shaping criminal behaviour. Promotes strategies that go beyond punishment, prioritising resocialisation, social

109 (Fattah, 1997, pp. 208–214; Friendly, 2022)
110 (Fattah, 1997, pp. 214–216; DeKeseredy and Dragiewicz, 2018)
111 (Fattah, 1997, p. 213; Maguire, Morgan and Reiner, 2012, pp. 54–59; Brisman, Eamonn and Nigel, 2017, sec. 2.1.; DeKeseredy and Dragiewicz, 2018, pp. 33, 389, 393)
112 (Miller, 2009a, pp. 11–12; Wikström and Treiber, 2009, pp. 56–57; Maguire, Morgan and Reiner, 2012, pp. 47–49; Brisman, Eamonn and Nigel, 2017, chap. 2.2.; DeKeseredy and Dragiewicz, 2018, pp. 391–393; Onyeneke and Karam, 2022)

	Emile Durkheim			support, and community involvement to break the cycle of reoffending.
PSYCHOLOGICAL THEORIES[113]	Sigmund Freud, John Bowlby, Hans Eysenck	20th century	Focus on mental health, personality traits, and individual psychology in criminal behaviour.	Contributes to understanding recidivism by highlighting the role of individual psychological traits such as impulsivity, aggression, and emotional regulation issues in repeat offending. The focus on mental health treatment and therapeutic interventions has influenced modern correctional practices, such as providing psychological counselling and tailored resocialisation programs for offenders with mental health issues.
LABELLING THEORY[114]	Howard Becker, Edwin Lemert, Frank Tannenbaum	Mid 20th century	Society's reactions to crime label individuals.	Argues that criminal labels and societal stigma can perpetuate criminal behaviour by limiting opportunities for reintegration. Once individuals are labelled as criminals, they are often pushed into reoffending cycles. This theory highlights the need for alternative sentencing and support mechanisms to prevent the criminal label from leading to recidivism.
SOCIAL LEARNING THEORY[115]	Edwin Sutherland, Ronald Akers	Mid 20th century	Crime as a learned behaviour	Suggests that recidivism can be understood as the result of continued association with criminal environments

[113] Zamble and Quinsey, 1997, p. 142; Hollin and Palmer, 2006; Miller, 2009a, chap. 31; Maguire, Morgan and Reiner, 2012, chap. 3; Brisman, Eamonn and Nigel, 2017, chaps. 1.9., 1.15., 3.17.

[114] Derenčinović and Getoš, 2008, pp. 208–212; Godfrey, Williams and Lawrence, 2008; Maguire, Morgan and Reiner, 2012, pp. 65–68; Coleman and Norris, 2013, pp. 69–70; Brisman, Eamonn and Nigel, 2017, chap. 3.18; O'donnell, 2020, p. 38.

[115] Hollin and Palmer, 2006, p. 5; Warren, 2007, p. 1309; Raynor and Robinson, 2009, p. 12; Maguire, Morgan and Reiner, 2012, pp. 102–103; Coleman and Norris, 2013, p. 40; Getoš, Albrecht and Kilchling, 2014, p. 380; Brisman, Eamonn and Nigel, 2017, chap. 2.5.

			through interactions and social influences.	and influences, emphasising the role of social networks in perpetuating criminal behaviour. It informs resocialisation efforts that aim to alter an individual's social environment, promoting positive peer associations and supportive networks that reduce the risk of recidivism.
ROUTINE ACTIVITY THEORY[116]	Lawrence Cohen, Marcus Felson	Mid 20th century	Emphasis on the role of opportunity in crime commission and prevention.	Argues that recidivism can be reduced by changing the environment to limit opportunities for crime. By identifying situations where reoffending is more likely to occur, this theory informs situational crime prevention strategies, such as better security, surveillance, and environmental design, which can reduce the chances of recidivism.
STRAIN THEORY[117]	Robert Merton, Richard Cloward, Lloyd Ohlin	Mid 20th century	Focus on societal pressures that encourage criminal conduct as means of achieving goals.	Provides a link between social inequality and recidivism, suggesting that individuals who are denied legitimate means of achieving societal goals may turn to crime. To prevent recidivism, this theory advocates addressing the structural causes of crime, such as poverty, lack of education, and limited job opportunities.

[116] Derenčinović and Getoš, 2008, p. 225; Miller, 2009a, pp. 281–282; Tillyer and Eck, 2011; Maguire, Morgan and Reiner, 2012, pp. 774–775; Brisman, Eamonn and Nigel, 2017, chap. 6.8.

[117] Eck, 1995, p. 783; Piquero, Farrington and Blumstein, 2003; Wikström and Treiber, 2009; Coleman and Norris, 2013, p. 63,109; Dadashazar, 2017; DeKeseredy and Dragiewicz, 2018, p. 32,219; Onyeneke and Karam, 2022, p. 10.

SOCIAL CONTROL THEORY[118]	Travis Hirschi	Mid 20th century	Focus on how strong social bonds prevent deviant behaviour.	Offers a valuable perspective on recidivism by emphasizing that individuals with strong, positive social bonds (e.g., family, employment, education) are less likely to reoffend. It supports resocialisation efforts aimed at strengthening social ties and community engagement to reduce recidivism.
LIFE-COURSE THEORY[119]	Glen Elder, John Laub, Robert Sampson	Late 20th century	Examines how individual life experiences shape crime involvement over time.	Suggests that the likelihood of recidivism is influenced by various life events, including childhood experiences, relationships, and changes in social roles. Interventions aimed at disrupting negative life trajectories, such as offering support at key turning points, can reduce reoffending by altering the course of an individual's criminal career. This theory highlights the importance of considering an individual's entire life history when understanding and addressing recidivism.
CULTURAL CRIMINOLOGY[120]	Jock Young, Jeff Ferrell	Late 20th century	Crime as influenced by cultural narratives, power	By addressing how cultural stigmas and narratives contribute to the labelling and marginalisation of offenders, highlights the impact of societal reactions on recidivism. Suggests that cultural dynamics can perpetuate a

[118] McGuire, 2006, p. 72; Miller, 2009a; Coleman and Norris, 2013, pp. 67–69; Brisman, Eamonn and Nigel, 2017, p. 122; DeKeseredy and Dragiewicz, 2018, p. 108.

[119] Wikström and Treiber, 2009, p. 354,392; Maguire, Morgan and Reiner, 2012, pp. 538–545; Brisman, Eamonn and Nigel, 2017, pp. 65–68; Gómez, 2018, pp. 31–33.

[120] Miller, 2009a, chap. 25; Maguire, Morgan and Reiner, 2012; DeKeseredy and Dragiewicz, 2018, chap. 8.

			structures, and media.	cycle of criminality, where individuals labelled as criminals may face barriers to reintegration and be more likely to reoffend.
DEVELOPMENTAL CRIMINOLOGY[121]	Terrie Moffitt, John Laub, Robert Sampson	Late 20th century	Examines the role of developmental and social factors in crime.	Provides a framework for understanding the long-term causes of crime and offers valuable insights into how targeted interventions at various stages of an individual's life can reduce recidivism. By focusing on key life events, such as transitions into adulthood, and the role of social support systems, policies can be designed to provide early intervention and support for individuals at risk of reoffending, promoting more effective resocialisation and reintegration into society.
SITUATIONAL CRIME PREVENTION[122]	Ronald Clarke, Derek Cornish.	Late 20th century	Focus on altering the environment to reduce crime opportunities.	Emphasizes the idea that crime is often a result of the availability of opportunities, and by modifying those opportunities, crime can be prevented. Highlights the importance of creating environments that limit criminal opportunities, which can aid in preventing repeat offending by reducing triggers and opportunities for reoffending.

[121] Farrington *et al.*, 2006, p. 3; Farrington and Davies, 2007, p. 13; Wikström and Treiber, 2009, pp. 315–320; Maguire, Morgan and Reiner, 2012, pp. 532–537; Brisman, Eamonn and Nigel, 2017, pp. 60–64.

[122] Miller, 2009a, pp. 283–284; Cullen, Jonson and Nagin, 2011, p. 61; Tillyer and Eck, 2011; Maguire, Morgan and Reiner, 2012, pp. 773–774; Coleman and Norris, 2013, pp. 46-47,146-149; Brisman, Eamonn and Nigel, 2017, pp. 89, 90, 418, 515, 526, 531.

CRITICAL CRIMINOLOGY[123]	Marxist theorists, Feminist theorists, Postmodern theorists	Late 20th century	Examines the role of power, inequality, and social justice in criminal justice systems.	Highlights how systemic factors such as poverty, marginalisation, and discrimination contribute to the cycle of reoffending. By focusing on these structural issues, it promotes the need for a more equitable justice system that prioritises resocialisation over punitive measures.
CONVICT CRIMINOLOGY[124]	Jeffrey Ian Ross, Stephen C. Richards	Late 20th century	Insider perspectives on crime, punishment, and reintegration.	Brings an insider's perspective to the study of crime, punishment, and resocialisation, emphasizing the lived experiences of offenders. Its focus on the experiences of those directly affected by the criminal justice system offers valuable insights into how resocialisation can be improved, aiming to reduce reoffending through a more supportive and understanding approach.
NEUROCRIMINOLOGY[125]	Adrian Raine, Kent Kiehl, Hannah Moffitt	Late 20th century	Focus on the relationship between brain function, genetics, and criminal tendencies.	Investigates the biological and neurological underpinnings of criminal behaviour, proposing that understanding brain function and genetic factors may lead to more effective resocialisation methods and a better understanding of the risks for recidivism in individuals with neurological vulnerabilities.

[123] Fattah, 1997, pp. 176, 296; Miller, 2009a, pp. 211–212; DeKeseredy and Dragiewicz, 2018.
[124] Richards, 2013; Newbold *et al.*, 2014; Newbold, 2017, chap. 40; Richards *et al.*, 2018.
[125] Becker, 2012; Glenn and Raine, 2013; Raine, 2014; Blakey, 2018; Anderson, 2021.

2. Recidivism – Concepts, Approaches and Definitions

This chapter sets the foundation for understanding recidivism by outlining its conceptual breadth and the multifaceted ways in which it is approached and defined. Through an interdisciplinary lens, it explores how different fields, criminology, law, and penology, interpret and address the phenomenon of repeated offending. By distinguishing among reoffending, rearrest, reconviction, and reincarceration, and examining the theoretical and institutional frameworks that shape these distinctions, the chapter aims to provide clarity and consistency in the terminology and understanding of recidivism as a critical issue in criminal justice systems. The contribution of this chapter lies in offering a comprehensive analysis that not only clarifies the diverse conceptual perspectives on recidivism but also facilitates a deeper understanding of the phenomenon. This understanding provides a foundation for transparent research that can serve as a basis for evidence-based policy recommendations aimed at reducing reoffending.

2.1. Conceptual Considerations

At its core, recidivism can be understood as a repetition of criminal behaviour, yet this repetition itself does not inherently differ from the reasons why individuals commit crimes in the first place.[126] Other words, both recidivism and initial criminal acts share a set of underlying causes, whether they are social, psychological, economic, or environmental. The question, therefore, is not necessarily why people commit crimes, but why some individuals, after encountering punishment, continue the path of offending, while others seem to experience a transformation. For over a century, criminologists have shown sustained interest in the issue of recidivism, seeking to understand why some individuals reoffend while others do not.[127] As early as 1917, Heacox, a prison psychologist at Auburn State Prison in the United States, published one of the first known studies on the topic, analysing parole violators who returned to prison.[128] Since then, hundreds of studies have investigated the phenomenon by examining a wide array of influencing factors. These include biographical details (such as age, education, and occupation), judicial history (like age at first conviction), psychological and psychiatric characteristics (such as intelligence, neuroticism, psychopathy, and alcoholism), family

[126] Derenčinović and Getoš, 2008, p. 177.
[127] Buikhuisen and Hoekstra, 1974, p. 63.
[128] Buikhuisen and Hoekstra, 1974, p. 63.

circumstances, school performance, work history, and leisure time activities.[129] This body of research not only illustrates the enduring interest in recidivism but also reflects the complex and multidisciplinary nature of criminological inquiry.

Criminal law and its punishments inform the public about which behaviours are forbidden, setting clear limits on what is acceptable within the community.[130] Criminological research often seeks to understand why certain groups tend to engage in more criminal behaviour than others.[131] The focus is not on defining specific crimes, but on explaining differences in criminality or crime rates across social groups, settings, or time periods. Once the key variables are identified, those being explained (dependent) and those believed to influence them (independent), criminologists analyse how these variables relate.[132] This is done through correlation, assessing whether changes in one variable are associated with changes in another, and whether the relationship is positive or negative.[133]

Recidivism stands out as a distinct phenomenon within overall criminality due to several specific features. Its heightened social danger stems less from the number or severity of offences and more from its persistent nature, its potentially contagious effect on others and the pronounced individual traits of repeat offenders, or certain groups among them, that suggest an increased level of dangerousness.[134] These aspects give recidivism a particular weight and significance within the wider landscape of crime. By examining recidivism, attention is drawn to the dynamic between punishment, resocialisation, and personal transformation. It allows for reflection on the effectiveness of the criminal justice system in addressing not only the causes of crime but also the reasons behind the persistence of criminal behaviour, even after individuals have been sanctioned. The most common method for evaluating the effectiveness of criminal justice programs is by assessing whether offenders' relapse into criminal behaviour, which is typically measured through rearrest, reconviction, or reincarceration.[135] Focusing on recidivism offers an added layer of insight because it isolates the question of repetition, why do certain individuals repeat their criminal actions while others do not? This focus does not dismiss the broader issue of crime, but it highlights a specific aspect that may be overlooked when the conversation is solely about criminality in general.

[129] Buikhuisen and Hoekstra, 1974, p. 63.
[130] Maltz, 2001, p. 15.
[131] Miller, 2009a, p. 6.
[132] Miller, 2009a, p. 6.
[133] Miller, 2009a, p. 6.
[134] Nikolić-Ristanović and Konstantinović-Vilić, 2018, p. 77.
[135] Miller, 2009a, p. 626.

When individuals are released from prison or face other forms of punishment, they re-enter a society that often lacks the necessary tools for effective reintegration. For some, this experience triggers reflection, leading to resocialisation and a shift toward prosocial behaviour. Yet, for others, incarceration does little to change the course of their lives. The underlying factors that first led them to criminality remain, sometimes intensified by the stigma and alienation that accompany a criminal record.[136] For these individuals, returning to crime may appear as an inevitable consequence of their circumstances. This raises the profound question: what makes the difference between those who break free from this cycle and those who remain ensnared? Is it a matter of individual choice, social support, or something deeper, rooted in the structures of their lives and identities? And perhaps most fundamentally, is it always possible to achieve true transformation, or are there limits to the capacity for change, shaped by factors beyond an individual's control? The distinction lies not just in the actions taken, but in the potential for change, and whether that transformation can ever be fully realised within the constraints of one's environment and history. Research on recidivism offers valuable insights for crime control strategies aimed at reducing reoffending by identifying repeat offenders, examining factors linked to frequent offending, and assessing the effectiveness of intervention programmes.[137] If recidivism is understood as part of the broader criminal experience, then addressing it becomes a matter of identifying the specific mechanisms that allow for behavioural change or, conversely, those that trap individuals in cycles of offending. Furthermore, the distinction between someone who has committed one, two, or five criminal offenses is not merely a statistical category but highlights a deeper difference in criminal behaviour. This disparity raises a fundamental question in the study of recidivism, as the motivations, circumstances, and psychological processes behind the first, second, or fifth offense can differ. The value of recidivism research lies precisely in this difference, seeking to explain why some individuals commit one crime, while others become trapped in a cycle of repeated offenses. The distinction between first-time offenders and repeat offenders is further validated by classifications within recidivism, particularly with the identification of chronic offenders. The term "chronic offender" typically refers to individuals who repeatedly or persistently break the law.[138] While there is no universally accepted threshold for the number of offenses required to be classified as chronic, the key idea lies in the understanding that something differentiates these individuals from others. Chronic offenders represent a subset of

[136] Coleman and Norris, 2013, p. 8.
[137] Payne, 2007, pt. Vii.
[138] Nobles, 2001, p. 4.

individuals who, despite having encountered the criminal justice system, continue to offend in a way that sets them apart from first-time offenders or those with limited criminal histories.[139] Research on chronic offenders revealed that a small group of males with five or more convictions accounted for a significant portion of the total convictions in the sample.[140] Additionally, the study found that the likelihood of recidivism remained consistently high at 84.5% after the fourth conviction.[141]

An illustrative example of chronic offenders can be seen in data from 1996 to 1999 in Minesota, where just 5% of offenders, classified as chronic due to having at least three felony convictions or five or more total convictions, were responsible for a disproportionate share of crime. These 11,600 individuals accounted for 19% of all convictions and 37% of all felony convictions during that period, underscoring the significant impact of a small, persistent group of offenders on the criminal justice system.[142]

To achieve resocialisation, it is crucial to understand the factors that contribute not only to an individual's initial involvement in crime but also to the recurrence of criminal behaviour. While external factors such as socioeconomic conditions, education, and the functioning of the criminal justice system are often emphasized, those who have experienced crime and punishment firsthand can provide unique and valuable insights into the reasons behind recidivism. Offenders themselves, however, are often overlooked in the process of gathering information and formulating policy. Their lived experiences are frequently disregarded, even though they possess critical knowledge about the underlying causes of repeated criminal behaviour. By acknowledging the voices of those who have navigated the cycle of crime and punishment, it becomes possible to identify the deeper, often overlooked factors that contribute to reoffending. In addition to focusing on the experiences of individuals who have been incarcerated, along with the impact on their families and communities, there has been growing attention to the systems that underpin incarceration.[143] This includes an exploration of how criminal justice policies are formed and the ways in which they are integrated into the broader social and political landscape.[144] By examining these systemic aspects, researchers can better understand the factors influencing recidivism and the broader implications of criminal justice

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[139] Erickson, 1973; Maltz, 2001; Nobles, 2001; Brisman, Eamonn and Nigel, 2017, chap. 1.13.; Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a.

[140] Miller, 2009a, p. 264.

[141] Miller, 2009a, p. 264.

[142] Nobles, 2001, p. 4.

[143] Leverentz, Chen and Christian, 2020, p. 3.

[144] Leverentz, Chen and Christian, 2020, p. 3.

practices. Such an approach would not only enhance our comprehension of recidivism but could also inform more effective and targeted strategies for resocialisation and behavioural change.

2.2. Approaches to Recidivism

For decades, scholars from fields such as law, sociology, and criminology have explored the complex nature of crime, questioning what is defined as criminal and why. At first glance, the question "what is a crime?" may seem to invite a simple response, namely, that crime is whatever the law prohibits.[145] However, crime is not just defined by what is written in the law, it is also shaped by various social forces and events that affect how we understand certain behaviours and how we choose to respond to them.[146] Research on crime has ranged from examining the reasons behind criminal prohibitions and the effects of law enforcement, to analysing the processes that lead to the decriminalisation of certain acts.[147] Especially in the latter half of the twentieth century, many scholars emphasised that crime is not an objective reality.[148] Instead, they argued that how certain behaviours are perceived and treated as criminal often reflects broader social structures, rather than any inherent flaw in those labelled as offenders.[149]

Given the complexity surrounding the term "crime", it is not surprising that recidivism, which involves two main concepts, the repetition of crime or criminal behaviour, also remains complex. Not only is there no clear or universally accepted definition of what constitutes a crime, but there is also uncertainty about what qualifies as repetition and how to measure it. For an act to be considered repetition, does it need to be officially recorded or sanctioned? The answers to these questions depend on the approach from which we start. Further in the text, different approaches will be explored to show how they shape the understanding of this phenomenon.

Generally, recidivism research can be divided into three main categories based on its objectives.[150] The first category, prevalence studies, aims to estimate the size of the recidivist population and the proportion of offences committed by recidivists.[151] These studies can either

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[145] Brodeur and Ouellet, 2004.
[146] Brodeur and Ouellet, 2004.
[147] Brodeur and Ouellet, 2004.
[148] Brodeur and Ouellet, 2004.
[149] Brodeur and Ouellet, 2004.
[150] Payne, 2007, pp. 6–7.
[151] Payne, 2007, pp. 6–7.

focus on a general population or a specific group of known offenders, individuals who have already been identified as having committed a crime, and seek to measure how often this particular group reoffends.[152] The second category is exploratory studies, which focus on identifying personal, socioeconomic, and psychological factors that may contribute to recidivism.[153] The third category involves using recidivism as an outcome measure to evaluate the effectiveness of programs or interventions in reducing reoffending.[154] Common to all categories of research on recidivism is that they help identify the factors contributing to repeat offending, thereby informing more effective crime prevention strategies. As previously noted, the approach to recidivism differs because there is no simple answer to what constitutes a crime. Since crime is socially constructed, its definition can vary depending on the legal, cultural, and political context in which it is considered.[155] This fluidity in understanding criminal behaviour affects how recidivism is approached and addressed. Different societies, or even different legal systems within the same society, may view the same behaviour in varying ways, influencing the treatment and prevention strategies for repeat offenders. By understanding the patterns and characteristics of recidivists, policymakers can design targeted interventions to reduce reoffending. Additionally, such supports the development of evidence-based practices that improve resocialisation programs and reduce the long-term costs and impacts of crime. Despite the importance of recidivism, research and policy are often mismatched due to unclear definitions, limited data, and research limitations, leading to misinterpretation of findings.[156] Measuring recidivism and the limitations of international or cross-country comparisons of such findings remain persistent issues, which will be further discussed later in the methodology section. While the distinction between the normative, criminological and penological approaches is established at the conceptual level in this chapter, their differences become more pronounced when applied to specific substantive contexts. To maintain the conciseness of the present chapter, the practical implications and more specific distinctions between these approaches are addressed in the relevant sections of the dissertation, particularly in Chapter 4.3. Lenient Response, and Chapter 6.1. The Challenge of Measuring Recidivism. Similarly, the penological approach is further contextualised in Chapter 5.2.4. Recidivism in the Prison System. The categorisation presented in this chapter should therefore be understood as a

[152] Payne, 2007, pp. 6–7.
[153] Payne, 2007, pp. 6–7.
[154] Payne, 2007, pp. 6–7.
[155] Dubber, 2014, chap. 17; Duff *et al.*, 2014, chap. 1.
[156] Payne, 2007, pt. Vii.

necessarily broad and indicative presentation of the different approaches to recidivism, rather than as an attempt to establish rigid boundaries between them. The purpose of this chapter is not to draw absolute distinctions between the approaches, but to demonstrate the multidimensional nature of recidivism and the complexity involved in its conceptualisation, interpretation, definition, measurement, and monitoring.

2.2.1. Criminological Approach

Recidivism, originating from the Latin term "*recidivus*", refers to the tendency of individuals to relapse or "fall back" into previous or mode of behaviour, which in the context of crime is criminal behaviour.[157] At first glance, the meaning of recidivism seems straightforward. However, the complexity arises not from the term itself, but from how crime and recidivism are conceptualised and understood, depending on the perspective taken.

Criminology, as an interdisciplinary empirical and theoretical science, seeks to understand the occurrence, nature, and development of criminal behaviour by examining its underlying causes, modes of manifestation, and broader social context.[158] Recidivism, in its broadest criminological sense, refers to all instances of repeated criminal behaviour throughout an individual's life.[159] Criminology often shifts the focus towards the actual occurrence of repeated criminal behaviour, considering a person to have reoffended whenever they engage in criminal acts again, regardless of whether these actions (past or present) were officially reported, prosecuted, or resulted in a conviction at any judicial stage.[160] A study that fully captures this understanding of recidivism would require tracking every offence committed by individuals over their entire lifetime. However, such studies are too broad and practically impossible to conduct on a large scale, which is why most research focuses on specific offenders or time periods. Those who attempted to obtain data on so-called "real crimes" are often referred to as "realists", highlighting the importance of comprehensive data that reflects actual criminal activity, as opposed to "institutionalists", who argue that crime only gains meaning through formal, institutional responses and processes of recognition.[161] The disparity between the total number of crimes that occur and those that are formally detected, reported, or recorded by official institutions is commonly referred to in criminological literature as the

[157] Merriam-Webster Dictionary, 2025.
[158] Derenčinović and Getoš, 2008, p. 24,30.
[159] Payne, 2007, p. 13.
[160] Getoš Kalac and Feuerbach, 2023, p. 7.
[161] Biderman and Reiss, 1967.

dark figure of crime.[162] The dark figure of crime presents a significant challenge in criminology from both practical and scientific perspectives.[163] Practically, it results in offenders not receiving appropriate punishment or treatment, potentially influencing future recidivism, while scientifically, it limits the understanding of the causes and nature of crime, leaving criminological insights incomplete and speculative.[164] Regardless of the approach or methods used, it is impossible to achieve an exact count of all the crimes that have occurred. However, the goal of criminologists is to get as close as possible to the true number of crimes. This pursuit aims to provide a more accurate understanding of crime and recidivism, despite the inherent limitations in data collection. Although the dark figure of crime limits our understanding of crime and recidivism, not knowing the true number of crimes can have certain benefits. The absence of complete knowledge may act as a preventive mechanism, helping to maintain the stability of social norms.[165] If society were aware of the numerous daily violations across all social levels, norms would lose their regulatory power, no longer being viewed as norms.[166]

2.2.2. Normative Approach

The normative approach to criminalisation helps in defining crime by focusing on the values and principles that should guide decisions about what behaviours deserve legal punishment.[167] Instead of only looking at how laws are made, it asks what conduct ought to be criminalised, aiming to ensure that the definition of crime reflects what is truly harmful, unjust, or threatening to society.[168] However, it has its own limitations, as the understanding of criminal law does not rest solely on statutes enacted by legislatures, but also heavily depends on how these laws are interpreted and enforced by authorities such as police officers, prosecutors, and inspectors, whose discretionary decisions significantly influence the law's real-world impact.[169] The importance of this limitation is especially emphasised, given that key actors in the criminal justice system primarily collect crime data for administrative purposes, such as monitoring efficiency and supporting policy decisions.[170] While the data helps assess crime trends, the main goal is not to gain empirical insights into crime but to optimise investigative activities,

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[162] Fattah, 1997, p. 96; Maguire, Morgan and Reiner, 2012, p. 225; Coleman and Norris, 2013, p. 91; Getoš, Albrecht and Kilchling, 2014, p. 362; DeKeseredy and Dragiewicz, 2018, p. 51.
[163] Getoš Kalac and Pribisalić, 2020, p. 638.
[164] Getoš Kalac and Pribisalić, 2020, p. 638.
[165] Getoš Kalac and Pribisalić, 2020, p. 638.
[166] Getoš Kalac and Pribisalić, 2020, p. 638.
[167] Duff *et al.*, 2014, p. 2.
[168] Duff *et al.*, 2014, p. 2.
[169] Duff *et al.*, 2014, p. 3.
[170] Getoš Kalac and Pribisalić, 2020, p. 656.

prosecution, and crime prevention, ensuring the efficient use of limited resources.[171] However, when recidivism data are available, they can be used to evaluate the effects of major changes in sentencing systems especially in terms of reducing reoffending and improving prevention.[172] To facilitate a more comprehensive understanding of the normative conceptualisation of recidivism, it is necessary to clarify key legal terms frequently employed in this context, such as reoffending, rearrest, reconviction, reincarceration, and recidivism rates.

While reoffending can be broadly defined as the act of committing new criminal offences, its usage in the literature often introduces additional ambiguity, particularly when used in correlation with the concept of recidivism.[173] Some authors argue that while recidivism broadly refers to the recurrence of criminal behaviour, reoffending is often viewed more narrowly, typically focusing on the repetition of the same type of offence rather than criminal behaviour in general.[174] Conversely, some authors consider reoffending to be broader than recidivism, arguing that recidivism refers specifically to the recurrence of criminal behaviour after a sentence is completed, while reoffending includes the frequency and overall rate of criminal acts, encompassing a wider scope of criminal behaviour over time.[175] Moreover, it is not uncommon to find the terms "reoffending" and "recidivism" used interchangeably in research scope as synonyms.[176] Considering the various approaches to the term reoffending, it becomes evident that the lack of a unified definition contributes to more confusion than clarity in understanding its distinction from recidivism.

Rearrest, reconviction, and reincarceration gain particular significance in discussions of recidivism rates, often also referred to as reoffending rates.[177] Recidivism rates are a critical parameter in the formulation of criminal justice policy, reflecting the frequency with which individuals with prior criminal histories reoffend.[178] They serve as a valuable indicator of the effectiveness of crime policies and the success of efforts to reduce criminal behaviour within society.[179] Recidivism rates are determined by three primary factors: (1) the size of the cohort of previous offenders at risk of recidivism, (2) the number of individuals who reoffend, as measured by various indicators such as self-reports of criminal activity, rearrest, reconviction,

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171 Getoš Kalac and Pribisalić, 2020, p. 656.
172 Albrecht and Jehle, 2014, p. 16.
173 Getoš Kalac and Feuerbach, 2023, p. 7.
174 Falshaw *et al.*, 2003, p. 209; Kempen and Young, 2014, p. 6.
175 Nagin, Cullen and Jonson, 2009, p. 120.
176 Payne, 2007, pt. Vii; Musa and Ahmad, 2015; Andersen and Skardhamar, 2017.
177 Miller, 2009a, p. 443.
178 Miller, 2009a, p. 443.
179 Getoš, Albrecht and Kilchling, 2014, p. 346.

or reincarceration, and (3) the duration of the follow-up period during which individuals are monitored. Elements of recidivism can be defined more narrowly, such as equating recidivism with rearrest alone[180], or more broadly, by including multiple measures. For instance, return to prison may be considered a recidivism indicator that encompasses both individuals convicted of new crimes and those reimprisoned due to technical violations of release conditions.[181] Additionally, nine distinct indicators of recidivism have been identified across 90 U.S. studies, including absconding, arrest, incarceration, parole violation, parole suspension, parole revocation, reoffending, reconviction, and probation violation.[182] When analysing recidivism rates, it is essential to recognise that the underlying data do not represent an objective record of all reoffending behaviour, but rather reflect instances identified, classified, and processed as such by institutional mechanisms, a perspective aligned with the institutionalist or constructionist view, which holds that the significance of crime, including its recurrence, arises only through formal societal responses.[183] Given that recidivism rates reflect only recorded crime, it is important to note that they are largely influenced by how effective the criminal justice system is at identifying repeat offenders.[184] Although recidivism rates may not fully reflect the total scale of crime, they are crucial for understanding recidivism patterns and can be used to predict the future movement of offenders through the criminal justice system.[185] Additionally, these rates provide valuable insights for decision-makers on matters such as deterrence, re-entry strategies, and evaluating the effectiveness of correctional facilities.[186] To facilitate a clearer understanding of recidivism and recidivism rates, the key elements or indicators commonly used to measure them will be briefly outlined.

According to the Merriam-Webster Dictionary, rearrest is defined as a second or subsequent arrest.[187] A similar understanding can be found across academic sources, where rearrest is defined as an arrest occurring after a criminal conviction or a post-conviction event, such as release from prison.[188] Notably, summonses and citations are not considered arrests.[189] This term does not typically spark significant debate and is most often used in the literature without

[180] Dressel and Farid, 2018, p. 3.
[181] King and Elderbroom, 2014, p. 11; Leverentz, Chen and Christian, 2020, p. 14.
[182] Maltz, 2001, p. 62.
[183] Biderman and Reiss, 1967.
[184] Aebi *et al.*, 2021, p. 284.
[185] Payne, 2007, p. 100.
[186] Ozkan, 2017, p. 1.
[187] Merriam-Webster Dictionary, 2025.
[188] Miller, 2009a, p. 6; Rosenfeld and Grigg, 2022, p. 42.
[189] Rosenfeld and Grigg, 2022, p. 42.

extensive explanation or definition. However, some attempts in the literature seek to offer a more nuanced understanding of rearrest. For example, certain authors define it as the questioning of an individual in the capacity of a suspect, while others measure rearrest based on the number of cases cleared by the police.[190]

Reconviction is a legal event that happens when an individual is declared guilty of a criminal offense, either through a trial or a plea.[191] It refers to a new conviction for a different offence following a previous one, and represents a limited outcome measure, as it accounts solely for offences that have been both detected and successfully prosecuted.[192] Court-based definitions usually track repeat offending through reconvictions, which reflect official legal outcomes, while in correctional settings, reoffending is often measured by reincarceration.[193] Notably, reconviction measures do not include arrests that were not followed by prosecution,[194] and usually pertains to the commission of a new offence, excluding technical breaches of parole, and does not necessarily result in imprisonment.[195] Reconviction is most frequently used indicator of recidivism[196], typically referring to an instance where an individual is arrested and subsequently found guilty in court.[197] Moreover, recidivism is commonly used interchangeably with reconviction, despite the fact that its definition covers a broader range of repeated offending behaviours beyond those that result in formal conviction.[198] Certain scholars have attempted to distinguish between recidivism, reoffending, and reconviction. In doing so, they highlight that reconviction refers strictly to offences that result in a formal legal response, such as prosecution and conviction.[199] Reoffending, by contrast, includes all repeated criminal acts, whether or not they are detected or formally processed by the justice system.[200] Recidivism is framed more broadly still, encompassing not only unlawful behaviour but also any conduct that signals a return to previous patterns of offending, even in the absence of official charges or legal consequences.[201]

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190 Andersen and Skardhamar, 2017, p. 618.
191 Rosenfeld and Grigg, 2022, p. 44.
192 Falshaw *et al.*, 2003, p. 209.
193 Miller, 2009b, p. 6.
194 Rosenfeld and Grigg, 2022, p. 45.
195 Leverentz, Chen and Christian, 2020, p. 15.
196 Bales *et al.*, 2012, p. 77.
197 Leverentz, Chen and Christian, 2020, p. 15.
198 Falshaw *et al.*, 2003, p. 209.
199 Falshaw *et al.*, 2003, p. 209.
200 Falshaw *et al.*, 2003, p. 209.
201 Falshaw *et al.*, 2003, p. 209.

Reincarceration involves the re-entry of an individual into custody, typically in a prison or jail, but it may also extend to halfway houses or community correctional facilities.[202] However, some authors narrow the concept by defining it specifically as the first return to prison or as a breach of parole conditions.[203] Evidentially there is a certain complexity surrounding the term reincarceration due to the absence of a standard definition. Different jurisdictions may separate new criminal offences from technical parole violations, while others report a combined figure, potentially giving a misleading impression of the actual number of new crimes committed.[204] Relying solely on reincarceration as an indicator of recidivism can distort the true extent of reoffending, as it overlooks convicted individuals who did not receive a custodial sentence.[205] Moreover incarceration-based measures may reflect enforcement disparities, potentially introducing bias into recidivism estimates.[206]

As previously noted, normative approach to criminalisation focuses on determining which behaviours should be criminalised based on their societal harm and injustice. The purpose of introducing terms like reoffending, recidivism, rearrest, reconviction, and reincarceration is to provide a framework for understanding and measuring the recurrence of criminal behaviour. These terms help define the different ways in which repeat offending is tracked, enabling authorities to assess the effectiveness of legal systems, resocialisation efforts, and crime prevention strategies. Short overview of terminology underscores the considerable variation in how key recidivism indicators, such as reoffending, rearrest, reconviction, and reincarceration, are defined and applied, often influenced by institutional practices, legal frameworks, and policy objectives. The terms reoffending and recidivism are used inconsistently in the literature, at times interchangeably and at others with distinct meanings. While recidivism rates are widely employed in policymaking, they reflect institutional responses rather than offering an objective measure of criminal behaviour. Moreover, indicators have their limitations: reconviction, though the most used, captures only a limited aspect of repeat offending, while reincarceration potentially distorting data interpretation. It is evident that there is no universally accepted definition for these terms, as their meaning largely depends on jurisdictional context, enforcement priorities, and the purpose of data collection

[202] Rosenfeld and Grigg, 2022, p. 46.
[203] Wexler, Melnick and Cao, 2004, p. 109.
[204] Leverentz, Chen and Christian, 2020, p. 15.
[205] Miller, 2009a, p. 6.
[206] Leverentz, Chen and Christian, 2020, p. 16.

2.2.3. Penological Approach

Penology, as a multidisciplinary science of punishment, examines the justification, implementation, and effectiveness of penal sanctions, traditionally viewing prison as a rehabilitative tool for reducing reoffending and promoting moral reform.[207] While some authors consider penology a form of applied criminology, the prevailing view is that it constitutes a distinct scientific discipline with its own subject of study and methodological approach.[208] Through penological practice, criminology assesses whether appropriate resocialisation methods are being applied and to what extent inadequate treatment of offenders contributes to recidivism as a particularly socially harmful form of criminal behaviour.[209] Modern penology primarily focuses on the enforcement of prison sentences but also considers alternative sanctions and security measures.[210] It places strong emphasis on the individualisation of punishment during enforcement, aiming to achieve special prevention through resocialisation, supported by criminological insights into the offender's profile.[211] Therefore, understanding why punishment often fails to deter offenders from reoffending, and what differentiates persistent recidivists from those successfully resocialised through criminal sanctions, lies within the scope of penological inquiry. This section briefly explores how the penological perspective adds to the complexity of understanding recidivism, particularly by introducing the concept of "penal recidivism". From a penological perspective, penal recidivism refines the concept of recidivism by defining it as the reincarceration of an offender who, after serving a prison sentence for a previous crime, returns to a correctional facility due to committing a new offense.[212] Although penology as a discipline encompasses a broader scope of punishment than just imprisonment, the term "penal recidivism" used in the literature is narrower and aligns closely with the concept of "prison recidivism."[213] Recidivism in the penological sense indicates that the imposed punishment and applied treatment for a previously committed crime have not yielded positive results in terms of resocialisation.[214] Criminological

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[207] Scott, 2008, p. 7.

[208] Nikolić-Ristanović and Konstantinović-Vilić, 2018, p. 41.

[209] Nikolić-Ristanović and Konstantinović-Vilić, 2018, p. 42.

[210] Derenčinović and Getoš, 2008, p. 24.

[211] Derenčinović and Getoš, 2008, p. 24.

[212] Vilić, 1977, p. 389; Gracin, 1998, p. 79; Getoš, Albrecht and Kilchling, 2014, p. 261; Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a, p. 540; Nikolić-Ristanović and Konstantinović-Vilić, 2018, p. 228.

[213] Some authors define prison recidivism rates as the proportion of individuals released from prison in a given year who are subsequently rearrested or reincarcerated. See more in: Rosenfeld and Grigg, 2022, p. 19.

[214] Nikolić-Ristanović and Konstantinović-Vilić, 2018, p. 228.

definitions generally encompass a broader scope than those derived from criminal law and penology; however, clearly distinguishing between them is often difficult due to overlapping elements, which contributes to persistent confusion. Introducing the penal approach to recidivism does not necessarily provide more clarity; in fact, it may even contribute to further misunderstanding by introducing yet another layer of complexity to an already intricate concept. While the terms "penal recidivism" and "prison recidivism" are indeed found in the literature, it should be noted that this terms are quite narrow in scope. Therefore, rather than expanding the understanding of recidivism, the introduction of these terms may further complicate the conversation surrounding reoffending. This approach, however, is particularly relevant in prison reports, which typically focus solely on the structure of the prisoner population and do not aim to address broader societal factors that may influence recidivism, as their main purpose is to evaluate the functioning of the prison system itself.

2.3. Defining Recidivism

To date, science has not succeeded in establishing a single, universally accepted definition of recidivism. The issue of defining recidivism was notably addressed at the Third International Congress of Criminology, held in 1955 in London, where the main speaker, Norval Morris, distinguished between penal, legal, and criminological definitions.[215] As previously noted, different approaches influence the understanding of recidivism, and the boundaries between them are not clearly defined, often partially overlapping. However, there are significant differences in how the concept of recidivism is understood, both among criminologists and across the legal systems of various countries. While the conceptual definition of recidivism, as the repetition of criminal behaviour, may seem relatively clear and straightforward, establishing an operational definition that allows for consistent, reliable, and valid measurement is far more complex.[216] The data used to assess recidivism is frequently incomplete, fragmented, or difficult to obtain, and even when comprehensive data is available, significant inconsistencies often arise in how it is processed, interpreted, and analysed across various studies, jurisdictions, or institutions.[217] Moreover, the difficulty in adopting a single, unified definition stems from the fact that recidivism comprises multiple elements, each of

[215] Gracin, 1998, p. 79.
[216] Maltz, 2001, p. 54).
[217] Maltz, 2001, p. 54.

which can be interpreted and treated differently. For instance, regarding the offence leading to recidivism, some interpretations consider any situation in which an individual commits two separate criminal acts (regardless of other circumstances) as recidivism in its strictest sense. According to this view, even the concurrence of criminal offences qualifies as recidivism.[218] The commonly accepted and generally prevailing normative view rejects such a definition, considering a recidivist in the narrower sense to be only an offender who has previously been convicted.[219] However, even in this respect, legal systems are not uniform.[220]

Notably, distinction is often made between single and multiple recidivism, as well as between specific (or special) and general recidivism.[221] In cases of single recidivism, an individual reoffends once after a previous conviction, whereas multiple recidivism refers to repeated reoffending following several prior convictions.[222] Specific recidivism occurs when the new offence is of the same type as the previous one, although it does not have to be exactly the same criminal offence.[223] Some authors question whether a person should be considered a recidivist if they shift from one type of crime to a completely different one.[224] In other words, should we classify an offence as recidivism if there is no clear connection, either temporal or substantive, between the crimes? This question can be illustrated through three examples. The first example involves an individual who commits two or more sexual assault offences within a short time span, such as five years. This represents special recidivism, as the crimes are both temporally and substantively related. The second example concerns an individual who commits online fraud and, five years later, commits a violent crime resulting in severe bodily injury. While these offences are not substantively related, the occurrence of a second offence within a relatively short period of time and it is classified as general recidivism. The third example involves an individual who commits a robbery during their youth and, fifteen years later, is involved in a car accident. Here, no clear temporal or substantive connection exists between the two incidents, raising the question of whether it should be considered recidivism in the legal sense. For an individual to be considered a recidivist under legislation, the repeated offence must occur within clearly defined legal parameters and must be supported by

[218] Gracin, 1998, p. 78.
[219] Gracin, 1998, p. 78.
[220] See more details in Chapter 5.3.
[221] Derenčinović and Getoš, 2008, p. 174.
[222] Derenčinović and Getoš, 2008, p. 174.
[223] Derenčinović and Getoš, 2008, p. 174.
[224] Maltz, 2001, pp. 54–55.

documented evidence of a prior conviction.[225] This means that recidivism, in the normative legal sense, is not merely about the repetition of criminal behaviour but about meeting specific formal conditions, such as the existence of a final conviction that has not been expunged or followed by legal rehabilitation.[226] From this standpoint, a person is no longer legally considered a recidivist once their conviction is erased from the criminal record or rehabilitation has been granted, and they are to be treated as someone who has not committed a criminal act. In contrast, the criminological perspective may still classify such an individual as a recidivist based on patterns of behaviour, regardless of legal status.

The definition of recidivism largely depends on the specific criteria chosen to measure reoffending, which can vary significantly depending on the context and purpose of the analysis. Commonly used indicators include arrest, reconviction, incarceration, parole or probation violations, parole suspension or revocation, absconding, and the commission of new offences.[227] Each of these categories involves further qualifying conditions, such as the number and seriousness of offences, whether the offence led to a conviction, the type of facility in which an individual is incarcerated, or whether a violation was initiated by the police.[228] However, recidivism can be understood not only as an individual's repeated failure to comply with the law, but also as a phenomenon shaped by the actions or inactions of key institutions such as the police, courts, prisons, and post-release services, as well as broader societal influences like public opinion, media portrayals, and prevailing social attitudes.[229] While some authors emphasise that recidivism rate is the main indicator used to evaluate the effectiveness of correctional treatment,[230] others caution that this view can be misleading.[231] The notion that recidivism alone can serve as a reliable indicator of the effectiveness of treatment in penal institutions assumes that the sole responsibility for change lies with the offender. Given that criminogenic factors extend beyond individual characteristics to encompass broader social, economic, and political dimensions, recidivism should instead be seen as a reflection of both institutional interventions and the wider societal context.[232]

[225] Pinatel, 1968, p. 593.
[226] Getoš Kalac and Feuerbach, 2023, p. 9.
[227] Maltz, 2001, p. 54.
[228] Maltz, 2001, p. 54.
[229] Brisman, Eamonn and Nigel, 2017, p. 471.
[230] Latessa, Listwan and Koetzle, 2015, p. 225.
[231] Gracin, 1998, pp. 76–77.
[232] Gracin, 1998, pp. 76–77.

Considering the various perspectives and factors outlined, how can recidivism be defined in a comprehensive manner that integrates its criminological, legal, and penological dimensions? The aim of this chapter has not been to propose a new, universally applicable definition of recidivism, but rather to demonstrate the breadth and complexity of the whole concept, to highlight the key considerations relevant to its understanding, and to suggest a working definition grounded in both theoretical insight and empirical relevance. While legal and institutional definitions tend to rely on formal parameters, such as the existence of a final conviction within a defined time frame, these frameworks offer only a limited view. In contrast, the criminological perspective provides a more comprehensive and realistic approach. Recidivism, from this standpoint, may be understood as the repetition of criminal behaviour, regardless of whether it has been formally recorded by state authorities or whether legal rehabilitation has occurred. What remains crucial is that the acts are connected either temporally or substantively, which distinguishes recidivism from unrelated or sporadic offending. Such a broad definition, however, cannot be fully captured through institutional data alone. To better understand the scope and nature of reoffending, alternative sources such as self-report surveys need to be considered. Nonetheless, for research purposes, this broader understanding is often narrowed during operationalisation to align with the availability of data and to ensure transparency in measurement. This approach also facilitates the formulation of evidence-based policy recommendations. Having considered the various dimensions of the concept, it becomes clear that the criminological perspective offers the most appropriate and analytically useful framework for exploring recidivism. It acknowledges the limitations of normative classifications while recognising the behavioural patterns and contextual factors that contribute to reoffending. This understanding is essential not only for academic inquiry but also for the development of more effective and humane criminal justice responses.

3. Recidivism Research and Literature Review

This chapter is devoted to examining the broad body of research on recidivism, both international and domestic, to provide a comprehensive understanding of the topic. Given the vast amount of research and often contradictory findings, it can be difficult to know which conclusions to trust. Relying on a single study is risky because many evaluations, especially those conducted in real-world settings, face limitations such as small sample sizes, lack of generalizability, inadequate control groups, and program changes over time.[233] In order to conduct a research review, scholars typically use three methods: literature reviews, ballot counting, and meta-analysis.[234] This chapter focuses primarily on a literature review of international meta-analyses, as meta-analyses provide a more rigorous and quantitative summary of research findings by combining results across multiple studies. By emphasizing meta-analytic evidence, the chapter aims to draw on the most reliable and generalizable conclusions available. Additionally, a narrative literature review of domestic sources was conducted using a targeted keyword search. The search included Croatian terms such as "recidivizam," "recidiv," and "kriminalni povrat," as well as the English term "recidivism," to ensure comprehensive coverage of relevant national publications. Through this combined approach, the chapter seeks to address existing challenges and offer a clearer, more balanced perspective on recidivism research.

As a part of research limitation, it is important to emphasise, that international literature review focusing primarily on key international meta-analyses and the main conclusions on recidivism found in major academic books and influential studies. However, it does not aim to offer a fully systematic or exhaustive overview of all recidivism research worldwide. The topic of recidivism encompasses an extensive and diverse body of literature, including numerous studies with varying methodologies, populations, and contexts. Conducting a comprehensive systematic review or meta-analysis covering every study would be impractical within the scope of this chapter due to time, resource, and space constraints. Additionally, the selection of sources prioritizes well-established and widely cited works, which means that some relevant

[233] Latessa, Listwan and Koetzle, 2015, p. 45.

[234] Literature reviews involve reading and summarizing relevant studies but can be limited by selection bias and lack of measurable results. Ballot counting simply tallies studies with positive or negative findings, but this method can overlook important positive effects. Meta-analysis, the preferred method today, combines results from many studies to provide a clear, quantifiable measure called an effect size, showing how strong or weak an intervention's impact is, whether it reduces, increases, or has no effect on recidivism. See more details in: Latessa, Listwan and Koetzle, 2015, p. 46.

but less prominent studies or recent findings might not be included. The focus is on synthesizing significant and representative research to provide a clear picture of the general trends and key insights in the field, rather than detailing every nuance or conflicting result. This approach acknowledges potential biases related to source selection and limits in generalizability, but it aims to strike a balance between breadth and depth. Future research could build upon this foundation by conducting more systematic or focused reviews on specific aspects of recidivism to capture a wider range of findings and contexts.

3.1. International Recidivism Research and Literature Review

International research on recidivism reflecting the complexity of factors influencing reoffending and the variety of approaches taken to address it. Meta-analyses in this field, including the selected studies analysed in this chapter, cover a wide spectrum of topics related to recidivism. For the purposes of this dissertation, these have been grouped into three broad categories: (1) sentencing and correctional practices, (2) resocialisation and treatment approaches, and (3) predictors and risk factors of reoffending.

The first category, sentencing and correctional practices, includes research on the effects of custodial versus non-custodial sanctions, the relationship between sentence length and recidivism, as well as the impact of alternative measures such as boot camps, electronic monitoring, and house arrest. The second category, resocialisation and treatment approaches, encompasses studies on the influence of restorative justice programmes, the effectiveness of psychological interventions delivered in prison settings, the role of specialised treatments for particular offender groups, employment support services for ex-offenders, and the overall effectiveness of correctional programmes, with findings showing that while some interventions can reduce recidivism, others appear to have little or even adverse effects. Finally, the third category, predictors and risk factors of reoffending, covers both static and dynamic variables, including substance abuse, moral development, demographic characteristics such as age, sex, race, and ethnicity, family and social background, and the predictive validity of instruments such as the Psychopathy Checklist.

In addition to these meta-analyses, this chapter will also present data from the European Sourcebook, which, although not a meta-analysis, collects information at a global level and provides a comparative perspective. These data allow for the identification of general trends in recidivism that remain observable regardless of methodological differences.

3.1.1. Sentencing and Correctional Practices

In the category of sentencing and correctional practices, several studies stand out for their contributions to understanding the effects of different sanctions on recidivism. They provide insights into the effectiveness of these approaches, highlighting both potential benefits and limitations in reducing reoffending.

One of the most comprehensive meta-analyses on custodial sanctions synthesised 116 studies encompassing approximately 4.5 million offenders across 15 countries.[235] This meta-analysis systematically collected studies through journal reviews, electronic database searches, reference list checks, and searches of correctional agency reports, focusing on research that compared offenders sentenced to custodial sanctions with those given noncustodial alternatives, and that included measurable post-sanction criminal outcomes such as rearrest or reconviction.[236] The analytic sample comprised 981 effect sizes, as multiple models and time points were often reported within individual studies, and multilevel modelling was used to account for statistical dependence between effect sizes.[237] The findings indicate that custodial sanctions have either null or slightly criminogenic effects on recidivism, with results remaining robust across variations in study design, statistical models, sanction types, and offender characteristics.[238] The study concludes that imprisonment cannot be justified on the grounds of reducing reoffending and highlights that prisons are unlikely to lower recidivism unless they are transformed into institutions that actively promote offender resocialisation and behavioural change.[239] This meta-analysis reinforces previous narrative reviews and smaller meta-analyses, establishing the null or criminogenic effect of incarceration as a "criminological fact".[240]

A considerable body of research has examined the differences between custodial and non-custodial sanctions in relation to recidivism, while far fewer studies have addressed the question of how the duration of imprisonment affects reoffending.[241] Some studies suggest that longer prison sentences might slightly reduce reoffending, but the evidence is inconsistent and often shows no effect.[242] No study has found a strong link between longer sentences and increased recidivism.[243] These results are further complicated by methodological limitations

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[235] Petrich *et al.*, 2021.
[236] Petrich *et al.*, 2021.
[237] Petrich *et al.*, 2021.
[238] Petrich *et al.*, 2021.
[239] Petrich *et al.*, 2021.
[240] Petrich *et al.*, 2021.
[241] Berger and Scheidegger, 2021.
[242] Berger and Scheidegger, 2021.
[243] Berger and Scheidegger, 2021.

and by the likelihood that sentence length exerts different effects across offender groups.[244] Taken together, the literature suggests that the influence of incarceration length on recidivism remains inconsistent and does not allow for clear generalisations.[245]

Moreover, there is strong academic consensus that many traditional or popular correctional programmes do not reduce recidivism and can, in some cases, increase it.[246] Intensive supervision programmes, while designed to monitor high-risk offenders more closely, often result in higher rates of technical violations and do not lead to lower reoffending.[247] Similarly, boot camps have consistently been found ineffective, with some studies showing increased recidivism among participants.[248] Electronic monitoring and house arrest present challenges such as unclear selection criteria and net widening and show limited evidence of reducing risk.[249] Treatment approaches that rely on vague counselling methods, unstructured talk therapy, or non-targeted interventions (including traditional substance abuse treatments like AA and 12-step programmes) are also largely ineffective for offender populations.[250] Many of these approaches, collectively described as "correctional quackery", are based on flawed or outdated theories of criminal behaviour.[251] The evidence points to the need for structured, evidence-based interventions that specifically address criminogenic needs to achieve meaningful reductions in recidivism.

3.1.2. Resocialisation and Treatment Approaches

In the category of resocialisation and treatment approaches, several studies have highlighted the role of interventions in reducing recidivism and supporting successful reintegration. Research in this category includes restorative justice programmes, psychological interventions delivered in prison settings, specialised treatments for specific offender groups, and employment support services for ex-offenders. These studies provide evidence on the effectiveness of different programmes, showing that while some interventions can reduce reoffending, others may have little or no effect, emphasising the importance of tailoring approaches to individual needs.

[244] Berger and Scheidegger, 2021.
[245] Berger and Scheidegger, 2021.
[246] Latessa, Listwan and Koetzle, 2015, p. 100.
[247] Latessa, Listwan and Koetzle, 2015, p. 100.
[248] Latessa, Listwan and Koetzle, 2015, p. 100.
[249] Latessa, Listwan and Koetzle, 2015, p. 100.
[250] Latessa, Listwan and Koetzle, 2015, p. 100.
[251] Latessa, Listwan and Koetzle, 2015, p. 100.

Research on restorative justice programs indicates that they have a limited impact on preventing recidivism, showing only small reductions in reoffending.[252] The effectiveness often varies depending on the quality of the studies, and while restorative justice alone may not be enough to significantly reduce repeat offending, it can still contribute positively when used alongside other targeted prevention strategies.[253]

The systematic review and meta-analysis by Beaudry et al. examined the effectiveness of psychological interventions delivered in prison settings in reducing post-release recidivism. Analysing 29 randomised controlled trials involving over 9,000 participants, the study found that while psychological treatments were modestly associated with reduced reoffending overall, this effect diminished when smaller studies were excluded, highlighting concerns about publication bias and small-sample effects.[254] Therapeutic communities emerged as one of the more promising approaches, particularly when treatment continuity was ensured after release.[255] The study underscores the need for better-designed, large-scale trials focused on addressing modifiable risk factors for reoffending and stresses that current psychological interventions require improvement to produce more reliable and sustained reductions in recidivism.

Gannon et al. conducted a meta-analysis examining whether specialised psychological treatment reduces recidivism, reviewing 70 studies involving over 55,000 individuals convicted of sexual offences, domestic violence, or general violence.[256] The findings confirmed that such interventions are associated with significant reductions in both offence-specific and general reoffending, by approximately 33% for sexual offences, 36% for domestic violence, and 24% for general violence compared to untreated individuals.[257] Importantly, the analysis emphasised the role of programme quality: treatments delivered under the guidance of qualified psychologists and supported by clinical supervision were more effective.[258] Notably, the study challenged earlier research by showing that domestic violence programmes can reduce not only offence-specific but also general recidivism.[259] These results highlight the crucial role of staff

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[252] Fulham *et al.*, 2023.
[253] Fulham et al., 2023.
[254] Beaudry *et al.*, 2021.
[255] Beaudry *et al.*, 2021.
[256] Gannon *et al.*, 2019.
[257] Gannon *et al.*, 2019.
[258] Gannon *et al.*, 2019.
[259] Gannon *et al.*, 2019)

expertise, structured delivery, and proper implementation in achieving successful treatment outcomes.

A meta-analysis of eight randomised studies on non-custodial employment services for ex-offenders found no significant effect on reducing recidivism.[260] However, this conclusion is largely shaped by major limitations in the available research.[261] Most studies were outdated, methodologically weak, and varied widely in terms of interventions and target populations. Many programmes did not match services to participants' actual needs, and recent, more intensive initiatives have yet to be rigorously evaluated.[262] While the findings suggest little evidence of effectiveness so far, they also highlight a clear need for better-designed and better-studied employment interventions.

3.1.3. Predictors and Risk Factors of Reoffending

In the category of predictors and risk factors of reoffending, research has focused on identifying the individual, social, and psychological characteristics that increase the likelihood of recidivism. Studies in this category examine both static factors, such as age, sex, race, criminal history, and family background, and dynamic factors, including substance abuse, moral development, social integration, and antisocial personality traits. In addition, research evaluates the predictive validity of assessment tools such as the Psychopathy Checklist and considers how this risk factors interact with rehabilitation and treatment programmes. By understanding these predictors, researchers and practitioners aim to better identify high-risk individuals and tailor interventions to prevent reoffending.

Meta-analyses that have focused on evaluating risk factors have identified the strongest predictors of recidivism among adult offenders as criminogenic needs, past criminal or antisocial behaviour, social success, age, gender, and family background.[263] Weaker predictors included intelligence, personal problems, and family socioeconomic status, while dynamic factors were found to be just as good at predicting reoffending as fixed factors.[264]

Furthermore, a meta-analysis of 19 studies on adult recidivism in the United States (1994–2015) builds on earlier work by Gendreau et al. (1996) and identifies key predictors of reoffending.[265] The strongest static predictors were gender, age, antisocial history, and family

[260] Visher, Winterfield and Coggeshall, 2005.
[261] Visher, Winterfield and Coggeshall, 2005.
[262] Visher, Winterfield and Coggeshall, 2005.
[263] Gendreau, Little and Goggin, 1996.
[264] Gendreau, Little and Goggin, 1996.
[265] Katsiyannis *et al.*, 2018.

factors, while dynamic predictors included antisocial personality traits, criminogenic needs, social achievement, and substance abuse, with personal distress being the weakest.[266] Unlike the earlier meta-analysis, only 11 of 18 predictor domains were found significant, and criminal history and race were not identified as strong predictors.[267] Family rearing problems, parental criminality, and negative early-life experiences were strongly associated with recidivism, while male gender and older age increased risk.[268] Psychological factors such as antisocial orientation and distress remained central predictors, and substance abuse emerged as an important but modifiable risk factor.[269] Overall, the study highlights the multifaceted nature of recidivism and underscores the need to address family, psychological, and social variables in risk assessment and intervention.

A meta-analysis focused on identifying predictors of recidivism following release from custody revealed seventeen significant factors associated with the likelihood of reoffending.[270] The strongest predictors are related to antisocial tendencies, including a history of criminal behaviour, antisocial personality patterns, pro-criminal attitudes, and relationships with antisocial peers.[271] Key risk indicators such as the number of prior incarcerations, convictions, and parole violations consistently increase the risk of recidivism.[272] Offenders convicted of property-related crimes tend to have a higher risk of reoffending, which may be linked to their typically shorter sentences and younger age at release.[273] Conversely, older individuals and those who are married show a reduced risk of returning to crime.[274] Additionally, substance abuse and employment difficulties are significant risk factors that elevate recidivism odds.[275] Male offenders and those with a history of mental illness also face a higher likelihood of reoffending.[276] Importantly, participation in structured intervention programs aimed at addressing criminogenic needs has been found to reduce the risk of recidivism.[277]

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[266] Katsiyannis *et al.*, 2018.
[267] Katsiyannis *et al.*, 2018.
[268] Katsiyannis *et al.*, 2018.
[269] Katsiyannis *et al.*, 2018.
[270] Goodley, Pearson and Morris, 2022.
[271] Goodley, Pearson and Morris, 2022.
[272] Goodley, Pearson and Morris, 2022.
[273] Goodley, Pearson and Morris, 2022
[274] Goodley, Pearson and Morris, 2022.
[275] Goodley, Pearson and Morris, 2022.
[276] Goodley, Pearson and Morris, 2022.
[277] Goodley, Pearson and Morris, 2022.

The meta-analysis on the role of substance abuse factors in predicting recidivism investigated how specific categories of substance-related issues influence the likelihood of reoffending.[278] By disaggregating substance abuse into five categories (drug abuse, alcohol abuse, combined drug/alcohol problems, parental substance abuse history, and substance-related charges) the analysis identified drug abuse and combined substance use as the most consistent and robust predictors of general recidivism.[279] Alcohol abuse and parental substance abuse showed weaker but still positive associations, while substance-related charges demonstrated a small negative correlation with reoffending, indicating they may not reflect true criminogenic needs.[280] The findings were generally consistent across genders, with parental substance abuse emerging as a stronger predictor for women.[281] These results highlight the importance of treating drug abuse as an independent and critical factor in risk assessment and correctional rehabilitation planning.
A meta-analysis examining the link between moral development and recidivism found that higher moral development is associated with lower rates of reoffending.[282] The effect was small to moderate but consistent, with moral cognition (the ability to reason about moral issues) showing a stronger connection to reduced recidivism than moral emotion, which involves feelings like guilt or empathy.[283] The study found slightly stronger effects for adults compared to juveniles, and for females compared to males, though the gender finding is based on limited data and should be interpreted carefully.[284] Additionally, self-reported recidivism showed a stronger relationship with moral development than official records, likely because official data miss some offending.[285] Despite some limitations (including varied offence types and that many studies were not specifically designed to explore this link) the findings suggest that moral development, especially moral reasoning, plays a modest but meaningful role in preventing recidivism and could enhance outcomes when combined with other targeted interventions.[286]
The meta-analysis by Piquero et al. systematically examined how demographic factors (specifically age, sex, race, and ethnicity) relate to violent recidivism.[287] Analysing 31 methodologically rigorous studies, the review found that younger age, male sex, and non-white

[278] Dowden and Brown, 2002.
[279] Dowden and Brown, 2002.
[280] Dowden and Brown, 2002.
[281] Dowden and Brown, 2002.
[282] Van Vugt *et al.*, 2011.
[283] Van Vugt *et al.*, 2011.
[284] Van Vugt *et al.*, 2011
[285] Van Vugt *et al.*, 2011.
[286] Van Vugt *et al.*, 2011.
[287] Piquero *et al.*, 2015.

racial background were significantly associated with higher rates of violent reoffending.[288] These findings highlight the importance of considering demographic differences when designing correctional interventions, suggesting that a uniform approach may be ineffective. While demographic factors are not modifiable through criminal justice programming, understanding their influence could help tailor treatment and intervention strategies more effectively.[289] The study also emphasises the need to explore how dynamic factors (e.g. antisocial attitudes or substance abuse) interact with demographic characteristics to influence violent recidivism, paving the way for more targeted and responsive rehabilitation approaches.
The meta-analysis by Walters examined the predictive validity of the Psychopathy Checklist (PCL/PCL-R) factor scores for institutional adjustment and recidivism among forensic clients and prison inmates.[290] Factor 1 measures personality traits like lack of empathy or charm, while Factor 2 focuses on a history of unstable, antisocial behaviour.[291] The findings showed that Factor 2, which reflects antisocial and unstable lifestyle traits, was a significantly stronger predictor of both general and violent recidivism as well as institutional adjustment than Factor 1, which captures affective and interpersonal traits associated with the traditional personality definition of psychopathy.[292] These results suggest that behavioural aspects of psychopathy, rather than personality traits alone, are more useful for predicting reoffending and institutional behaviour.
The European meta-analytic review on the influence of treatment programmes on the recidivism of juvenile and adult offenders found that correctional programmes reduced recidivism by an average of 12%, indicating a modest but meaningful effect.[293] This means that, on average, 44% of treated offenders reoffended compared to 56% in control groups.[294] The most effective interventions were those grounded in behavioural and cognitive-behavioural models, supporting findings from prior international research.[295] Juvenile offenders showed greater reductions in recidivism, largely because they were more often treated using these structured and evidence-based techniques.[296] However, once the type of treatment was controlled, adult offenders also benefitted significantly, suggesting they too

[288] Piquero *et al.*, 2015.
[289] Piquero *et al.*, 2015.
[290] Walters, 2003.
[291] Walters, 2003.
[292] Walters, 2003.
[293] Redondo, Sanchez-Meca and Garrido, 1999.
[294] Redondo, Sanchez-Meca and Garrido, 1999.
[295] Redondo, Sanchez-Meca and Garrido, 1999.
[296] Redondo, Sanchez-Meca and Garrido, 1999.

require access to structured and effective programmes.[297] The study highlights that the type of intervention, rather than the age of the offender, is key to reducing reoffending, and stresses the importance of applying structured, evidence-based methods consistently across all offender groups.

In addition to meta-analytical studies, conclusions from the European Sourcebook[298] provide a broader comparative perspective, showing general trends in recidivism across countries that remain observable despite methodological differences. The European Sourcebook does not collect data on recidivism, as its goal is to provide the most comparable information possible across a wide range of countries, something currently unfeasible for recidivism due to major methodological differences in how it is measured from one country to another.[299] Nevertheless, despite significant variations in reconviction rates across national contexts, certain trends are consistently observed. Prior criminal history emerges as the most significant predictor of recidivism, with individuals who have extensive criminal records showing the highest likelihood of reoffending.[300] Men tend to have higher reconviction rates than women, largely because they are more often convicted of violent offences.[301] Younger individuals are also more prone to reoffend compared to older age groups.[302] Reoffending is most common within the first year after release.[303] Importantly, there appears to be no simple or consistent relationship between the seriousness of the original offence and the likelihood of reconviction, nor between the type of sentence or initial conviction and subsequent offending.[304]

3.1.4. Key Findings from International Research on Recidivism

Before conducting primary research on recidivism, it is important to understand what existing evidence, even if limited, can tell us about the factors influencing reoffending and the effectiveness of interventions. The meta-analyses and complementary sources reviewed in this chapter were not selected through a fully systematic process but rather were chosen for their relevance and contribution to understanding adult recidivism. This approach allows for a focused overview of key findings while acknowledging the limitations of the selection.

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[297] Redondo, Sanchez-Meca and Garrido, 1999.
[298] Aebi *et al.*, 2021, pp. 284–285.
[299] Aebi *et al.*, 2021, pp. 284–285.
[300] Aebi *et al.*, 2021, pp. 284–285.
[301] Aebi *et al.*, 2021, pp. 284–285.
[302] Aebi *et al.*, 2021, pp. 284–285.
[303] Aebi *et al.*, 2021, pp. 284–285.
[304] Aebi *et al.*, 2021, pp. 284–285.

The literature covered in this dissertation can be grouped into three broad categories: sentencing and correctional practices, resocialisation and treatment approaches, and predictors and risk factors of reoffending. The evidence indicates that custodial sanctions alone are largely ineffective in reducing reoffending and may even increase it, while structured non-custodial measures, evidence-based psychological interventions, and resocialisation programmes can help reduce recidivism when properly implemented. Meta-analyses also highlight important predictors, such as antisocial behaviour, criminogenic needs, family background, substance abuse, moral development, and demographic factors like age and gender, showing that dynamic factors are as important as static ones for assessing risk and tailoring interventions. In addition, data from the European Sourcebook provide a broader, comparative perspective, illustrating general trends in recidivism that hold across countries and methodological differences. By synthesising findings from multiple meta-analyses and global data sources, informed conclusions can be drawn about effective interventions, key risk factors, and the limitations of current approaches, thereby guiding future research and policy development aimed at reducing reoffending and supporting the successful reintegration of offenders.

If the goal of programs is to change someone's behaviour, it is essential to understand the reasons behind it. This is why it is important to include offenders themselves, those who can directly explain what led to their actions and what obstacles stand in the way of change. Changing behaviour is a complex process, but some approaches are more effective than others. While punishment plays a role in the correctional system, its impact on recidivism is generally minimal.[305] In contrast, behavioural programs focus on current risk factors, are action-oriented, and utilise reinforcement and other techniques to actively shape behaviour, leading to more successful outcomes.[306]

Through the analysis of meta-analyses, it becomes clear that no consensus exists on the exact number of risk factors for recidivism. However, for the purposes of this dissertation, eight risk factors will be highlighted for which there is general agreement in the literature. These eight factors have been identified as strongly linked to criminal behaviour and are considered central in efforts to reduce recidivism.[307] They also represent promising intervention targets, as addressing them can significantly lower the likelihood of reoffending.[308] The key risk factors strongly linked to criminal behaviour include history of antisocial behaviour, antisocial

[305] Latessa, Listwan and Koetzle, 2015, pp. 60–61.
[306] Latessa, Listwan and Koetzle, 2015, pp. 60–61.
[307] Andrews, Bonta and Wormith, 2006.
[308] Andrews, Bonta and Wormith, 2006.

associates, antisocial cognition, antisocial personality pattern, family and marital status, school and work, leisure and recreation, and substance use.[309] Minor risk factors, which are less promising as intermediate targets for reducing recidivism, include personal and emotional distress, major mental disorders, physical health issues, fear of official punishment, physical conditioning, low IQ, social class of origin, and the seriousness of the current offence.[310]

The first and most used risk factor is history, particularly criminal history and prior antisocial behaviour, which strongly predicts future offending; however, it has limitations, such as being static and not providing direction for intervention, and it can only be useful if there is a prior history of offending.[311] The second major risk factor, antisocial associates, includes having pro-criminal friends and a lack of prosocial acquaintances, as individuals are influenced by the attitudes and behaviours of those around them, which increases the likelihood of reoffending.[312] The third major risk, antisocial cognition, values, beliefs, and cognitive emotional states include denial of responsibility, denial of injury, denial of the victim, system bashing, and appeal to higher loyalties, where offenders justify their actions by blaming external factors, discrediting critics, or prioritising personal loyalties over societal norms.[313] The fourth risk factor, antisocial personality pattern, often overlooked in assessments, involves temperamental and personality traits like impulsivity and aggression, which predispose individuals to antisocial behaviour and interact with other risk factors, such as attitudes and peer influences, in shaping criminal behaviour.[314] The fifth risk factor involves family dynamics, including criminal behaviour within the immediate family and other significant issues like low levels of affection, inadequate parental supervision, neglect, and abuse.[315] The sixth risk factor is low levels of personal achievement in education, vocation, and finances.[316] Poor performance in work or school is strongly correlated with higher risk of recidivism.[317] Gaining employment or education can be crucial in the resocialisation process, as it helps structure time, provides positive role models, and enables individuals to support themselves and their families, reducing the likelihood of reoffending.[318]The seventh risk factor is the lack of prosocial leisure activities,

[309] Andrews, Bonta and Wormith, 2006, p. 11; Latessa, Listwan and Koetzle, 2015, pp. 21–25.
[310] Andrews, Bonta and Wormith, 2006, p. 11.
[311] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[312] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[313] Latessa, Listwan and Koetzle, 2015, p. 22.
[314] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[315] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[316] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[317] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[318] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.

which often leads to idle time and interaction with antisocial peers.[319] Without structured, positive activities, individuals are more likely to engage in risky behaviours and form relationships that promote criminal activity.[320] Finally, the eighth risk factor is the abuse of alcohol and/or drugs.[321] Substance abuse often leads to interaction with antisocial peers, poor social skills, and, in the case of illicit drugs, illegal behaviour.[322] This risk factor exacerbates other issues, such as impulsivity and aggression, and can increase the likelihood of reoffending.[323]

Understanding the reasons behind risk factors for recidivism is key not only for prevention and resocialisation but also for a deeper insight into the nature of crime. It sheds light on the complex interaction between personal traits, social influences, and broader societal conditions, helping to explain patterns of reoffending and challenging simplistic views of criminal behaviour.

3.2. Domestic Recidivism Research and Literature Review

This section provides an overview of domestic research on recidivism, with the aim of situating the phenomenon within the Croatian scientific and criminological context. Understanding the national framework is crucial for several reasons. First, it allows for a comprehensive mapping of what is already known about recidivism in Croatia, highlighting the specific characteristics, patterns, and challenges that are unique to the national context. Second, it helps identify which areas scholars have emphasised as particularly concerning, whether in terms of risk factors, types of offending, or systemic issues related to resocialisation, rehabilitation and reintegration. Third, reviewing domestic research enables the detection of broader trends over time, offering insights into the evolution of criminological thinking, methodological approaches, and policy priorities in Croatia. Finally, situating recidivism within the national framework provides a necessary foundation for comparing domestic findings with international research, thereby supporting more informed discussions about best practices, gaps in knowledge, and potential directions for future research. By understanding what Croatian studies have uncovered so far, it becomes possible not only to summarise existing evidence but also to critically assess the

[319] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15
[320] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[321] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[322] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[323] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.

strengths and limitations of the current body of knowledge, and to pinpoint areas that require further scholarly attention.

Based on a targeted keyword search in the Croatian scientific bibliography CROSBI, a total of 26 publications relevant to recidivism were initially identified.[324] The search employed the Croatian terms "recidivizam", "recidiv", and "kriminalni povrat", as well as the English term "recidivism", to ensure comprehensive coverage of domestic scholarship. Out of the 26 identified publications, 16 were selected for detailed review, as they had a major or at least significant focus on recidivism and its study.

To ensure the review remained methodologically consistent and relevant, specific exclusion criteria were applied. Non-relevant publications, such as studies on medical recidivism papers published in foreign journals, and book chapters issued by non-Croatian publishers were manually excluded. Qualification works, including student seminar papers, diploma, master's, and doctoral theses, were automatically excluded, since the review focused exclusively on peer-reviewed Croatian publications. Additionally, ten studies were excluded due to insufficient relevance to the central theme of recidivism research, reliance on previously collected data, unavailability in online databases, lack of recency, or a predominantly historical focus that lacked criminological significance. The 16 selected studies were then analysed in a narrative fashion, with their main findings presented in chronological order. This approach enabled a systematic assessment of each study's topical focus, methodological approach, and key contributions.

The review is therefore structured in two parts. The first comprises the 16 publications retrieved directly from CROSBI, which predominantly present findings from original empirical research conducted among incarcerated populations, alongside several descriptive works outlining recidivism prevention programmes. The second part extends the review beyond the scope of CROSBI by employing a snowballing technique, whereby the reference lists of the reviewed publications were systematically screened to identify additional works. This process resulted in the inclusion of six further studies not indexed in CROSBI but nevertheless highly relevant for understanding recidivism in the Croatian context. Taken together, these two parts form the comprehensive body of research that will be analysed in the unique synthesis. Reviewing the

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[324] General criminological textbooks by Croatian authors, such as Singer et al., 2002; Derenčinović and Getoš, 2008; Horvatić, 1992, although not included in the detailed analysis presented in this chapter, constitute an important starting point for understanding fundamental criminological concepts and terminology. However, moving beyond the general treatment of these concepts and engaging with their specific theoretical and empirical dimensions requires consideration of the relevant scholarly literature. Accordingly, a more selective approach was adopted for the in-depth analysis of the concepts examined in this chapter, with relevant scholarly works identified and analysed on the basis of keywords pertaining to each concept.

literature in this structured manner makes it possible to identify dominant research themes, observe methodological trends, detect gaps in knowledge, and trace the evolution of Croatian scholarship on recidivism over time.

3.2.1. Findings from Domestic Scholarship Indexed in CROSBI

A recent review explored the relationship between prison social climate and prisoner misconduct and recidivism, highlighting the importance of the institutional environment as a criminogenic or protective factor.[325] Prison social climate, understood as the enduring social, emotional, organisational, and physical characteristics of correctional settings as perceived by inmates and staff, was found to shape behaviour both during imprisonment and after release.[326] Dimensions such as staff–prisoner relations, prisoner–prisoner relations, and perceived safety emerged as the most influential determinants.[327] Across studies, however, considerable conceptual and methodological variation was observed in how climate, misconduct, and recidivism were defined and measured, often limiting comparability and raising concerns about shared method bias in cross-sectional self-reports.[328] The evidence suggests that prisoners with more negative perceptions of their institutional experiences, especially regarding relationships and security, are more likely to misbehave in prison and reoffend after release.[329] Yet, the strength and persistence of these effects remain contested, particularly when controlling for individual risk factors, and the interplay of overlapping climate dimensions further complicates causal inferences.[330] Despite these challenges, longitudinal and large-scale studies across multiple jurisdictions provide consistent evidence that a positive prison social climate (characterised by trust, fairness, safety, and supportive relationships) can mitigate the criminogenic effects of incarceration.[331] This underscores the need for more nuanced, longitudinal research that integrates perspectives of both prisoners and staff and considers institutional diversity to better understand how prison social climates influence behaviour and long-term recidivism trajectories.

A 2024 study on the assessment and management of domestic violence risk factors analysed police-reported cases in Croatia, focusing on Sisak-Moslavina County between 2018 and

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[325] Sučić *et al.*, 2025.
[326] Sučić *et al.*, 2025.
[327] Sučić *et al.*, 2025.
[328] Sučić *et al.*, 2025.
[329] Sučić *et al.*, 2025.
[330] Sučić *et al.*, 2025.
[331] Sučić *et al.*, 2025.

2022.[332] The research examined socio-demographic characteristics of perpetrators and victims, patterns of offending, and risk factors for recidivism. Psychological violence emerged as the most prevalent form, followed by physical violence, with excessive alcohol use identified as a major criminogenic factor.[333] The study also highlighted that violence increasingly targeted vulnerable groups such as children, the elderly, and persons with disabilities.[334] Concerning recidivism, more than one-third of perpetrators had previously been reported for violence against the same victim, while many had also offended against other family or non-family members.[335] Previously unreported violence was identified as a significant hidden risk factor, particularly in rural areas, suggesting a substantial "dark figure" of repeat offending that may go undetected in police records.[336] These findings underscore that insufficient recognition of prior violent behaviour can compromise risk management and victim protection, emphasising the need for systematic and structured approaches in police assessment and intervention to prevent recidivism in domestic violence cases.

A 2023 study on recidivism, penal populism, and the future of recidivism research critically examined the concept, measurement, and management of recidivism, with particular attention to the Croatian context.[337] The paper highlighted ongoing conceptual confusion and methodological challenges, including the limited evidence on the effectiveness of treatment's programs and predictive tools for identifying potential recidivists.[338] It further discussed the influence of penal populism, which often results in harsher punishments and broader criminalisation, disproportionately targeting recidivists and undermining evidence-based policy. The authors argued for a shift towards qualitative, ethnographic, and convict criminology approaches to deepen understanding of recidivism, treat prisoners as active stakeholders, and inform more effective strategies for crime and recidivism reduction.[339] In the Croatian context, such approaches call for systematic ethical oversight of prison research, clear guidelines for conducting studies involving incarcerated individuals, and enhanced collaboration between prisons, research institutions, and community organisations, with the

[332] Butorac and Kikic, 2024.
[333] Butorac and Kikic, 2024.
[334] Butorac and Kikic, 2024.
[335] Butorac and Kikic, 2024.
[336] Butorac and Kikic, 2024.
[337] Getoš Kalac and Feuerbach, 2023.
[338] Getoš Kalac and Feuerbach, 2023.
[339] Getoš Kalac and Feuerbach, 2023.

ultimate goal of producing empirically grounded knowledge to prevent recidivism and protect both society and potential victims.

The 2022 study on the role of education within the prison system in the Republic of Croatia provides an overview of relevant literature on this topic using the example of adult offenders, analysing the extent, structure, and dynamics of criminal activity over the past decade (2013–2021).[340] The goal of this paper is to confirm the initial hypothesis that the educational system in penal institutions in the Republic of Croatia needs to be expanded with a spectrum of educational programs conducted by experts, which will motivate inmates to participate in educational programs.[341] The authors utilize data on reported, charged, and convicted adult perpetrators for the period 2013–2021, obtained from the Croatian Bureau of Statistics, to conduct an empirical analysis based on secondary data of recorded crimes.[342] The authors conclude that the Croatian prison population, similar to the European and global prison population, has a low level of education.[343] They suggest introducing online education within the Croatian prison system to provide access to educational programs, primarily for motivated prisoners, while also noting that the current educational programs do not fulfil their primary goal of special prevention as the main purpose of the punishment.[344]

In 2019, the results of an empirical study were published with the goal of determining whether a significant connection exists between the sociodemographic characteristics of families and minors, and recidivism in the execution of criminal offenses by minors.[345] In this research, a content analysis of data from social documentation was applied, and general information about juvenile offenders, data about the sociodemographic characteristics of families, data about the intensity of delinquent activities of minors, data about manifestations of behavioural disorders in juvenile delinquents, and data about the education of minors were collected.[346] The data relating to a total of 161 delinquents were processed using statistical methods, out of which 65 (40%) had been repeatedly sentenced by final judgments for repeated criminal offenses, while 96 (60%) had been sentenced only once.[347] Among the factors identified as significantly associated with recidivism in this study are younger age, birth order, minors with parents

[340] Gracin and Herceg, 2022, p. 91.
[341] Gracin and Herceg, 2022, p. 91.
[342] Gracin and Herceg, 2022, p. 95.
[343] Gracin and Herceg, 2022, p. 111.
[344] Gracin and Herceg, 2022, p. 111.
[345] Stašević, 2019, p. 128.
[346] Stašević, 2019, p. 131.
[347] Stašević, 2019, pp. 131–132.

having lower education, father's occupation in lower-paid jobs, aggressive behaviour of minors, school truancy, certain forms of addiction (inhalants and pills), frequent changes in school environment, and grade repetition. [348]

The study from 2017 about the challenges in reducing criminal recidivism is primarily descriptive and analytical.[349] It describes various interventions, principles, and practices related to reducing offender recidivism in the context of corrections, discusses the effectiveness of different approaches, and provides insights into the factors that contribute to successful outcomes.[350] In conclusion, the study highlights the ineffectiveness of surveillance, control, deterrence, or discipline-based interventions while emphasizing the value of restorative methods and skills training.[351] The study advocates for the exclusive implementation of evidence-based programs.[352]

In 2017, the results of a research on the risk factors of belonging to specific groups of penal recidivism were published.[353] The research is based on data from the Croatian prison system about inmates who came to the Diagnostic Centre in Zagreb for diagnostic processing in 2013, and were sentenced to imprisonment for more than 6 months or had more than 6 months of imprisonment left after the investigative detention, and if a compulsory psychiatric treatment security measure was also imposed alongside the prison sentence.[354] The sample includes 1,600 males and 89 females, ranging in age from 18 to 80 years, categorized into three groups based on the number of prison sentences they have received throughout their lifetime up until the time of the research implementation.[355] The aim of the study was to determine whether intelligence, impulsivity, adventurousness, and empathy predict belonging to the group of sub-chronic recidivists (two to four prison terms), as well as whether these factors predict belonging to the group of chronic recidivists (five or more prison terms).[356] This paper contains certain methodological limitations, given the large prison population; the study was conducted on a representative sample.[357] Additionally, since the data was collected from the database of the Diagnostic Centre in Zagreb, the sample includes not only those inmates who agreed to

[348] Stašević, 2019, p. 129.
[349] Butorac, Gracin and Stanić, 2017.
[350] Butorac, Gracin and Stanić, 2017.
[351] Butorac, Gracin and Stanić, 2017, p. 128.
[352] Butorac, Gracin and Stanić, 2017, p. 128.
[353] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a, p. 545.
[354] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a, p. 545.
[355] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a, p. 546.
[356] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a, pp. 544–545.
[357] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a, p. 557.

participate but also those who might have declined to participate in the research, as well as those who might not have been sufficiently motivated to diligently complete the questionnaires.[358] Another limitation of this study is that it includes only inmates with a prison sentence of more than 6 months.[359] The research conclusion was that apart from impulsiveness, none of the other measured characteristics show a consistent pattern in distinguishing between different groups of recidivists.[360]

The same sample as in the previously mentioned study was used for a separate investigation into the role of empathy in relation to intelligence and criminal recidivism.[361] In this research, Criminal recidivism was measured by the total number of prison sentences, intelligence was measured using the Beta test, empathy with the empathy subscale from Eysenck's Impulsiveness Questionnaire (IVE), while personality traits (psychoticism, extraversion, and neuroticism) were measured using the revised Eysenck Personality Questionnaire.[362] The aim of this study was to examine whether empathy mediates the relationship between intelligence and criminal recidivism, and it was assumed that lower intelligence would predict more pronounced criminal recidivism only indirectly, through reduced empathy.[363] The conclusion of this study confirmed this assumption and showed that there is no significant direct effect of intelligence on criminal recidivism, but rather that intelligence exerts its indirect effect on criminal recidivism through empathy.[364]

In 2016, a study was conducted on perpetrators of sexual violence with intellectual disabilities.[365] This study combines a descriptive analysis of the characteristics of the perpetrator group with an analytical analysis of factors influencing the occurrence of sexual violence recidivism among individuals with intellectual disabilities.[366] The conclusion of this study is that treatments for this group of offenders should be based on specificities related to this population, aiming to create social support networks and assistance (especially concerning monitoring of offenders during and after treatment), emphasizing the necessity of an

[358] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a, p. 557.
[359] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a, p. 558.
[360] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a, p. 558.
[361] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017b, p. 88.
[362] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017b, p. 88.
[363] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017b, p. 88.
[364] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017b, p. 95.
[365] Buljevac, Luketić and Leutar, 2016, p. 253.
[366] Buljevac, Luketić and Leutar, 2016.

individualized approach in therapy for perpetrators of sexual violence with intellectual disabilities.[367]

The focus of the 2016 study is on developing a checklist for analysing the risk of domestic violence recidivism.[368] The authors consider it essential to undertake specific risk assessment measures aimed at preventing new violence, enhancing the consistency and foundation of decisions, and protecting the victim.[369] The identification of significant risk factors for risk assessment is based on the results of the analysis of 235 police records and court judgments related to homicides and attempted homicides against family members during the period from 2005 to 2010 in the Republic of Croatia.[370] This risk factor identification resulted in the checklist for assessing the risk of repeated domestic violence, which will then be subjected to a 6-month test application by the police, and subsequently officially verified.[371]

The 2001 study focused on comparing recidivists and non-recidivists to examine differences in aggression, while also considering the variable of the primary family.[372] This empirical research utilizes a sample analysis consisting of 258 adult inmates who served sentences in penal institutions of varying security levels, and the sample is divided into two subgroups: 83 recidivists and 175 non-recidivists.[373] Aggression is measured through the Aggression Questionnaire[374], while the questionnaire about the primary family contained 19 variables regarding socioeconomic status, social pathology, and physical punishment.[375] The authors conclude in their study that recidivists are more aggressive, especially evident in terms of physical aggression, and that the structure of the primary family is linked to recidivism, with a higher likelihood that recidivists come from fragmented families.[376]

The 2010 study describes a pilot project for preventing recidivism of sexual offenses introduced into the Croatian prison system in 2005.[377] The goal of the program is to reduce the recidivism of offenders of sexual offenses against sexual freedom, prepare offenders for reintegration, and

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[367] Buljevac, Luketić and Leutar, 2016, p. 256.
[368] Martinjak, Matijević and Odeljan, 2016, p. 133.
[369] Martinjak, Matijević and Odeljan, 2016, p. 137.
[370] Martinjak, Matijević and Odeljan, 2016, p. 133.
[371] Martinjak, Matijević and Odeljan, 2016, p. 145.
[372] Mejovšek, Buđanovac and Šućur, 2001, p. 92.
[373] Mejovšek, Buđanovac and Šućur, 2001, p. 92.
[374] The Aggression Questionnaire was developed by Buss and Perry in 1992, and the questionnaire consists of 29 items measuring four components of aggression: physical aggression, verbal aggression, anger, and hostility. In: Buss and Perry, 1992, p. 452.
[375] Mejovšek, Buđanovac and Šućur, 2001, p. 93.
[376] Mejovšek, Buđanovac and Šućur, 2001, pp. 93–98.
[377] Mužinić and Vukota, 2010, p. 619.

develop a program that encompasses the possibility of continuing treatment and monitoring within the community.[378] The project titled "*Recidivism Prevention and Impulsive Behaviour Control*," initiated in collaboration with an external psychiatrist and prison system officials (social workers and psychologists), was first launched at the Lepoglava Penitentiary, and later at the Glina Penitentiary.[379] The authors' conclusion is that the treatment of sexual offenders should be extended to the probation system and community, adhering to data protection and human rights regulations, and necessitating the formation of interdisciplinary teams for continued treatment and monitoring, including the option of implementing protective and security measures for high-risk offenders.[380]

In 2010, a study was published that examines the research on restorative justice models applied to youth in conflict with the law.[381] The aim of this paper is to provide a brief explanation of the concept of restorative justice and present four fundamental models, along with an overview of global research on the effectiveness of the most commonly applied approaches in reducing the recidivism rate among youth in conflict with the law.[382] The conclusion of the paper is that restorative justice models generally exhibit positive results in terms of reducing the recidivism rate.[383] However, the author emphasizes that caution should be exercised in approaching this conclusion, as the question remains open regarding the methodological correctness of the analysed studies, and to what extent they allow for drawing such conclusions given the diversity of methodologies in individual studies.[384]

Between 2007 and 2009 an empirical study on differences in involvement in criminal lifestyle considering age, recidivism and violent behaviour was conducted on 415 convicted male prisoners aged between 18 and 75 using an upgraded version of the *Lifestyle Criminality Screening Form*[385] at the Diagnostics Department in Zagreb prison.[386] The study found that younger prisoners, recidivists and prisoners who committed violent crimes are deeper involved in criminal lifestyle when compared to the remaining prisoners, but was not able to conclude whether younger, violent offenders and recidivist would be deeper involved in criminal

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[378] Mužinić and Vukota, 2010, p. 619.
[379] Mužinić and Vukota, 2010, p. 620.
[380] Mužinić and Vukota, 2010, p. 621.
[381] Mirosavljević, 2010, p. 53.
[382] Mirosavljević, 2010, p. 54.
[383] Mirosavljević, 2010, p. 58.
[384] Mirosavljević, 2010, p. 60.
[385] The LCSF as developed by Walters is a 14-item screening instrument, divided into 4 sections (irresponsibility, self-indulgence, interpersonal intrusiveness, social rule breaking), that has been designed to identify lifestyle criminality. See: Walters, White and Denney, 1991, p. 406.
[386] Doležal, 2009.

lifestyle than younger recidivists or younger violent offenders.[387] The findings thus confirmed prior knowledge about recidivists – their (expected) deeper involvement in criminal lifestyle and high likelihood of reoffending.[388]

One of the early studies on recidivism in the area of the Republic of Croatia is the 1998 study in which the author addresses the concept of recidivism, analyses the treatment of re-entry in Croatian criminal legislation, studies crime trends during the period 1989-1996, and explores the recidivism rate based on the type of criminal offenses, age of offenders, and education.[389] Additionally, the author addresses the issue of long-term repeat offenders serving sentences of 15 and 20 years at Lepoglava Penitentiary through individual case studies.[390] The goal of the research is to determine the correlation between long-term imprisonment and repeated recidivism, as well as to identify the causes of inmate behaviour through their criminal history.[391] The study in question is extensive, featuring a series of conclusions. In the context of recidivism, it is crucial to emphasize the following study conclusions: the author highlights the necessity of post-penal assistance to former inmates, the issue of prison overcrowding, insufficient staffing and resources, the emergence of a trend toward the professionalization of criminal lifestyles, and the notable presence of a large number of recidivist convicts who began their criminal lifestyle as juveniles or young adults.[392]

3.2.2. Extended Literature on Recidivism in the Croatian Context

The first part of this review includes 16 papers, predominantly presenting findings from original empirical studies conducted among incarcerated populations. In addition, several descriptive works do not rely on empirical data or secondary analysis but instead focus on outlining and discussing recidivism prevention programmes. These publications were identified through CROSBI, the Croatian Scientific Bibliography, which represents the most comprehensive national repository of scientific outputs. However, although CROSBI is extensive, its scope is not exhaustive. Relevant studies may be published by authors without institutional affiliation in Croatia or appear in journals issued abroad, and such publications are not always systematically captured in the database. To address this limitation, a snowballing technique was employed, whereby the reference lists of reviewed publications were

[387] Doležal, 2009, pp. 42–43.
[388] Doležal, 2009, p. 42.
[389] Gracin, 1998, p. 75.
[390] Gracin, 1998, p. 75.
[391] Gracin, 1998, p. 89.
[392] Gracin, 1998, pp. 103–105.

systematically screened to identify additional relevant works. This citation-tracking process resulted in the inclusion of six further studies that were not indexed in CROSBI but nevertheless provide significant insights into recidivism in the Croatian context. The entire body of research (both the works identified through CROSBI and those retrieved through citation tracking) will be analysed together.

A recent study conducted by Croatian authors examined the role of artificial intelligence (AI) in predicting recidivism, highlighting both the opportunities and risks of applying machine learning models in criminal justice.[393] While AI tools show promise in improving the accuracy and efficiency of risk assessment, the study emphasises persistent challenges related to transparency, explainability, and fairness.[394] Highly accurate models often lack interpretability, undermining judicial trust, whereas more interpretable models may sacrifice precision.[395] Ethical concerns are central, particularly the risk of perpetuating historical bias embedded in training data, which may disproportionately affect vulnerable groups.[396] The study contrasts the regulatory frameworks in the United States and Europe, noting that U.S. debates focus on accountability and discrimination, while European approaches prioritise privacy and data protection.[397] It further warns against automation bias and overreliance on AI recommendations, underscoring the need for strong human oversight and post-release monitoring of AI applications.[398] Ultimately, the study concludes that responsible deployment of AI in predicting recidivism requires interdisciplinary collaboration, transparent design, and robust regulatory frameworks to ensure that technological innovation enhances, rather than undermines, justice.

A recent study explored the profiles of drug offenders in Croatian prisons, aiming to identify distinct subgroups and examine their relationship to the probability of recidivism, penitentiary opinions on conditional release (CR), and Conditional Release Committee decisions.[399] The analysis of 111 male offenders convicted of drug abuse offences revealed only two clusters, differing primarily by age, parental status, and attitudes toward the offence.[400] Contrary to expectations, these differences did not translate into significant variation in assessed risk of

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[393] Feuerbach and Skaramuca, 2025.
[394] Feuerbach and Skaramuca, 2025.
[395] Feuerbach and Skaramuca, 2025.
[396] Feuerbach and Skaramuca, 2025.
[397] Feuerbach and Skaramuca, 2025.
[398] Feuerbach and Skaramuca, 2025.
[399] Ćudina *et al.*, 2024.
[400] Ćudina *et al.*, 2024.

recidivism, penitentiary opinions, or Committee outcomes.[401] However, several low to moderate correlations emerged, suggesting that past criminal history (e.g. prior sentences, imposed security measures) and in-prison behaviour (e.g. work engagement, use of benefits) influenced risk assessments and CR decisions.[402] The findings underscore the multivariate complexity of offender behaviour, with limited explanatory power found in socio-demographic characteristics alone.[403] The study highlights the relevance of institutional behaviour as a predictor of successful reintegration and suggests that prison engagement may play a key role in supporting desistance from crime.

A recent study analysed recidivism trends in Croatia between 2011 and 2023, offering a systematic overview of how the concept has been defined, measured, and interpreted in the national criminal justice context.[404] It examined different forms of recidivism (rearrest, reconviction, and reimprisonment) while highlighting the definitional ambiguity that complicates both measurement and comparison.[405] The research emphasised that Croatia lacks a legal definition of recidivism and relies on inconsistent terminology, making data collection and cross-national comparison particularly challenging.[406] Drawing on statistical data, expert insights from the Diagnostic Centre, and prison reports, the study identified a steady decline in both convicted offenders and recidivists, with property crimes remaining the most prevalent form of repeat offending.[407] It further pointed to the impact of legislative changes, such as the 2013 reclassification of drug possession, on recorded recidivism levels, cautioning that statistical declines may not necessarily reflect genuine behavioural change.[408] The study concluded by underscoring the need for systematic evaluation of rehabilitation and reintegration programmes, without which it remains unclear whether observed reductions in recidivism represent lasting progress or temporary fluctuations.

A study on criminology, crime, and criminal justice in Croatia offers a broad overview of the country’s criminological tradition, crime trends, and systemic challenges.[409] Although its focus extends beyond recidivism, it provides relevant insights by reporting a steady increase in reoffending over two decades, with an average rate of around 30 percent and notable

[401] Ćudina *et al.*, 2024.
[402] Ćudina *et al.*, 2024.
[403] Ćudina *et al.*, 2024.
[404] Feuerbach, 2024.
[405] Feuerbach, 2024.
[406] Feuerbach, 2024.
[407] Feuerbach, 2024.
[408] Feuerbach, 2024.
[409] Getoš Kalac and Bezic, 2017.

differences between male and female offenders, particularly in special recidivism.[410] More importantly, it situates these findings within wider transitional issues such as corruption, organised crime, underdeveloped probation, and the continued strain on the prison system.[411] This work is included here not for its narrow focus on reoffending, but because it provides a broader criminological context that is essential for understanding the structural conditions in which recidivism in Croatia occurs.

A 2015 study on the significance of cooperation between the probation and prison systems in Croatia examined how stronger institutional collaboration could contribute to reducing recidivism.[412] Situated within the broader European context, where probation–prison cooperation has only recently gained attention, the paper highlights Croatia's specific trajectory, marked by the establishment of probation offices in 2011 and the sharp increase in probation-related cases after 2013.[413] The study notes that cooperation is still largely limited to the exchange of risk assessments and supervisory information, with rehabilitative aims often sidelined.[414] At the same time, it argues that constructive collaboration is both possible and necessary, particularly given Croatia's progressive prison execution system, which seeks to maintain family and community ties, provide treatment and educational programmes, and prepare prisoners for conditional release.[415] With probation tasks expanding rapidly, the study underscores the need to strengthen institutional capacities and develop new models of cooperation to ensure continuity in offender management from incarceration to community reintegration.[416] It concludes that closer coordination between prison and probation services could reduce fragmentation, enhance rehabilitation, and ultimately contribute to lowering recidivism rates.[417]

A 2000 study on problems in the treatment of convicted persons in Croatia examined both domestic and international experiences with institutional penal treatment, focusing on offender classification as a basis for predicting future behaviour and reducing the risk of recidivism.[418] While acknowledging that Croatian legislation on imprisonment is relatively well developed, the authors identified significant practical shortcomings, including a shortage of treatment

410 Getoš Kalac and Bezic, 2017.
411 Getoš Kalac and Bezic, 2017.
412 Maloic, Rajic and Mazar, 2015.
413 Maloic, Rajic and Mazar, 2015.
414 Maloic, Rajic and Mazar, 2015.
415 Maloic, Rajic and Mazar, 2015.
416 Maloic, Rajic and Mazar, 2015.
417 Maloic, Rajic and Mazar, 2015.
418 Damjanovk and Garik, 2000.

programmes, the absence of systematic evaluation, inadequate offender classification methods, the isolation of prisons from the community, and the chronic stress faced by prison staff.[419] The study underlined that accurate classification[420] represents a key tool for tailoring interventions and improving predictions of both in-prison behaviour and post-release reoffending.[421] By presenting comparative international models, the paper stressed the need to develop modern, evidence-based classification systems in Croatia as a prerequisite for more effective resocialisation and recidivism prevention.[422]

A study from the 1993 analysed female recidivists in Croatia, addressing a notable research gap in a field that had until then largely marginalised women's criminality and reoffending.[423] Drawing on data from 1992, the research found that just over 10% of convicted women reoffended, accounting for only 4.5% of the total recidivist population, thereby confirming that women participate in recidivism far less frequently than men.[424] Nevertheless, the socio-demographic profile of female recidivists revealed significant structural disadvantages: the majority were of low educational attainment, with more than half not completing primary school, and many were unemployed, low-skilled workers, agricultural labourers, or housewives, all of which positioned them within socioeconomically deprived and marginalised strata.[425] Their repeat offending largely reflected established patterns of recidivism, dominated by property crimes and followed by offences against life and body and breaches of official duty, which were often regarded as crimes of lower social harm; however, the presence of older and mature women among recidivists raised concerns, suggesting that inadequate social support prolonged pathways into crime.[426] Rooted in feminist criminological perspectives, the author argued for more systematic and comprehensive research on women's criminality and recidivism in Croatia, rejecting reductionist biological or psychological explanations and instead highlighting sociocultural and economic determinants, particularly in the transitional context of a society still dealing with the consequences of the Homeland War.[427] By combining empirical findings with critical reflection, the study provided not only insights into the

[419] Damjanovk and Garik, 2000.
[420] Considering criminogenic factors such as criminal history, age at first imprisonment, substance abuse, and institutional conduct.
[421] Damjanovk and Garik, 2000.
[422] Damjanovk and Garik, 2000.
[423] Zakman-Ban, 1993.
[424] Zakman-Ban, 1993.
[425] Zakman-Ban, 1993.
[426] Zakman-Ban, 1993.
[427] Zakman-Ban, 1993.

characteristics of female recidivists but also an important corrective to the male-centred criminological discourse, emphasising the need for gender-sensitive approaches in crime policy, offender treatment, and recidivism prevention in Croatia.

3.2.3. Synthesis of Findings from Croatian Recidivism Literature

Most of them are original scientific articles, while several are review papers. Several works are descriptive in nature, particularly those outlining programmes or systemic issues, whereas many rely on original empirical data, often gathered from prison populations, minors in conflict with the law, or specific offender groups.

A first group of studies focuses on the conceptual and methodological aspects of recidivism.[428] Research has repeatedly highlighted the absence of a clear legal definition of recidivism in Croatia and the resulting methodological inconsistencies. The 2023 study on penal populism pointed to ongoing conceptual confusion, limited evidence on treatment programmes, and the impact of punitive political agendas.[429] Similarly, an analysis of recidivism trends between 2011 and 2023 underlined definitional ambiguity and difficulties in data comparison.[430] Earlier work from 1998 also placed emphasis on the conceptual treatment of recidivism within legislation and criminal statistics, linking it to systemic issues such as overcrowding and insufficient post-penal support.[431] Together, these contributions reveal that definitional and methodological challenges have persisted across decades, undermining reliable measurement and comparability.

A second group examines risk factors and predictors of recidivism. Studies focusing on minors showed that age, parental education, father's occupation, school truancy, addictions, and behavioural disorders strongly correlate with reoffending.[432] Research on adult prisoners has explored psychological and personality traits: impulsivity emerged as the only consistent predictor of chronic recidivism[433], while another study demonstrated that intelligence influenced reoffending only indirectly, through reduced empathy.[434] Earlier work identified stronger aggression and fragmented family backgrounds as significant among recidivists.[435]

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[428] Gracin, 1998; Getoš Kalac and Feuerbach, 2023; Feuerbach, 2024.
[429] Getoš Kalac and Feuerbach, 2023.
[430] Feuerbach, 2024.
[431] Gracin, 1998.
[432] Stašević, 2019; Stašević and Ropac, 2022.
[433] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017a.
[434] Lotar Rihtarić, Vrselja and Badurina-Sertić, 2017b.
[435] Mejovšek, Buđanovac and Šućur, 2001.

Special groups have also been studied, including drug offenders,[436] where socio-demographic differences did not explain outcomes but institutional behaviour proved important, and sexual offenders with intellectual disabilities[437], where the need for tailored interventions was highlighted. The study on female recidivists drew attention to socio-economic marginalisation, low education, and patriarchal social roles as central risk factors.[438] Taken together, these studies consistently show that socio-demographic deprivation, weak family support, low education, and behavioural issues are strongly associated with recidivism, while institutional engagement and social support play important protective roles.

A third set of studies focuses on treatment, resocialisation, and prevention approaches. Here, the emphasis is on evaluating what works in reducing recidivism. The 2022 study on education in prisons concluded that existing programmes fail to achieve their goals of special prevention, suggesting the introduction of broader and online education opportunities.[439] Another study reviewed interventions, stressing the ineffectiveness of control-based measures and advocating restorative approaches and skills training.[440] Programmes targeted at sexual offenders were piloted in Croatian prisons from 2005, with a 2010 study recommending their extension into community supervision.[441] Research on domestic violence produced a checklist for police risk assessment[442] and a recent study identified alcohol abuse and hidden violence as key risk factors.[443] System-level contributions include the analysis of probation–prison cooperation,[444] which called for stronger collaboration to support reintegration, and a 2010 study that identified major shortcomings in prison treatment, including insufficient programmes, inadequate classification methods, and lack of evaluation.[445] This strand of research consistently underlines the gap between legislative frameworks and practice, with resocialisation goals often secondary to custodial or supervisory functions.

Finally, several studies provide broader criminological or contextual perspectives. A overview of criminology, crime, and criminal justice in Croatia placed recidivism in the context of transitional challenges, corruption, and an underdeveloped probation system, reporting a

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436 Ćudina *et al.*, 2024.
437 Buljevac, Luketić and Leutar, 2016.
438 Zakman-Ban, 1993.
439 Gracin and Herceg, 2022.
440 Butorac, Gracin and Stanić, 2017.
441 Mužinić and Vukota, 2010.
442 Martinjak, Matijević and Odeljan, 2016.
443 Butorac and Kikic, 2024.
444 Maloic, Rajic and Mazar, 2015.
445 Damjanovk and Garik, 2000.

reoffending rate of around 30 percent.[446] Moreover research showed that recidivists and violent offenders are more deeply embedded in criminal lifestyles.[447] More recently, study examined the role of artificial intelligence in predicting recidivism, highlighting both the potential of machine learning models and the ethical concerns related to transparency, bias, and accountability.[448] These works emphasise that recidivism cannot be studied in isolation from broader systemic conditions and emerging technological trends.

Overall, the Croatian literature on recidivism demonstrates a steady accumulation of empirical findings and critical reflections. While most studies are based on original empirical data collected from prisoners, minors, or specific offender groups, a smaller number offer broader reviews and programme overviews. Across all strands, common conclusions emerge; socio-economic disadvantage and weak support systems are major risk factors;[449] institutional engagement and tailored treatment can reduce recidivism;[450] and systemic shortcomings in programme evaluation, prison–probation cooperation, and legislative clarity remain persistent challenges.[451] Yet, considering that this body of work covers a period of more than 30 years, the number of publications is relatively limited. Although the reviewed research is of high quality and reflects strong expertise, it leaves considerable room for further investigation. The small size of the Croatian criminological community has constrained the scope of research, leaving significant space for further progress in building a comprehensive, methodologically consistent, and evidence-based understanding of recidivism. Crucially, findings need to be better integrated into prevention policies through targeted rehabilitation programmes, stronger prison–probation cooperation, and tailored support for vulnerable groups, ensuring that future approaches to recidivism prevention in Croatia are guided by evidence rather than political or populist pressures.

[446] Getoš Kalac and Bezic, 2017.
[447] Doležal, 2009.
[448] Feuerbach and Skaramuca, 2025.
[449] Zakman-Ban, 1993; Gracin, 1998; Mejovšek, Buđanovac and Šućur, 2001; Stašević, 2019; Stašević and Ropac, 2022.
[450] Mužinić and Vukota, 2010; Maloic, Rajic and Mazar, 2015; Martinjak, Matijević and Odeljan, 2016; Ćudina *et al.*, 2024.
[451] Gracin, 1998; Damjanovk and Garik, 2000; Doležal, 2009; Maloic, Rajic and Mazar, 2015; Butorac, Gracin and Stanić, 2017; Getoš Kalac and Feuerbach, 2023.

4. Current Penal Policy Responses to Recidivism

The relationship between prior criminal history and sentencing has long been one of the most debated issues in criminal justice. At its core lies a fundamental question: should offenders be punished more harshly simply because they have offended before, or should each crime be judged in isolation, without reference to past conduct? Different sentencing models provide very different answers to this question, reflecting contrasting views about fairness, proportionality, deterrence, and the purpose of punishment.

This chapter examines the main approaches to integrating criminal history into sentencing, ranging from the flat-rate model, which excludes prior convictions altogether, to the recidivist sentencing premium model, which systematically increases penalties for repeat offenders. Between these two extremes lies the progressive loss of mitigation model, which offers limited leniency to first-time offenders but withdraws it once reoffending occurs. In addition, the chapter considers situations in which repetition of criminal behaviour does not automatically translate into harsher sanctions, most notably through the doctrine of continued crimes, where several offences may be treated as one for the sake of proportionality.

Exploring these models is important for two main reasons. First, the choice of model reflects deeper values about what society expects from its sentencing system: whether the emphasis should be on fairness and consistency, public protection, resocialisation, or proportionality. Second, the model applied has direct consequences for reoffending, prison populations, and public trust in the justice system. While harsher sanctions are often assumed to deter crime, empirical research shows mixed results, and in some cases the opposite effect.[452] Without clear definitions of recidivism and careful evaluation of how different sentencing frameworks operate in practice, there is a risk of both distorted statistics and ineffective policies.

By analysing these models in more details, this chapter aims to highlight the competing logics that shape sentencing decisions, their advantages and limitations, and their broader implications for justice policy. Understanding how criminal history is treated is essential not only for achieving proportional and fair sentencing outcomes but also for assessing whether current approaches genuinely contribute to reducing reoffending.

[452] Cullen, Jonson and Nagin, 2011; D'Alessio and Stolzenberg, 2019; Hester *et al.*, 2019.

4.1. Non-Differential Response Through Flat-rate Model

Some academics contend that a criminal history should not be taken into consideration when determining the appropriate sentence for the current offense.[453] Reasoning behind is that judges are essentially punishing offenders for their past rather than just their current offense if their criminal history influences the sentence they receive.[454] This approach is in literature referred as flat-rate model of punishment.[455]

From a retributive perspective, recidivism does not influence punishment since the harm caused by an offence is assessed objectively, independent of the offender's prior record or personal traits.[456] A retributive theorists through the exclusionary school argues that punishment should depend only on the seriousness of the current offence and the offender's culpability, meaning criminal history should play no role at all.[457] Punishment should be determined solely by the circumstances and harm of the current offence, with the offender's history deemed irrelevant to the case at hand.[458] According to this view, prior convictions are no more relevant than other extra-legal factors that might intuitively seem appealing, such as whether an offender has a good war record, and therefore each offender should always be treated as a first offender in every sentencing decision.[459] Retribution focuses solely on the current offence, meaning identical crimes warrant identical punishments, regardless of whether the offender is a first-time or repeat offender.[460] This approach ensures consistency, as it treats each offence in isolation without increasing penalties for repeat offending. Furthermore, the flat-rate sentencing model maintains that, although disregarding an offender's prior record may appear counterintuitive, punishment should not be grounded in assessments of character but rather in the offence itself.[461] This approach is supported by certain body of empirical research which consistently indicates that escalating the severity of sanctions for repeat offenders does not enhance deterrent effects.[462] A multilevel analysis of felony prosecutions in 39 urban counties

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453 Fletcher George, 1978; Bagaric Mirko, 2001; Roberts, 2008; Hinkkanen and Lappi-Seppälä, 2011; Bagaric, 2014; D'Alessio and Stolzenberg, 2019; Hester *et al.*, 2019; Holmes and Feldmeyer, 2019; Ri and Cheng, 2024.
454 Fletcher George, 1978, p. 466; Roberts and Von Hirsch, 2010; Ri and Cheng, 2024.
455 Fletcher George, 1978, pp. 460–466; Bagaric Mirko, 2001; Hallevy, 2013, pp. 71–72; Bagaric, 2014; Hester *et al.*, 2019, chap. 13.
456 Hallevy, 2013, pp. 71–72; D'Alessio and Stolzenberg, 2019, pp. 11–12.
457 Roberts, 2008, p. 470; Hester *et al.*, 2019, p. 292.
458 Hester *et al.*, 2019, p. 292.
459 Roberts, 2008, p. 470.
460 Hallevy, 2013, pp. 71–72.
461 Ri and Cheng, 2024, p. 2.
462 Gendreau, Goggin and Cullen, 1999; Doob and Webster, 2003; Cullen, Jonson and Nagin, 2011; D'Alessio and Stolzenberg, 2019.

found that harsher punishments for repeat offenders did not significantly reduce the likelihood of reoffending compared to first-time offenders.[463] Furthermore, the literature offers arguments for treating first-time and repeat offenders alike. Some of them including ideas of unproportionally and unfairness in sentencing. Relying on prior criminal history in sentencing can be seen as unjust, since the offender has already been punished, and it may lead to harsher penalties for repeat offenders than for first-time offenders who commit the same crime, even though the harm to society is equal.[464] There is an argument that punishment should correspond to the crime itself rather than to the offender's past conduct.[465] Moreover, repeat offenders are more likely to be caught due to the state's existing records, such as fingerprints, DNA, and personal data.[466] While policymakers frequently endorse strict punishments for repeat offenders, research indicates that alternative strategies may be more effective in addressing reoffending.[467]

4.2. Harsher Response Through Recidivist Sentencing Premium Model

In sentencing practice, an offender's prior criminal record is regarded as a significant determinant of the penalty to be imposed.[468] The severity of the sentence often increases in proportion to the extent of previous convictions.[469] Consequently, repeat offenders are typically subject to harsher sanctions than first-time offenders, even where the underlying offences are identical. This approach has been firmly embedded within judicial policy for centuries and continues to be applied with little critical examination of its normative justification or practical validity. The practice of imposing harsher penalties on repeat offenders is partially explained by the assumption that such measures provide stronger deterrence against further criminal behaviour and offer greater protection to the public from the continued offending of previously convicted individuals.[470]

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[463] However, the study's limitations including issues of causality, lack of experimental design, and restricted focus on urban counties, suggest caution in interpreting the findings and highlight the need for replication in other contexts. See: D'Alessio & Stolzenberg, 2019, p. 12.
[464] D'Alessio and Stolzenberg, 2019, pp. 12–14.
[465] Bagaric, 2014, pp. 345–346.
[466] D'Alessio and Stolzenberg, 2019, pp. 12–14.
[467] One promising example is banning the box legislation, which removes the requirement for applicants to disclose criminal convictions on initial job applications. By reducing barriers to employment, these laws help ex-offenders access meaningful work opportunities, thereby lowering their likelihood of returning to crime.[467] See: D'Alessio and Stolzenberg, 2019, pp. 12–14.
[468] Burnovski and Safra, 1994; Dana, 2001.
[469] Burnovski and Safra, 1994, p. 341.
[470] Burnovski and Safra, 1994.

This practice is referred in literature as the recidivist sentencing premium model.[471] It is a common and widely accepted approach across many legal systems, whereby repeat offenders are punished more severely than first-time offenders.[472] This model is based on the idea that people who commit crimes over and over again are more to blame and should get harsher punishments.[473] Harsher sentencing for repeat offenders is typically justified on the grounds that prior convictions signal a greater risk of reoffending and suggest that earlier punishments were too lenient.[474] As a result, stricter penalties are imposed with the aim of deterring future criminal conduct.[475] Moreover, a recidivist is seen as more deserving of harsher punishment because, unlike a first-time offender, they have already been through the process of conviction and punishment.[476] This experience creates a direct relationship with the state: the offender has been formally warned, condemned, and given the chance to reflect and change their behaviour.[477] When they reoffend despite this, it shows a failure to learn from that process and an increased willingness to disregard both the law and the opportunity for reform.[478] In other words, reoffending after conviction demonstrates a deeper level of blameworthiness, since the individual has knowingly repeated the wrongdoing even after being made fully aware of its consequences.

However, the fairness of imposing harsher punishments on repeat offenders is questionable in light of evidence showing that the impact of criminal history on sentencing is not straightforward but curvilinear.[479] While an increase in prior convictions initially leads to harsher sanctions, this effect diminishes and may even reverse at the highest levels of criminal history, suggesting that the sentencing system does not consistently treat prior records as a linear indicator of risk or blameworthiness.[480] This inconsistency partly arises from flaws in how criminal history scores are calculated, which can exaggerate or misrepresent the seriousness of an offender's past conduct.[481] Judges often recognise these shortcomings and compensate by granting leniency in cases where the score overstates culpability, but this

[471] Fletcher George, 1978; Burnovski and Safra, 1994; Dana, 2001; Doob and Webster, 2003; Roberts, 2008; Lee, 2009, 2017; Dagger, 2012.
[472] Roberts, 2008.
[473] Roberts, 2008.
[474] Lee, 2017.
[475] Lee, 2017.
[476] Lee, 2009, p. 614; Dagger, 2012, p. 54.
[477] Lee, 2009, p. 614; Dagger, 2012, p. 54.
[478] Lee, 2009, p. 614; Dagger, 2012, p. 54.
[479] Holmes and Feldmeyer, 2019, pp. 1223–1226.
[480] Holmes and Feldmeyer, 2019, pp. 1223–1226.
[481] Holmes and Feldmeyer, 2019, pp. 1223–1226.

reliance on judicial discretion risks unequal treatment and undermines uniformity in sentencing.[482] Ultimately, if criminal history produces uneven effects across cases, using it as a decisive factor for harsher punishment raises concerns about fairness, proportionality, and consistency in the justice system. One more criticism of this model is that it shifts the focus of punishment from the offence itself to the offender's past conduct, thereby undermining the principle of proportionality and risking sentences that are harsher than the seriousness of the current crime warrants.

It is difficult to dismiss prior convictions in sentencing, as both the public and criminal justice professionals see an offender's background as relevant to their culpability. Research shows that people judge the seriousness of a crime partly by looking at the offender as well as the act.[483] However, if courts give too much weight to prior convictions, proportionality is weakened and sentences risk focusing on the person rather than the crime, which can reduce public trust.[484] A balanced approach would be to acknowledge prior convictions in sentencing, but limit the extent of their impact to ensure that principles of fairness and proportionality are maintained.

One of the most prominent examples of this harsher approach towards repeat offenders is the "three strikes and you're out" policy. Emerging from the logic of the recidivist sentencing premium, this policy represents an institutionalised mechanism for escalating punishment based on prior convictions, culminating in mandatory life sentences for a third serious offence. It reflects the belief that repeat offenders pose a heightened risk to society and therefore warrant incapacitation through long-term imprisonment. The following section will provide an overview of the origins and motivations behind this policy, its reliance on punitive ideologies such as deterrence, incapacitation, and retribution, and the role of penal populism and media influence in its widespread adoption.

In the literature, a "three-strikes" policy is commonly accepted as a mandatory life sentence without the possibility of parole for individuals convicted of a third specified violent or serious felony, ensuring that such offenders remain permanently incarcerated.[485] Although the "three-strikes" policy is most often associated with California, the concept initially emerged in debates about crime and sentencing in Washington state.[486] The slogan was popularised by conservative activist and television commentator John Carlson, who first introduced the idea.[487] In 1993,

[482] Holmes and Feldmeyer, 2019, pp. 1223–1226.
[483] Roberts, 2008, pp. 478–479.
[484] Roberts, 2008, pp. 478–479.
[485] Turner *et al.*, 1995, p. 33; Austin *et al.*, 1999, p. 1; Jones and Newburn, 2006, p. 783.
[486] Jones and Newburn, 2006, p. 783.
[487] Jones and Newburn, 2006, p. 783.

Washington state placed an initiative on the ballot proposing a mandatory sentence for repeat offenders.[488] However, the origins of habitual offender laws can be traced back to 16th century England and colonial America, these early laws specifically targeted offenders who repeatedly committed the same type of crime, aiming to impose severe penalties on those who committed identical offences multiple times.[489] This policy gains significant popularity again in the late 19th century due to brutal cases that come to the public's attention through the media, public dissatisfaction with criminal justice system and populist penal policies. The "three-strikes" policy gained popularity because it appeared to offer a simple solution to a pressing problem, so called panacea phenomenon.[490] The catchy phrase, "three strikes and you're out," became attached to the initiative, resonating with a public disillusioned with the criminal justice system, and through widespread media coverage, many began to view the system as overly lenient and unable to protect them from violent offenders.[491] Highly publicized cases, in which courts or correctional officials allowed violent, habitual offenders to be released only for them to commit further violent crimes, intensified the demand for harsher sentencing policies. This sentiment was particularly fuelled by tragic events such as the murder of Diane Ballasiotes by a convicted rapist released from prison and the kidnapping and murder of Polly Klass by a California inmate with an extensive history of violence.[492] These cases brought the issue into sharp focus, compelling a call for stronger measures against repeat offenders. The popularity of the "three-strikes" policy was also influenced by political motivations. Politicians saw supporting such initiatives as a way to boost their chances of re-election by appealing to voters' concerns about crime.[493] In the United States, many Democrats in state legislatures were keen to avoid being perceived as lenient on crime, fearing it would harm their political careers.[494] Similarly, in the United Kingdom, the call for "honesty" in sentencing gained momentum, with slogans like "no more half-time sentences for full-time crimes" promoting the idea of abolishing automatic early releases and ensuring that offenders served longer prison sentences.[495] These political factors contributed to the widespread adoption of harsher sentencing policies, as they offered a simple and visible response to public concerns.

[488] Austin *et al.*, 2000, p. 1.
[489] Turner *et al.*, 1995, p. 17.
[490] Turner *et al.*, 1995, p. 33.
[491] Turner *et al.*, 1995, p. 33; Shinbein, 1996, p. 177.
[492] Austin *et al.*, 2000, p. 1; Jones and Newburn, 2006, p. 783.
[493] Shinbein, 1996, pp. 203–205.
[494] Jones and Newburn, 2006, p. 784.
[495] Jones and Newburn, 2006, p. 785.

For the "three-strikes" policy to achieve its intended effect, offenders must weigh the consequences of committing another offence against the option of leading a crime-free life to avoid harsh punishment. This requires two critical conditions: (1) offenders must be well-informed about the new sentencing policy, and (2) they must believe there is a high likelihood of arrest and conviction if they continue engaging in criminal activities.[496] However, these conditions often do not align with reality. Research on prisoners' perceptions reveals that offenders frequently believe such consequences will not apply to them, assume they will not be caught, are unaware of the legislative framework, or perceive their offence as insufficiently serious to warrant life imprisonment.[497]

Although the definition of the "three-strikes" policy was simple and universally applicable, there were differences in determining the scope of offenses to which it applied. In most states, the list of "strikable" offenses included violent felonies such as murder, rape, robbery, arson, and assault.[498] However, some states expanded this list to include nonviolent offenses such as drug trafficking, any drug offense punishable by more than five years of imprisonment, selling drugs to minors, burglary, weapons possession, embezzlement, bribery, escape, and treason.[499] California's law was unique in that it allowed any felony to be considered a "strike" if the offender had a prior conviction for any offense on the list of strikable crimes.[500] Such a definition had significant real-world implications. For most states, the policy served more as a symbolic message, and in practice, it did not have a substantial impact, as offenders convicted of the most serious crimes were already serving long prison sentences. California, however, had a different experience. Although it sent 40,000 offenders to prison under its three-strikes law, the state did not show superior reductions in crime rates.[501] Despite the aggressive implementation of the law, California did not demonstrate significantly better crime reduction outcomes compared to other states or counties that did not adopt the law in the same manner.[502]

The "three-strikes" laws have been implemented despite significant debates about their potential effects on the criminal justice system.[503] These impacts can be grouped into three main categories: population increases, fiscal burdens, and constitutional concerns.[504] The

[496] Austin *et al.*, 2000, pp. 2–3.
[497] Austin *et al.*, 2000, pp. 98–102.
[498] Austin *et al.*, 2000, chap. 2.
[499] Austin *et al.*, 2000, chap. 2.
[500] Austin *et al.*, 2000, chap. 2.
[501] Austin *et al.*, 2000, p. 8.
[502] Austin *et al.*, 2000, p. 105.
[503] Turner *et al.*, 1995, p. 34.
[504] Turner *et al.*, 1995, p. 34.

expected rise in criminal cases going to trial may require expanding court facilities and hiring additional judges and prosecutors, significantly straining local and state budgets.[505] Moreover, sentencing individuals to life imprisonment without parole under these laws will lead to an aging prison population, which is costlier to maintain due to increased healthcare and support needs.[506] Constitutional challenges have also been raised. Critics argue that the harsh provisions of these laws may violate the Eighth Amendment's prohibition of cruel and unusual punishment and interfere with the separation of powers outlined in state constitutions.[507] In terms of crime reduction, the laws have shown minimal impact.[508] In states where they were enacted primarily for symbolic purposes, there is little evidence to link these reforms to significant decreases in crime, as they affect only a small segment of the criminal population.[509] Instead of focusing on punitive measures, policymakers should prioritise early intervention programs for at-risk youth, job training initiatives, and employment placement programs to address the root causes of crime effectively.[510]

The "three-strikes" policy places punitive ideologies, such as deterrence, incapacitation, and retribution, at the forefront of criminal justice reform. While the policy was expected to reduce recidivism and enhance public safety through severe punishment, its outcomes have not aligned with these expectations. The concerns raised about the policy, such as its potential to increase prison populations, financial burdens, and constitutional challenges, reflect the complexity of criminal justice reform. This underscores a crucial point: complex issues like crime cannot be solved with simplistic, one-size-fits-all solutions. The policy's failure highlights the need for more nuanced approaches that address the root causes of criminal behaviour, such as education, rehabilitation, and early intervention.

4.2.1. Limited Harsher Response Through Progressive Loss of Mitigation Model

The progressive loss of mitigation (PLM) model occupies a middle ground between the flat-rate model and the recidivist sentencing premium. It recognises that an offender's criminal history has a role in sentencing but approaches it in a more limited way.[511] Under this model, first-time offenders or those with only minor records are entitled to a mitigated sentence on the

[505] Turner *et al.*, 1995, p. 34.
[506] Shinbein, 1996, p. 201.
[507] Turner *et al.*, 1995, p. 34.
[508] Austin *et al.*, 2000, p. 107.
[509] Austin *et al.*, 2000, p. 107.
[510] Shinbein, 1996, p. 178.
[511] Roberts and von Hirsch, 2010, pp. 1–17; Roberts and Pina-Sánchez, 2014; Ri and Cheng, 2024.

assumption that their conduct may reflect a momentary lapse rather than entrenched criminality.[512] Once this "first-time offender" status is lost, the individual can no longer claim mitigation and is sentenced more harshly than before. Importantly, unlike the recidivist sentencing premium, the PLM model does not escalate punishment in proportion to the number of prior convictions.[513] A repeat offender with multiple convictions is not punished more severely than one with fewer, as the key distinction lies simply in whether the offender still qualifies for the leniency afforded to first-time offenders.[514] This approach reflects the view that mitigation is justified for those who may have given in to a temporary weakness, but that such leniency cannot be justified once offending becomes repeated.

The PLM model makes the most sense when dealing with less serious crimes. People who commit minor offences are often influenced by circumstances like peer pressure or substance use, rather than a deep commitment to crime, and harsh punishment could push them further into offending.[515] This explains why the model allows for some leniency at first and avoids escalating penalties for relatively trivial crimes. But once the offences become more serious, the logic of this approach is much harder to defend. Moreover, the PLM model suggests that, rather than making sentences harsher for repeat offenders, the focus should be on giving first-time offenders some leniency.[516] At the same time, any increases in punishment for later convictions should have clear limits to ensure that sentences remain fair and proportionate.[517]

4.3. Lenient Response

Although the prevailing trend across jurisdictions is to impose harsher penalties on repeat offenders, there are also well-established exceptions where the existence of factual recidivism may result in more lenient treatment. One of the most significant examples is the doctrine of

[512] Roberts and von Hirsch, 2010, pp. 1–17.
[513] Roberts and von Hirsch, 2010, pp. 1–17.
[514] Roberts and von Hirsch, 2010, p. 32.
[515] Roberts and von Hirsch, 2010, p. 32.
[516] Roberts and von Hirsch, 2010, p. 37; Ri and Cheng, 2024, p. 2.
[517] Roberts and von Hirsch, 2010, p. 37; Ri and Cheng, 2024, p. 2.

continued crimes[518] (*delictum continuum*).[519] This institution was introduced to mitigate the rigidity of the cumulative system, which operated under the maxim *quod crimina, tot poenae*, which state that an offender should be punished as many times as the number of crimes committed.[520] Such a system was criticised as excessively harsh, since it mechanically added penalties without taking into account the unity of conduct or the proportionality of the final sanction.[521] The doctrine of continued crimes sought to overcome this problem by treating several offences, committed under certain conditions, as one single offence for sentencing purposes.[522] For example, if an employee embezzles small amounts of money from their employer's account over several months as part of one criminal plan, these acts may be legally merged into a single continued crime, resulting in a lighter overall penalty than if each offence were sentenced separately. National legislation typically requires that the offender, with intent, commits several identical or similar offences which, considering the manner of commission, their temporal connection, and other factual circumstances linking them, form a single entity.[523] The characteristics of continued crimes are particularly interesting in the context of recidivism. From a broad criminological perspective, any repetition of criminal behaviour might be labelled as recidivism, since it signals a pattern of offending. Yet, in legal practice, several offences may, under certain conditions, be treated as a single continued crime rather than as multiple separate offences. In such cases, the offender receives a lighter overall penalty than if each act were sanctioned individually. The reasoning is that the conduct is understood as part of one unified criminal plan, rather than as separate, independent decisions to violate the law. This approach follows a similar logic to the first-offender discount. Just as first-time offenders are seen as less blameworthy because they have not yet established a formal relationship with the state through conviction and punishment, offenders in continued crimes are not regarded as

[518] Even though the literature sometimes refers to this phenomenon as *continuing crimes*, the two concepts are not the same. A continuing crime is not made up of several distinct acts but instead consists of one unlawful act or state that persists over time until the conduct ceases, or the unlawful condition is ended. For example, unlawful imprisonment continues for as long as the victim remains detained, while unlawful possession of a firearm endures until the weapon is surrendered or seized. Unlike *continued crimes*, which merge repeated acts into a single offence for reasons of proportionality, *continuing crimes* are inherently single offences that extend through time. Check for more details in: Novoselac, 1986; Babić, 1996; Garačić, 2000; Petar, 2000; Ross, 2004; Horović, 2008; Vuletić, 2008; Tripalo and Mrčela, 2009; Novoselec, 2010; Ikanović and Gajić, 2016.
[519] Novoselac, 1986; Babić, 1996; Garačić, 2000; Petar, 2000; Ross, 2004; Horović, 2008; Vuletić, 2008; Tripalo and Mrčela, 2009; Novoselec, 2010; Ikanović and Gajić, 2016.
[520] Babić, 1996, p. 50.
[521] Babić, 1996, p. 50.
[522] Novoselac, 1986; Babić, 1996; Garačić, 2000; Petar, 2000; Ross, 2004; Horović, 2008; Vuletić, 2008; Tripalo and Mrčela, 2009; Novoselec, 2010; Ikanović and Gajić, 2016.
[523] Vuletić, 2008; Art. 52 *Croatian Criminal Code*, 2024, p. 1072.

showing the persistent defiance of legal authority typical of recidivism. They have not yet been explicitly warned and sanctioned in a way that makes repeated offending a more serious breach of social trust. On this basis, continued crimes are sentenced more leniently, being treated as a single lapse rather than as evidence of entrenched criminality.

Bringing this more lenient approach into the discussion is valuable, as it shows that not every form of repeated offending qualifies as recidivism in the strict legal sense. What appears as recidivism in criminological research or statistical measurement may, within a normative framework, be categorised and punished as one offence. This highlights how criminological and legal definitions do not always align and why clarity is essential. Even though, at first glance, the idea of treating repeated behaviour more leniently may seem counterintuitive, legislative frameworks create space for such solutions to achieve proportionality and to fulfil the underlying purposes of punishment.

4.4. Conclusion

The discussion of different sentencing models shows just how complex the role of criminal history is in criminal justice systems. The flat-rate model argues that past convictions should have no place in sentencing decisions.[524] According to this view, punishment must always reflect only the seriousness of the current offence, not the character of the offender or their criminal record.[525] The strength of this approach lies in its clarity and consistency: two people who commit the same offence receive the same sentence, regardless of their background.[526] This makes it appealing from a fairness perspective. Yet, it is also open to criticism. By ignoring persistent offending, it risks treating a habitual offender in the same way as a first-time offender, which may not reflect the reality of how society and courts view blameworthiness.

The recidivist sentencing premium model, in contrast, puts prior convictions at the centre of sentencing.[527] It assumes that repeat offenders are more dangerous, more culpable, and more resistant to reform, and that they therefore deserve harsher punishment.[528] This model has

[524] Fletcher George, 1978; Bagaric Mirko, 2001; Roberts, 2008; Hinkkanen and Lappi-Seppälä, 2011; Bagaric, 2014; D'Alessio and Stolzenberg, 2019; Hester *et al.*, 2019; Holmes and Feldmeyer, 2019; Ri and Cheng, 2024.
[525] Fletcher George, 1978; Bagaric Mirko, 2001; Roberts, 2008; Hinkkanen and Lappi-Seppälä, 2011; Bagaric, 2014; D'Alessio and Stolzenberg, 2019; Hester *et al.*, 2019; Holmes and Feldmeyer, 2019; Ri and Cheng, 2024.
[526] Fletcher George, 1978; Bagaric Mirko, 2001; Roberts, 2008; Hinkkanen and Lappi-Seppälä, 2011; Bagaric, 2014; D'Alessio and Stolzenberg, 2019; Hester *et al.*, 2019; Holmes and Feldmeyer, 2019; Ri and Cheng, 2024.
[527] Fletcher George, 1978; Burnovski and Safra, 1994; Dana, 2001; Doob and Webster, 2003; Roberts, 2008; Lee, 2009, 2017; Dagger, 2012.
[528] Fletcher George, 1978; Burnovski and Safra, 1994; Dana, 2001; Doob and Webster, 2003; Roberts, 2008; Lee, 2009, 2017; Dagger, 2012.

shaped judicial practice for centuries, justified on grounds of deterrence and public protection. However, it comes with important issues. Research has consistently shown that harsher penalties do not necessarily reduce reoffending, and in some cases may even increase it by reinforcing criminal identities.[529] The model also risks undermining proportionality by shifting the focus from the current crime to the offender's past. The "three strikes and you're out" policy provides a vivid example: politically popular and symbolically powerful, but costly, disproportionate, and ultimately disappointing in its impact on crime reduction.[530]

Between these two extremes, the progressive loss of mitigation model offers a more balanced response.[531] It accepts that first-time offenders may deserve leniency, since their offending can often be explained as a temporary lapse, perhaps due to external pressures or personal circumstances.[532] However, once someone reoffends, they lose this special status and are sentenced more harshly. Importantly, the model does not punish a repeat offender with many convictions more severely than one with only a few, the key difference lies in whether the offender is still entitled to first-offender mitigation.[533] This approach is particularly suited for less serious crimes, where excessive punishment might be counterproductive, but it becomes harder to justify once more serious offending is at issue.

Finally, the doctrine of continued crimes shows that repetition does not always amount to recidivism in the legal sense.[534] Where several offences stem from one criminal plan, they may be treated as a single offence, resulting in a lighter sentence. The logic is that the offender has not yet been explicitly warned by a prior conviction and punishment, and so their behaviour is interpreted as one lapse rather than repeated defiance of legal authority. This approach reveals that what looks like recidivism from a criminological perspective may, within a legal framework, be categorised and punished quite differently.

Taken together, these models demonstrate that there is no simple or uniform answer to how criminal history should affect sentencing. Each reflects different priorities: fairness and consistency in the flat-rate model; deterrence and public protection in the recidivist premium model; balance and proportionality in the progressive loss of mitigation model; and the need

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[529] Fletcher George, 1978; Burnovski and Safra, 1994; Dana, 2001; Doob and Webster, 2003; Roberts, 2008; Lee, 2009, 2017; Dagger, 2012.

[530] Turner *et al.*, 1995; Shinbein, 1996; Austin *et al.*, 1999, 2000; Piquero, Farrington and Blumstein, 2003; Jones and Newburn, 2006; Godfrey, Cox and Farrall, 2007.

[531] Roberts and von Hirsch, 2010, pp. 1–17; Roberts and Pina-Sánchez, 2014; Ri and Cheng, 2024.

[532] Roberts and von Hirsch, 2010, pp. 1–17; Roberts and Pina-Sánchez, 2014; Ri and Cheng, 2024.

[533] Roberts and von Hirsch, 2010, pp. 1–17; Roberts and Pina-Sánchez, 2014; Ri and Cheng, 2024.

[534] Novoselac, 1986; Babić, 1996; Garačić, 2000; Petar, 2000; Ross, 2004; Horović, 2008; Vuletić, 2008; Tripalo and Mrčela, 2009; Novoselec, 2010; Ikanović and Gajić, 2016.

for proportionality and adaptation of the sentencing system to social reality in the case of continued crimes, to avoid excessively harsh outcomes. What they all underline is the importance of defining recidivism carefully. Depending on whether one adopts a criminological or a legal lens, the very same behaviour can either be labelled as recidivism or treated as a single offence. For both sentencing policy and criminological research, this makes conceptual clarity essential, not only to ensure proportionality and fairness in individual cases but also to avoid distorted understandings of reoffending rates and the effectiveness of criminal justice responses.[535]

This is particularly important because the way recidivism is understood and incorporated into sentencing reflects broader choices about where society places its focus: on fairness, deterrence, proportionality, or the prevention of excessive punishment. At the same time, it highlights the need for further empirical research to assess how different sentencing models influence reoffending in practice. Without such evidence, it is not possible to make a well-founded decision about which model is most suitable for a particular country or legal system. Only by combining theoretical analysis with empirical evaluation can sentencing policy be aligned both with principles of justice and with effective strategies for reducing crime.

[535] The concept of "similar crimes", based on normative similarities such as motivations, contexts or social consequences, could also contribute to a more nuanced understanding of recidivism. Examining whether and how offenders reoffend in relation to offences that are similar in these respects could provide deeper insights into reoffending patterns and make the analysis of recidivism more robust across different criminal contexts. A comprehensive understanding of this issue would also require consideration of judicial practice, particularly the assessment of mitigating and aggravating circumstances and the manner in which these considerations are applied in cases involving recidivists. Such a comprehensive analysis could provide a clearer picture of which approach to recidivism may be most appropriate within a particular national context. However, given the scope and limitations of the present study, such an extensive examination falls outside the boundaries of the present research and is therefore identified as a potential area for future research.

5. Comparative Normative Analysis of Recidivism in Croatia and in Regional Context

5.1. General Overview of Criminal Justice in Croatia

As a precondition for understanding recidivism in Croatia, it is necessary to outline several key contextual elements relating to crime trends, sentencing developments, broader socio-legal characteristics, geographical context, and the organisation of prison facilities. Such an overview is essential, as recidivism cannot be understood solely through legal provisions but must be interpreted within the wider structural and cultural environment in which crime, punishment, and imprisonment operate. Over the past two decades, Croatia has undergone substantial criminal justice reforms that have influenced criminal procedure, penal policy, sentencing practices, and institutional organisation.

5.1.1. Legislative Reforms and the Demographic, Geographical, and Socio-Economic Context

Significant legislative changes have included reforms to the criminal procedure model, sentencing philosophy, and the court structure. The Criminal Procedure Act of 2008[536] introduced an accusatorial model of investigation by transferring the leading investigative role from magistrate judges to public prosecutors. Following constitutional challenges in 2013 and further reforms in 2017, primary investigative authority was transferred to the police. In the area of substantive criminal law, a new Penal Code entered into force in 2013,[537] introducing new criminal offences, modifying sentencing ranges, and reclassifying personal drug possession from a criminal offence to a misdemeanour. Judicial reforms implemented in 2015 aimed to increase efficiency by reducing the number of courts, although the number of courts has since partially increased. Another significant institutional development was the establishment of the High Criminal Court in 2021 in Zagreb, which now hears appeals from county courts in criminal matters.

An analysis of the Croatian criminal justice system must also take into account territorial, demographic, and socio-economic characteristics. Croatia is relatively centralised, with most key judicial, administrative, and correctional institutions located in major urban centres,

[536] *Croatian Criminal Procedure Act*, 2022.
[537] *Criminal Code*, 2011.

particularly Zagreb. Its distinctive geographical shape, characterised by longitudinal extension and regional dispersion, creates challenges for ensuring equal access to justice-related services and institutional infrastructure. This spatial configuration also affects the prison system, in which the uneven regional distribution of facilities and rehabilitation services may influence both individual outcomes and overall system performance.[538]

Broader structural indicators further shape crime trends and penal dynamics. Croatia continues to rank below the European Union average in several socio-economic areas, including GDP per capita and employment rates, with employment standing at 73.6% in 2024, below the EU average.[539] Following accession to the European Union in 2013, Croatia experienced significant outward migration, with an estimated 350,000 citizens emigrating between 2013 and 2023, representing approximately 9.2% of the total population.[540] This trend has contributed to pronounced demographic ageing, making Croatia one of the oldest populations in Europe. Although the situation began to shift in 2022, with the first positive net migration balance in many years, long-term demographic pressures remain, even as Croatia becomes an increasingly attractive destination for foreign nationals.[541]

Moreover, for contextualisation it is important to highlight two recent processes that have shaped the broader socio-institutional environment. The first concerns Croatia's accession to the Schengen area on 1 January 2023, which marked a significant shift in terms of cross-border mobility and migration dynamics and has introduced new challenges related to the criminal offence of migrant smuggling. Since such cases frequently involve foreign nationals, pre-trial detention is often applied due to the risk of flight, which has further contributed to the overcrowding of already over-capacity detention and prison units.[542]

The second important event relates to the series of strong earthquakes that struck Croatia, most notably those affecting Zagreb, Sisak, Petrinja and the wider Banovina region. These earthquakes caused substantial material damage to public infrastructure, including facilities within the justice and correctional systems. Specifically, the Sisak prison and one of the accommodation buildings of the Glina penitentiary became unusable following the earthquakes, requiring relocation and reconstruction efforts and placing additional pressure on the correctional system.[543]

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538 Getoš Kalac, Bezić and Šprem, 2021.
539 Eurostat, 2025a.
540 Jurasić, 2023.
541 Croatian Bureau of Statistics, 2024.
542 Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025a.
543 Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2020.

5.1.2. Crime Trends

Crime trends in Croatia over the past sixty years can be analysed through the numbers of reported (suspected) and convicted adults and juveniles. When looking at the available data over this long-term period, a gentle but clear decline in the number of convicted persons becomes visible, suggesting that crime in Croatia has gradually decreased. However, the picture is not entirely linear. There are noticeable interruptions in this trend, especially in the figures on reported persons, with sharp drops in 1990/1991 and again in 1994/1995. These sudden decreases coincide with key moments in Croatia's recent history, including the transition to statehood and the Homeland War, when parts of the territory were occupied and therefore outside the reach of the national criminal justice system. Another significant decline between 2011 and 2013 is linked to major legal and systemic changes introduced with the Penal Code of 2011.

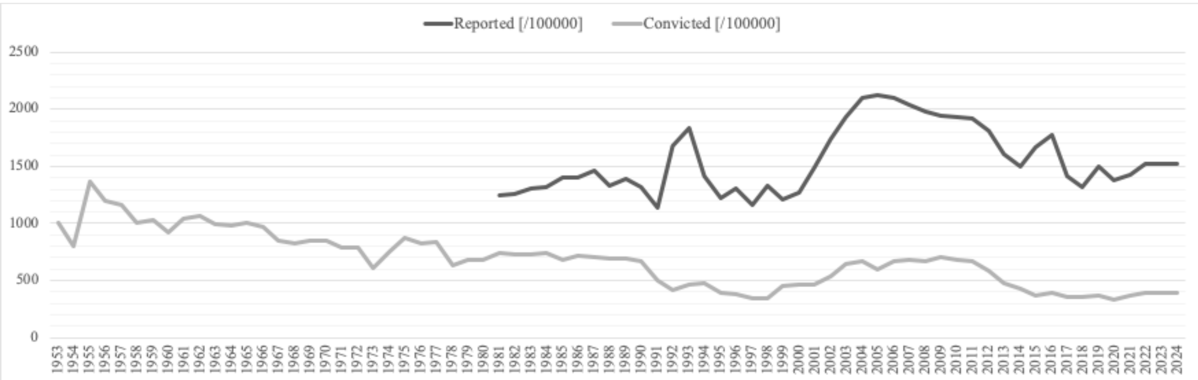

Figure 1: Rates of Reported and Convicted Adult Persons for Criminal Offences per 100,000 of Population, 1953–2024[544]

A country's crime level cannot be meaningfully described as high or low without placing it in an international context. Crime is a social construct, and comparisons of crime rates are difficult to make because countries differ in their criminal justice systems, legal definitions of offences, reporting practices, and methods of recording and classifying crime.[545] Efforts toward data harmonisation are evident in international collections such as the European Sourcebook, Eurostat, and the UNODC survey, all of which rely on nationally produced crime statistics and therefore mirror how individual countries define, record, and process crime. Because these

[544] The rates were derived by dividing the number of reported and convicted adults in a given year by the estimated adult population for that year (excluding individuals under 18) and then multiplying the result by 100,000. See also: Kalac and Bezić, 2023; Croatian Bureau of Statiscis, 2025.
[545] Aebi, 2010, p. 165.

datasets draw from the same national sources, their figures often correlate. However, these correlations are not perfect: differences in legal definitions, reporting practices, data quality, and the degree of statistical validation introduce inconsistencies that limit comparability.[546] Such methodological variations mean that cross-national differences in recorded crime may reflect disparities in data production rather than genuine differences in criminal behaviour.[547] Consequently, many scholars caution that official crime statistics are more suitable for analysing long-term trends within a single country than for making direct comparisons of absolute crime levels across countries.[548] Despite the many challenges that cross-national comparisons present, certain broader patterns can still be identified. A clear distinction emerges between Central and Eastern European (CEE) countries and Western European (WE) countries, forming two consistent clusters.[549] Regression analyses confirm the paradoxical combination of higher incarceration rates but lower recorded crime in CEE countries, contrasted with higher crime levels yet lower imprisonment in WE countries.[550] These findings, observed across offences such as assault, rape, robbery, and theft, and supported by additional indicators such as the Worldwide Governance Indicators, highlight a structural divide between the two regions.[551] One plausible explanation is that Western European countries generally have higher reporting rates and more accurate police-recording practices, which may elevate their recorded crime levels relative to CEE countries. Conversely, criminal justice and sentencing practices in CEE jurisdictions, including the more frequent use of custodial sanctions and longer prison terms, contribute to their higher incarceration rates despite lower recorded crime. Nevertheless, the underlying drivers of these differences are complex, multifaceted, and unlikely to be attributable to any single explanatory factor.

5.1.3. Sentencing Trends

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[546] An example of the challenges in comparing crime data can be seen in the conviction rates reported in the European Sourcebook of Crime and Criminal Justice Statistics. Some countries apply a principal-offence rule and count a person only once per court appearance, while others record multiple entries if several offences are involved. Countries also differ in how they determine the "most serious" offence, and some even register all convictions within a year as a single conviction. Moreover, some systems record convictions before appeals, whereas others include only final, post-appeal decisions. All of these factors influence the final figures, meaning that researchers must take such differences into account when attempting cross-national comparisons. See: Aebi *et al.*, 2021, p. 164.
[547] Aebi, 2010.
[548] Aebi, 2010; Gruszczyńska and Gruszczyński, 2023.
[549] Gruszczyńska and Gruszczyński, 2023.
[550] Gruszczyńska and Gruszczyński, 2023.
[551] Gruszczyńska and Gruszczyński, 2023.

Sentencing in Croatia is dominated by suspended and unsuspended prison sentences, while both suspended and unsuspended fines are almost never used.[552] While more recent data on sentencing is available from the Croatian Bureau of Statistics, the 2020 figures from the European Sourcebook of Crime and Criminal Justice Statistics[553] are particularly valuable, as they not only capture this shift in Croatian sentencing practice but also make it possible to compare Croatia's approach with that of other European countries. In 2020, Croatia imposed a total of 61 unsuspended custodial sanctions, which is notably lower than the European mean of 103 and the median of 88. The Croatian distribution of sentence lengths diverges strongly from the European pattern.[554] Only 10% of sanctions were under six months, compared to the European mean of 43% and median of 45%, showing that Croatia makes very limited use of short custodial terms.[555] Instead, Croatia concentrates its sanctions in the mid-range: 42% of sentences were between six and twelve months (more than double the European mean of 24% and far above the median of 12%), while 33% were between twelve and twenty-four months (against a mean of 16% and median of 14%).[556] Sentences of two to five years accounted for 13% (slightly below the mean of 20% and median of 18%), whereas longer sanctions of five to ten years were rare at 2%, compared with the mean of 5% and median of 3%.[557] Sanctions of more than ten years were imposed in 0.6% of cases, aligning with the European mean of 0.5%.[558] In 2020, Croatia recorded a total of 285 convicted persons per 100,000 population.[559] Among these, 75% were convicted without any prior criminal record, while 25% had previous convictions.[560] Moreover, data on the share of previous unsuspended prison sentences among those with prior convictions was not reported for Croatia. These figures indicate that most persons convicted in Croatia in 2020 were first-time offenders, while just over one-quarter were repeat offenders. This outcome shows how legislative reforms can produce unintended effects, with judicial practice adapting in ways that do not necessarily support the original aim of reducing imprisonment.

Moreover, more recent data from the Croatian Bureau of Statistics for 2023 shows that suspended imprisonment accounted for 82% of all sentences and unsuspended imprisonment for 15%, whereas fines together made up barely 1.4%. This pattern largely reflects

552 Croatian Bureau of Statistics, 2025.
553 Aebi *et al.*, 2024, p. 260.
554 Aebi *et al.*, 2024, p. 260.
555 Aebi *et al.*, 2024, p. 260.
556 Aebi *et al.*, 2024, p. 260.
557 Aebi *et al.*, 2024, p. 260.
558 Aebi *et al.*, 2024, p. 260.
559 Aebi *et al.*, 2024, p. 260.
560 Aebi *et al.*, 2024, p. 260.

prosecutorial practice, as prosecutors rarely propose fines and judges generally follow their recommendations.[561] In addition, judges tend to avoid fines because calculating an offender's daily income requires more work than imposing a custodial sentence.[562] Although the total number of convicted adults has steadily declined over the past decade, the structure of sentences has remained stable, with suspended imprisonment consistently the most common sanction.[563] The use of unsuspended prison sentences, however, does not follow the general downward trend in convictions. A major shift occurred after the introduction of the 2011 Penal Code, which created an "exceptionality rule" requiring judges to justify any prison sentence shorter than six months.[564] Instead of reducing the use of short sentences, this reform resulted in judges imposing longer terms (6–12 months) to avoid additional justification. Consequently, sentences under six months dropped from around 40% before 2011 to about 10% after 2014, while 6–12-month sentences rose to nearly half of all unsuspended prison terms.[565]

By 2024, suspended imprisonment still accounted for 82% of all sanctions, while unsuspended fines (0.3%) and suspended fines (1%) remained marginal.[566] Among unsuspended prison sentences, almost half (48%) were between 6 and 12 months, followed by 1–2-year terms (23%).[567] This sentencing structure is particularly striking for property offences.[568] Although fines would appear more appropriate from a criminological and penological perspective, Croatian courts overwhelmingly rely on (mostly short-term) prison sentences. In 2024, nearly 80% of property offenders received a suspended prison sentence, and most unsuspended terms were under one year. [569]

5.1.4. Prison Capacity, Overcrowding, and Foreign Nationals

[561] Croatian Bureau of Statistics, 2025.
[562] Getoš Kalac and Feuerbach, 2026.
[563] Croatian Bureau of Statistics, 2025.
[564] Recognising the well-documented negative consequences of short-term prison sentences, such as their limited rehabilitative value, the stigmatisation of first-time offenders, increased contact with more experienced criminals, the disruption of employment and family life, and their contribution to prison overcrowding, the Croatian legislator introduced a reform in 2011 establishing the "principle of exceptionality". Under this rule, custodial sentences of up to six months may be imposed only when fines, community sanctions, or suspended sentences are insufficient to achieve the purposes of punishment. In practical terms, if a court decides to impose a prison term of less than six months, it must provide a specific justification explaining why alternative non-custodial sanctions were deemed inadequate. See more details in: Turković and Maršavelski, 2012, p. 813.
[565] Croatian Bureau of Statistics, 2025.
[566] Croatian Bureau of Statistics, 2025.
[567] Croatian Bureau of Statistics, 2025.
[568] Croatian Bureau of Statistics, 2025.
[569] Croatian Bureau of Statistics, 2025.

In 2023, the total official capacity of the Croatian prison system amounted to 3,932 places, of which 3,142 were in closed conditions, 505 in semi-open conditions, and 285 in open conditions.[570] During the year, a total of 14,434 persons were held in the prison system, while on 31 December 2023 there were 4,445 persons deprived of liberty.[571] When compared with the official capacity, this figure clearly shows overcrowding, since the number of inmates on that date exceeded total capacity by about 13%. In terms of the structure of the incarcerated population, the largest share in 2023 consisted of detainees (48%),[572] who are held exclusively in closed conditions. They were followed by convicted prisoners (36%), persons sanctioned for misdemeanours (15%), and juveniles including young adults under educational measures (0.7%).[573] This composition of the population is particularly important because the official prison report does not provide data on how inmates are distributed across closed, semi-open, and open units. Given the very high proportion of detainees, it is likely that the greatest pressure is concentrated in closed conditions, where capacity appears to be exceeded even more significantly than suggested by the overall figures. The structure of the prison population and the absence of detailed distribution data therefore raise justified concerns that real overcrowding in the most restrictive conditions is even more pronounced.

Based on the 2020 comparative data, Croatia's prison population rate of 87.1 inmates per 100,000 inhabitants positions the country in the lower-middle range of European jurisdictions, well below both the European median of approximately 103 and the European average of around 124 inmates per 100,000.[574] This indicates that Croatia does not rely on imprisonment as heavily as many Central, Eastern, or Caucasus countries, several of which exceed 150 and even 300 inmates per 100,000 inhabitants. At the same time, Croatia's rate is higher than those in the Nordic countries and parts of Western Europe, where incarceration levels remain consistently low. Overall, Croatia occupies a moderate position: it is neither part of the low-incarceration group nor the high-incarceration cluster. This comparative context is important

[570] Ministry of Justice Public Administration and Digital Transformation, 2025a, p. 10.
[571] Ministry of Justice Public Administration and Digital Transformation, 2025a, p. 12.
[572] Detainees are individuals who are deprived of liberty prior to the final resolution of their case and therefore do not yet have a legally effective sentence. This category encompasses several forms of custodial status that arise before the conclusion of judicial proceedings, including persons held in pre-trial detention, remand prisoners, and others confined while awaiting adjudication. The term detainee is conceptually broader than the more specific category of pre-trial detainees, who are held in pre-trial detention as a procedural measure within criminal proceedings until a final judgment is delivered. In the Croatian legal context, detainees include two subgroups: individuals held in pre-trial detention under the Criminal Procedure Act, and individuals detained under the Misdemeanour Act, whose deprivation of liberty arises from misdemeanour procedures governed by a separate legal framework. See more in: Aebi *et al.*, 2019, pp. 18–19.
[573] Ministry of Justice Public Administration and Digital Transformation, 2025a, p. 12.
[574] Aebi and Tiago, 2020, p. 2.

because Croatia's recent challenges with prison overcrowding cannot be attributed to an unusually high imprisonment rate. Instead, they appear to stem from internal structural factors such as the high proportion of detainees, operational inefficiencies, outdated infrastructure in certain facilities, long-term underinvestment in the prison system, and challenges related to the management of specific categories of prisoners, including foreign nationals.

Figure 2: Prison Capacity Trends in Croatia, 2001–2023 (one-day snapshots on 31st December)[575]

Prison capacity levels and periods of peak overcrowding are most clearly illustrated through the graph. It shows that the number of people in Croatian prisons rose steadily from 2001 onward and for many years remained higher than the system's official capacity. This meant that overcrowding was a persistent issue, especially in the years before 2011, when the gap between inmates and available places was at its widest. A noticeable shift occurs after 2013; the year Croatia joined the European Union. From that point, the prison population begins to decline, and between 2013 and 2019 it falls below the capacity line. During this period, the system finally had more accommodation than inmates, which stands in sharp contrast to the earlier years marked by continuous overcrowding. After 2019, however, inmate numbers begin to rise again. By 2022 and 2023, they approach or slightly exceed official capacity, indicating renewed pressure on the prison system, although still less severe than in the years before EU accession.

[575] Ministry of Justice, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019; Ministry of Justice Public Administration and Digital Transformation, 2020, 2021b, 2022b, 2024, 2025a.

The renewed growth of the Croatian prison population after 2019 can be understood, at least in part, through the increasing number of foreign nationals entering the system. Until 2017, the presence of foreign inmates was relatively modest and largely limited to individuals from neighbouring countries such as Bosnia and Herzegovina, Serbia, Montenegro, North Macedonia, Albania, and Slovenia, who generally shared linguistic and cultural similarities with the domestic population.[576] This stable pattern began to shift in 2018, when the number of foreign inmates rose sharply and, for the first time, included a significant and growing share of individuals originating from Syria, Iran, and Pakistan.[577] Prison reports explicitly linked this trend to the migration crisis and the corresponding rise in offences involving the smuggling of persons and human trafficking.[578] The expansion of these offence categories contributed to a higher number of detentions and convictions, which in turn added to the overall prison population. Although the reporting methodology changed in 2019 and no longer distinguished individual countries of origin, available flow data show continued high admissions of foreign nationals, suggesting that migration-related offences remained a significant driver.[579] After a temporary reduction in 2020 attributed to the COVID-19 pandemic, the number of foreign inmates increased again in 2021.[580] By 2021, nearly 60 percent of foreign inmates were held for smuggling of persons, confirming the strong link between migration patterns and the composition of the prison population.[581] The substantial increase recorded in 2022 and 2023, both in annual admissions and in the stock of foreign nationals, further indicates that this group has become an important factor in the upward pressure on the prison system.[582] In this sense, the broader rise in the prison population after 2019 cannot be fully understood without recognising the contribution of foreign inmates, whose numbers and offence profiles reflect regional mobility trends and the changing nature of cross-border criminality.

5.1.5. Prison System

The prison system of the Republic of Croatia is organised under the Directorate for the Prison System and Probation of the Ministry of Justice, Public Administration and Digital Transformation and comprises 25 structural units operating across the country.[583] The system

[576] Ministry of Justice, 2019, p. 16.
[577] Ministry of Justice Public Administration and Digital Transformation, 2020, p. 16.
[578] Ministry of Justice Public Administration and Digital Transformation, 2020, p. 16.
[579] Ministry of Justice Public Administration and Digital Transformation, 2021b.
[580] Ministry of Justice Public Administration and Digital Transformation, 2021b.
[581] Ministry of Justice Public Administration and Digital Transformation, 2022b.
[582] Ministry of Justice Public Administration and Digital Transformation, 2024, 2025a.
[583] Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025c.

includes a central office, seven penitentiaries, the Zagreb Prison Hospital, fourteen prisons, two educational institutions for juveniles, a Diagnostic Centre in Zagreb, and a Training Centre.[584] The seven penitentiaries are located in Glina, Lepoglava, Lipovica–Popovača, Požega, Turopolje and Valtura, with the Zagreb Prison Hospital operating as a special penitentiary-type institution for persons who require medical and psychiatric treatment alongside or during imprisonment.[585] The fourteen prisons are located in Bjelovar, Dubrovnik, Gospić, Karlovac, Osijek, Požega, Pula, Rijeka, Sisak, Split, Šibenik, Varaždin, Zadar and Zagreb, whereby the Sisak Prison is currently non-operational due to earthquake damage and will remain so until reconstruction is completed.[586] The two educational institutions for juveniles are the Požega Educational Institute for girls and the Turopolje Educational Institute for boys.

Prisons and penitentiaries constitute specialised organisational units within the Directorate and are responsible for the deprivation of liberty of individuals who have either been sentenced or placed in pre-trial detention by judicial authorities. They share core functions such as ensuring security and order, supervising persons deprived of liberty, providing accommodation, nutrition, healthcare, education and work programmes, and managing administrative and operational procedures. Their principal distinction lies in institutional purpose, legal basis and target population. Penitentiaries are primarily intended for the execution of longer prison sentences imposed in criminal proceedings and are equipped to accommodate different security regimes while separating sentenced prisoners from persons in pre-trial detention.[587] Prisons, by contrast, are mainly intended for the enforcement of shorter custodial sentences and the accommodation of persons in pre-trial detention, including those detained in connection with misdemeanour proceedings.[588] They therefore function predominantly as short-term custodial institutions, while penitentiaries serve long-term, treatment-oriented correctional purposes.[589]

In response to previously mentioned challenges (including the growing proportion of foreign nationals among persons deprived of liberty, the impact of earthquakes, and the issue of prison overcrowding) the Minister of Justice, Public Administration and Digital Transformation initiated projects aimed at expanding correctional capacity through the construction of modular prison units providing 300 new places for persons deprived of liberty at the Varaždin Prison and the Lipovica–Popovača Penitentiary.[590] In addition, preparatory activities have begun for

[584] Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025c.
[585] Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025c.
[586] Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025c.
[587] Ministry of Justice Public Administration and Digital Transformation, 2025a, pp. 5–7.
[588] Ministry of Justice Public Administration and Digital Transformation, 2025a, pp. 5–7.
[589] Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025c.
[590] Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025a.

the construction of new correctional facilities at three locations: in the Municipality of Perušić, in Sisak–Moslavina County, and in Osijek–Baranja County. The overall plan foresees accommodation facilities for a total of approximately 1,200 persons deprived of liberty across several sites.[591] This initiative is particularly significant given that the last major investment in the Croatian prison system dates back to the 1980s.[592]

5.2. Recidivism in Croatia

5.2.1. A Historical Overview of the Legislative Framework

The earliest legal regulation concerning recidivism in Croatian territory can be identified as early as the 13th century, within the Vinodol Code (Vinodolski zakonik). Article 62 prescribes that an offender convicted of arson shall be sanctioned with a fine of 100 librae (a medieval unit of account), or, in cases of inability to pay, with corporal punishment.[593] The provision explicitly addresses instances of reoffending, stipulating a more severe penalty in the form of the death sentence. The practice of imposing harsher sanctions on repeat offenders, as reflected in this provision, was not exclusive to medieval Croatian law but corresponds with broader punitive tendencies observed in other legal systems of the period, as discussed in Chapter 1.3.1. In the context of Croatian criminal law history, it is important to mention several key codes that directly or indirectly refer to recidivism in their provisions. The 16th century was marked by Charles V and his Constitutio Criminalis Carolina of 1532, which, in Articles 161 and 162, recognised the concept of reoffending by prescribing progressively harsher penalties for repeated thefts: the second offence was punished by public shaming or banishment, while the third was punishable by death.[594] A significant influence was also exerted by the Constitutio Criminalis Theresiana of 1768, in which recidivism was regulated following the model of the dogmatic Bavarian Code of 1751, serving as a basis for sentence aggravation.[595] This continuity persisted into the modern period, both in European and Croatian criminal legislation, through Joseph II's General Criminal Code on Crimes and Their Punishment of 1787, as well as in the Austrian Criminal Code of 1803 and the Imperial Patent of 1852 (Criminal Code on Felonies, Misdemeanours and Infractions of 25 May 1852).[596] In the context of Croatian criminal law history, it is also essential to highlight the French Code pénal of 1791, which represents the

[591] Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025a.
[592] Nedjeljom u 2, 2025.
[593] Kostrenčić, 1921, p. 174.
[594] Holy Roman Empire (Charles V), 1900; Cvitanović and Pastović, 2018, p. 868.
[595] Gracin, 1998, p. 83.
[596] Gracin, 1998, p. 83; Cvitanović and Pastović, 2018, p. 868.

first systematic statutory regulation of recidivism in modern European criminal law.[597] Title II – *De la récidive* comprises two articles stipulating that a person who, after serving a sentence, commits another serious crime (for instance, one punishable by irons, imprisonment, or the pillory) is to be deported for life, while Article 2 prescribes a milder penalty for the repetition of less serious offences, replacing it with two years of imprisonment, which still reflects the idea of increased repression in cases of reoffending.

Punishment for reoffending was also regulated in the Criminal Code of the Kingdom of Yugoslavia of 1929 (Arts. 44, 48, 49 and 76), where recidivism was treated as a particularly aggravating circumstance and an offender was deemed a recidivist if a new offence was committed within five years after serving the previous sentence.[598] This framework remained in force until the adoption of the Criminal Code of 1951, which was later amended in 1959 to allow for harsher penalties for offenders who demonstrated a continued propensity to commit criminal acts.[599] A further step in the development of recidivism regulation was taken with the Criminal Code of the Socialist Federal Republic of Yugoslavia of 1977, which defined "ordinary" recidivism in Article 41 and required courts to take into account the offender's motives and the temporal continuity of the offences.[600] This approach was subsequently incorporated into the Basic Criminal Code of the Republic of Croatia of 1991, which in Article 37 paragraph 2 left the assessment of whether recidivism was present to the discretion of the court.[601] The Criminal Code of 1997, in Article 56 setting out the general rule on the selection of the type and measure of punishment (corresponding to Article 37 of the 1991 Code), abolished the former special provision on recidivism and instead required the court to consider the extent to which the offender's behaviour is aligned with the law.[602] The new Criminal Code of 2011, in Article 47 which governs the determination of punishment, follows the same pattern, although formulated in a stylistically different manner. Instead of referring to the offender's conformity with the law as under the previous code, it adopts an even more general approach by directing the court to consider the offender's overall prior life.[603] The Criminal Code of 2011 has undergone several amendments, the most recent in 2023[604], yet the provision on the determination of punishment has remained unchanged to this day.

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[597] France - Assemblée nationale législative, 1791.
[598] Gracin, 1998, pp. 83–84.
[599] Gracin, 1998, p. 40.
[600] Službeni list SFRJ, 1977.
[601] *Basic Criminal Code of the Republic of Croatia*, 1991.
[602] *Criminal Code*, 1997.
[603] *Criminal Code*, 2011.
[604] *Croatian Criminal Code*, 2024.

The historical evolution of recidivism in Croatian criminal law reveals a transition from detailed statutory formulations towards a more general and discretionary model in which prior offending is considered within the broader assessment of the offender's life circumstances. Earlier criminal codes contained explicit provisions defining recidivism, specifying temporal criteria and prescribing stricter legal consequences, whereas contemporary legislation no longer employs a formal definition and instead incorporates previous convictions into the general rules on sentencing. This development carries several notable implications. The move away from rigid statutory categories facilitates a higher degree of individualisation in sentencing and enables courts to evaluate the nature, gravity and relevance of past offences in a more contextual manner, consistent with modern European sentencing principles.[605]At the same time, the absence of a clear legal definition reduces normative precision, increases the potential for divergent judicial interpretations and places greater reliance on judicial discretion, which may in certain cases result in less consistent or proportionate sentencing. It also complicates the systematic monitoring of recidivism in both research and practice, as the criteria for identifying recidivist offending are no longer explicitly determined in legislation.[606]

5.2.2. Normative Context for Understanding Recidivism

In this sub-section, the legislative framework in Croatia relevant to the discussion of recidivism will be outlined. Although Croatian legislation does not provide a single statutory definition of recidivism, several legal acts form the framework within which reoffending is shaped, prevented, monitored, and statistically recorded. These laws regulate sentencing, prison execution, probation, rehabilitation, and the rights and obligations of offenders before, during, and after imprisonment. At the same time, a number of rights are also governed at the international level, and Croatian legislation follows the standards set by key instruments such as the European Convention on Human Rights[607], the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)[608], the International Covenant on Civil and Political Rights, the European Prison Rules (Rec(2006)2)[609], the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[610], and the

[605] Martufi, 2018; Gormley, Hamilton and Belton, 2022; Harris, 2023.
[606] Fenimore and Jennings, 2021.
[607] Council of Europe, 1950.
[608] United Nations Office on Drugs and Crime, 2015.
[609] General Assembly resolution 2200 A (XXI), 1996.
[610] United Nations, 1984.

Recommendation of the European Parliament on the Rights of Prisoners in the European Union[611].

In outlining the Croatian framework for the protection of prisoners' rights, it is appropriate to begin with the highest legal act. The Constitution of the Republic of Croatia[612] does not contain provisions dedicated exclusively to prisoners, but it establishes a broad system of rights and freedoms that applies to all individuals, including those whose rights are most vulnerable due to deprivation of liberty. Several constitutional articles are particularly relevant in this context. Article 16 provides that rights and freedoms may be restricted only by law, and only when necessary for the protection of the rights of others or public order, with such restrictions required to be proportionate. Article 21 safeguards the right to life and prohibits the death penalty, while Article 28 guarantees the presumption of innocence until a final court decision. Article 29 ensures the right to a fair trial before an independent and impartial court, and Article 35 protects personal and family life, dignity, reputation, and honour. Taken together, these provisions form the constitutional foundation for the protection of prisoners' rights and their resocialisation within the Croatian legal system.

The Croatian Criminal Code[613] plays a central role in defining the purpose of punishment, as set out in Article 41. According to this provision, 'the purpose of punishment is to express society's condemnation of the criminal offence committed, to strengthen citizens' trust in a legal order based on the rule of law, to influence the offender and all others not to commit criminal offences by raising awareness of the dangers of committing such offences and of the fairness of punishment, and to enable the offender to be reintegrated into society'.[614] The law recognises that punishment serves several roles at the same time: it shows society's disapproval of the crime, reassures the public that the legal system is fair and reliable, and reminds everyone of the consequences of breaking the law. Punishment is not only a response to past wrongdoing but also a means of maintaining trust in the justice system and encouraging safer behaviour in the future. What stands out in Article 41 is its explicit reference to reintegration. By stating that punishment should 'enable the offender to be reintegrated into society,' the legislator makes clear that supporting individuals in their return to lawful life is not an optional aspect of the system but an obligatory one. This human-centred approach aligns well with broader European

[611] European Parliament, 2003.
[612] *Constitution of the Republic of Croatia*, 2014.
[613] *Croatian Criminal Code*, 2024.
[614] *Croatian Criminal Code*, 2024.

standards, which emphasise that states have a responsibility to facilitate prisoners' resocialisation.

Moreover, the Croatian Criminal Procedure Act[615] contains several provisions that grant rights to persons deprived of liberty, including the right to humane accommodation, adequate rest, personal hygiene, medical care and the right to receive visits, these guarantees apply only to individuals who are held under investigative detention measures. In the terminology of the Croatian Criminal Procedure Act, the term prisoner refers exclusively to a person who has been placed in investigative detention during criminal proceedings. As a result, it does not regulate the rights, treatment or daily regime of individuals who are serving a prison sentence following a final judgment. Because investigative detention is a temporary procedural measure and not a phase focused on resocialisation, reintegration or preparation for release, the Criminal Procedure Act is only marginally relevant for analysing recidivism.

The right to rehabilitation is regulated by the Act on the Legal Consequences of Convictions, Criminal Records and Rehabilitation[616], with Article 18 providing its key definition. According to this article, 'an offender who has been lawfully convicted or acquitted has the right, after the lapse of a period prescribed by law and under the conditions set out in this Act, to be regarded as a person who has not committed a criminal offence, and their rights and freedoms must not differ from those of individuals who have not committed a criminal offence'.[617] By stating that an offender, once a certain period has passed and legal conditions are fulfilled, must be regarded as a person who has not committed a criminal offence, the article treats rehabilitation as a legal effect of time and compliance. The key point is that rehabilitation does not depend on the individual's conduct, growth, or participation in programmes, but simply on the expiry of a legally defined period and the absence of further convictions. In this sense, rehabilitation functions primarily as a mechanism for erasing or neutralising the legal consequences of a past conviction, rather than as a process aimed at supporting personal reform or reintegration.[618] The article's insistence that the rights and freedoms of a rehabilitated person 'must not differ' from those of individuals with no criminal record shows that the purpose of this provision is to eliminate formal barriers that might hinder social participation, such as access to employment,

[615] *Croatian Criminal Procedure Act*, 2022.
[616] *Croatian Act on the Legal Consequences of Convictions, Criminal Records and Rehabilitation*, 2022.
[617] *Croatian Act on the Legal Consequences of Convictions, Criminal Records and Rehabilitation*, 2022.
[618] The fact that rehabilitation has a specific legal meaning that differs from terms such as resocialisation and reintegration, as well as from the criminological understanding of rehabilitation as the return of an offender to a law-abiding life through treatment, calls for caution when using and defining these concepts.

public functions, or other rights tied to legal status. It also reflects an effort to prevent lasting stigma and allow individuals to fully re-enter society once the legal conditions are met.

One of the key laws in the field of penal policy is the Execution of Prison Sentence Act.[619] According to Article 3, the purpose of enforcing a prison sentence is defined as 'humane treatment and respect for the dignity of the person serving the sentence, and preparing that person for life in freedom in accordance with the law and social norms, thereby contributing to the protection of the community'. This formulation does not place retribution at the centre of imprisonment but focuses instead on the offender's resocialisation and preparation for a law-abiding life after release. Such an approach reflects a modern understanding of imprisonment in which the protection of society is achieved not only through isolation, but through meaningful preparation for reintegration. Article 16 further sets out a wide range of rights guaranteed to prisoners, including accommodation that respects human dignity and health standards, protection of personal integrity and confidentiality of personal data, regular meals and drinking water, access to work and education, professional legal assistance and access to legal remedies, health care and maternity protection, contact with the outside world, at least two hours of outdoor time daily within the institution, contact with a lawyer, freedom of religion, the right to marry within the institution, and the right to vote in presidential, parliamentary and European Parliament elections as well as in referendums. The breadth of these rights demonstrates that Croatian legislation frames imprisonment not merely as deprivation of liberty, but as a regulated environment in which the state remains responsible for safeguarding dignity and supporting resocialisation. In addition, Article 27 obliges the prison system to implement general and specialised treatment programmes, as well as other activities that 'support the process of rehabilitation and the social reintegration of prisoners'. By requiring structured interventions and engagement in purposeful activities, the legislator reinforces the idea that imprisonment should not merely restrict liberty but actively contribute to preparing individuals for lawful and stable life after release.

The task of 'protecting the community from offenders, as well as supporting their resocialisation and reintegration by addressing the risk factors associated with criminal behaviour', is set out in Article 2 of the Probation Act.[620] This article also stipulates that probation activities are carried out in connection with decisions on criminal prosecution, the selection of the type of sanction and the execution of sanctions imposed on the offender. This

[619] *Croatian Execution of Prison Sentence Act*, 2021.
[620] *Croatian Law on Probation*, 2018.

structure makes it clear that the work of the probation service is focused on offenders who serve their sentence, or the remaining part of it, in the community. This includes community work, conditional release, alternative sanctions and conditional sentences. The Probation Sector is organised within the Directorate for the Prison System and Probation of the Ministry of Justice, and consists of a Central Office and fourteen probation offices.[621] The first probation office began operating at the end of 2010, marking the beginning of the systematic development of probation practice in Croatia.[622] Unfortunately, probation offices in Croatia do not have a role in supporting offenders after they have completed their prison sentence. The European Probation Rules, however, recommend a much broader scope of responsibilities than those provided for in Croatian legislation.[623] For example, the Rules emphasise that supervision after early release should address the offender's resettlement needs, such as employment, housing and education, and that probation agencies should, where appropriate, also offer support, advice and information to offenders' families. [624] None of these obligations are prescribed by the Croatian legislator. This limited scope is also confirmed in the Croatian probation report published by the Confederation of European Probation, which notes that Croatian probation offices do not provide support to offenders' families, do not prepare offenders for conditional release, do not prepare prisoners for home leave or support them during home leave, and do not coordinate volunteer prison visitors.[625] Even the Director of the Prison System and Probation Administration has stated that 'post penal support is the weak link of the system,'[626] highlighting the lack of structured assistance after release and the challenges this creates for successful reintegration and recidivism reduction.

Other relevant laws include the Social Welfare Act,[627] which in Article 85 provides the service of social mentoring for individuals after completing a prison sentence in order to offer professional support and guidance that strengthens their abilities to cope with difficult life circumstances and improves their integration into the community. Also relevant are the Act on Juvenile Courts[628] and the Misdemeanour Act[629], which each influence different aspects of the treatment, supervision and rights of offenders and thus indirectly affect the conditions that shape the risk of reoffending.

[621] Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025b.
[622] Ministarstvo pravosuđa uprave i digitalne transformacije Republike Hrvatske, 2025b.
[623] Council of Europe, 2010.
[624] Council of Europe, 2010.
[625] Todosiev and Ricijaš, 2021.
[626] Hrvatska radiotelevizija, 2025.
[627] *Croatian Social Welfare Act*, 2025.
[628] *Croatian Act on Juvenile Courts*, 2020.
[629] *Croatian Misdemeanour Act*, 2023.

In addition to the statutory framework, the system is also governed by a set of secondary regulations issued by the Ministry of Justice, Public Administration and Digital Transformation. These include the Regulation on Prisoners' Privileges[630], which sets out the conditions, approval procedures and modalities for the use of privileges during the execution of a prison sentence; the Regulation on the Treatment of Prisoners[631], which prescribes the standards and procedures for treatment activities, including risk assessment, identification of treatment needs, the classification of prisoners according to criminogenic and security risks, individual sentence plans and the rules governing prisoners' privileges, as well as provisions on the valuation, storage and sale of items produced by prisoners in their free time. Furthermore, the Regulation on Prison Labour and the Management of Prisoners' Funds[632] regulates work and vocational training in correctional facilities and with external employers, defines job categories and their complexity coefficients, sets out the method for calculating and paying remuneration and rewards, and establishes rules on the use of earnings and annual leave. It is important to note that Croatian legislation does not define who is considered a recidivist, nor does it provide a legal definition of recidivism. As discussed in Chapter 2, there is no clear or universally accepted definition of recidivism in the literature, but the absence of a national legal consensus creates uncertainty about which data should be collected and how recidivism should be approached in judicial practice by judges and state attorneys, as well as within the prison and probation systems. This also affects the ability to monitor national trends over time. For the purposes of data collection, the closest operational definition is provided by the Croatian Bureau of Statistics. According to this definition, an adult perpetrator of criminal offences is a person who was at least 18 years old at the time of the offence and for whom the procedure based on a criminal report and preliminary proceedings has been completed, as well as an indicted person (including persons prosecuted by private complaint) whose criminal proceedings have been concluded by a final judgment.[633] An adult convicted person is an adult found guilty and sentenced to a sanction or other measure, imprisonment, fine, educational measure, judicial admonition, or a person found guilty but exempted from punishment.[634] The Croatian Bureau of Statistics records data specifically on previous convictions, which in academic practice serves as the main proxy for identifying recidivism.

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630 Ministry of Justice Public Administration and Digital Transformation, 2008.
631 Ministry of Justice Public Administration and Digital Transformation, 2021a.
632 Ministry of Justice Public Administration and Digital Transformation, 2022a.
633 Croatian Bureau of Statistics, 2025b.
634 Croatian Bureau of Statistics, 2025b.

5.2.3. Judicial Approaches to Recidivism

Given that there is no precise definition of who qualifies as a recidivist or under which conditions, approaches to recidivism can vary. Judges take recidivism into account when determining the length and type of a sentence. The presence of prior convictions, or the absence of a criminal record, falls within the category of circumstances related to the offender's previous life, while the lack of previous convictions is generally regarded as a mitigating factor.[635]Although prior convictions are generally relevant for judges when determining a sentence, not every previous conviction carries the same weight or significance in the decision-making process. While in the broadest criminological sense any prior conviction may indicate recidivism, in certain legally defined situations such convictions are not only irrelevant for the court but may not be taken into account at all.[636] A clear example of the discrepancy between criminological understanding and the normative approach to recidivism can be seen in the statutory limits set by the Act on the Legal Consequences of Convictions, Criminal Records and Rehabilitation. [637] Article 19 of this Act establishes rehabilitation periods, after which a previous conviction may not be considered in sentencing, even if the court is aware of it through case files or the defendant's own statements. These periods range from one to twenty years from the date the sentence was served, became time-barred, was pardoned, or from the final decision granting exemption from punishment, and their length increases proportionally to the seriousness and duration of the original sentence. The longer the period since the last conviction, the less relevant the offender's prior record becomes. This is evident in case law, where courts have placed little weight on previous convictions when seven or more years have passed since the most recent one.[638]

In addition to the passage of time, several other factors influence how courts assess the relevance of prior convictions. It is not the same whether the offender has only one previous conviction or several, nor whether the earlier offences are connected to the current one.[639] Reoffending of a similar type is generally treated as an aggravating circumstance, particularly when the new offence follows soon after the previous one.[640] By contrast, convictions for

[635] This approach has been criticised in academic writing and in appeals, arguing that having no criminal record is something expected of everyone and should not be treated as a special benefit. However, if prior convictions are consistently treated as an aggravating factor, there is no sound reason why the absence of such convictions should not be recognised as mitigating. For more details see: Tripalo and Mrčela, 2023, chap. 3.1.1.7.
[636] Tripalo and Mrčela, 2023, chap. 3.1.1.7.
[637] *Croatian Act on the Legal Consequences of Convictions, Criminal Records and Rehabilitation*, 2022.
[638] Grozdanić, Sršen and Rittossa, 2004, p. 603.
[639] Tripalo and Mrčela, 2023, chap. 3.1.1.7.
[640] Tripalo and Mrčela, 2023, chap. 3.1.1.7.

unrelated offences do not necessarily aggravate the sentence; for example, a theft offender whose only prior record consists of negligent traffic offences does not necessarily exhibit a criminologically relevant pattern of behaviour.[641] In other words, prior convictions acquire aggravating significance only when they clearly reveal continuity, persistence, or a repeated mode of offending. Furthermore, courts may not treat the existence of pending criminal proceedings as an aggravating factor, as doing so would violate the constitutional presumption of innocence. [642]

Although Croatia's sentencing framework is well defined, the quality of judicial reasoning in sentencing decisions, particularly in explaining the relevance of prior convictions, has been a persistent concern. For over twenty years, scholars have repeatedly observed that court judgments often lack adequate justification for the sanction imposed.[643] Mitigating and aggravating circumstances are frequently enumerated without any meaningful assessment of their influence on the outcome, and in some cases, they are not addressed at all. [644] This lack of explanation makes it difficult to see how the cited circumstances actually shaped the sentence, which in turn prevents a meaningful evaluation of sentencing practices. In practice, courts often use a synthetic approach, where the sentence seems to come from an overall impression rather than from a step-by-step analysis. [645] The reasons are then added afterward by selecting a few supporting factors. As a result, sentencing decisions are frequently not well explained, and courts rarely identify the sources of the information they rely on or clarify why certain evidence was considered credible.[646] Moreover, apart from the need for better reasoning in sentencing decisions, there is also a need for clearer public communication of those decisions. The media often follow court cases and sometimes criticise sentences, which may be justified but can also result from a lack of explanation or understanding of legal reasoning.[647] Because of this, public discussions about sentencing are often based on incomplete or inaccurate information. Courts therefore have a responsibility not only to justify their decisions in judgments but also to explain them clearly to the public.[648] This requires a more active role from court presidents and spokespersons, who, in consultation with the judge, should present the reasons for each sentencing decision in a simple and understandable way.[649]

[641] Tripalo and Mrčela, 2023, chap. 3.1.1.7.
[642] Đurđević, 2004, p. 778.
[643] Đurđević, 2004, p. 779; Grozdanić, Sršen Zoran and Rittossa, 2004, p. 607; Mrčela, 2023, p. 80.
[644] Đurđević, 2004, p. 779; Grozdanić, Sršen Zoran and Rittossa, 2004, p. 607; Mrčela, 2023, p. 80.
[645] Grozdanić, Sršen Zoran and Rittossa, 2004, p. 607.
[646] Đurđević, 2004, p. 779.
[647] Mrčela, 2023, p. 80.
[648] Mrčela, 2023, p. 80.
[649] Mrčela, 2023, p. 80.

Taking all of this into account, it becomes evident that the treatment of prior convictions in Croatian sentencing practice warrants closer scrutiny. Although the legal framework instructs courts to consider the offender's previous life, including prior convictions, their practical application remains inconsistent and often insufficiently reasoned. When courts identify prior convictions as aggravating factors without explaining their specific impact on the sentence imposed, transparency is reduced, and it becomes difficult to assess whether sentencing outcomes reflect the intended principles of fairness, proportionality, and individualisation. A more structured and fully articulated assessment of prior convictions in judicial reasoning would enhance coherence and accountability and, ultimately, strengthen public confidence in the sentencing process.

5.2.4. Recidivism in the Prison System

Recidivism within the prison system is primarily assessed and interpreted through the work of the Diagnostic Centre in Zagreb. Individuals sentenced to up to six months of imprisonment are sent to facilities closest to their place of residence, whereas those receiving longer sentences are first transferred to the Diagnostic Centre.[650] There, a comprehensive assessment is carried out, involving medical, psychological, social, pedagogical, and criminological evaluations.[651] The average stay at the Centre is around four weeks, after which a classification of the prisoner is determined, an individual sentence-execution plan is proposed, and a recommendation is made regarding the correctional institution where the sentence should be served.[652] The final decision on placement, whether in a closed, semi-open, or open facility, is issued by the Central Office of the Prison and Probation Administration.[653] Article 8 of the Regulation on the Treatment of Prisoners sets out the structure of the interdisciplinary assessment conducted by the Diagnostic Centre for the purpose of prisoner classification. The medical assessment involves a physical examination and the collection and analysis of medical records to provide an opinion on the prisoner's general health, identify any need for medical care, and recommend suitable work assignments during imprisonment. The social assessment includes evaluation and individual planning in accordance with the standards governing social work, culminating in a professional report, opinion, and recommendations. The psychological assessment consists of psychological evaluation and psychodiagnostics testing, carried out under the relevant professional regulations, and results in a corresponding expert report. The socio-pedagogical

[650] Vlada Republike Hrvatske, 2025.
[651] Vlada Republike Hrvatske, 2025.
[652] Vlada Republike Hrvatske, 2025.
[653] Vlada Republike Hrvatske, 2025.

assessment covers socio-pedagogical evaluation and the planning of interventions in line with the norms of socio-pedagogical practice, also producing a formal report and recommendations. Lastly, the criminological assessment entails gathering and analysing all available information about the prisoner's criminal behaviour and preparing a criminological report based on those findings. Based on the assessments conducted at the Diagnostic Centre, specialised staff carry out an initial evaluation of the prisoner's risk level and treatment needs. This assessment considers at least the following elements: the type and severity of the consequences of the offence, the manner in which the offence was committed, and the length of the imposed sentence; the circumstances under which the prisoner arrived to serve the sentence; the prisoner's attitude toward the offence and the victim; behaviour during any previous imprisonment; the history of antisocial or criminal behaviour, including prior convictions and ongoing criminal proceedings; the presence of antisocial personality traits and difficulties with emotional self-control; antisocial or pro-criminal thinking patterns; associations with individuals who display antisocial or criminal behaviour; misuse of, or dependency on, psychoactive substances, as well as behavioural addictions; family status, family relationships, and the level of support within the immediate social environment; the degree of functioning and achievement in the areas of education and employment; and the extent of involvement and satisfaction with leisure-time activities.[654] Taking all of these elements into account, the Diagnostic Centre prepares an assessment of criminogenic and security risks, which is conducted across three categories.[655] The first category concerns the type and level of risk posed during the execution of the sentence, both to others and to the prisoner being assessed. The second category evaluates the type and level of risk of reoffending. The third category assesses the type and level of risk related to the misuse of privileges that allow more frequent contact with the outside world, as well as the risk of serious harm to an individual, a group, or the wider community during temporary release from the institution or following release from imprisonment. Based on the conducted risk assessment, prisoners are assigned to one of four risk levels for each category of risk: very high (A), high (B), medium (C), or low (D).[656] This classification serves solely to identify appropriate treatment needs and to evaluate potential security and criminogenic risks, and it may not be used to place the prisoner in a less favourable position, nor to draw conclusions about guilt or impose additional burdens beyond what is necessary for treatment planning and risk management.

[654] Art. 4. Ministry of Justice Public Administration and Digital Transformation, 2021a.
[655] Art. 4. Ministry of Justice Public Administration and Digital Transformation, 2021a.
[656] Art. 9. Ministry of Justice Public Administration and Digital Transformation, 2021a.

In its work, the Diagnostic Centre seeks to gather as much relevant criminological information as possible about the offender's background, including prior convictions, to develop an individualised sentence-execution programme tailored to the offender's specific needs. To achieve this, the Centre relies not only on official criminal records but also on information obtained directly from the prisoner, findings from court-ordered expert evaluations, data available online or provided by third parties, as well as materials from its own archives, including internal criminal records, records from juvenile facilities, and information from periods spent in pre-trial detention.[657] Importantly, the purpose of collecting these data is not to place the offender in a more disadvantageous position; rather, the sole objective is to assess treatment needs and evaluate criminogenic and security risks. A particular emphasis is placed on distinguishing recidivists from first-time offenders to prevent the so-*called* "school of crime"effect, whereby less experienced offenders may acquire criminal attitudes or skills through contact with more seasoned offenders. [658] For this reason, these groups are separated whenever possible. Furthermore, when assigning prisoners to specific correctional institutions, authorities also consider whether the individual is a chronic or sub-chronic recidivist, as this distinction is important for classification and placement decisions.[659] Although a prisoner classification system exists within the legislative framework, information gathered from experts at the Diagnostic Centre in 2022 indicates that this system had not yet been implemented in practice.[660] Although a significant amount of time has passed since then and it is possible that the classification system is now in use, no publicly available data exist regarding its implementation or effectiveness. The Execution of Prison Sentence Act stipulates in Article 75(3) that the prison governor must review a prisoner's sentence-execution programme at least once every three months for those serving sentences of up to five years, and at least once every six months for prisoners serving sentences longer than five years. The programme's implementation is evaluated on four levels, according to criteria set out in the institution's internal rules, with Level IV being the lowest and Level I the highest: IV – "unsatisfactory", III – "satisfactory", II – "successful" and I – "highly successful". However, the purpose of this review is not to assess the effectiveness of the treatment itself, but rather to determine the extent to which the activities and obligations set out in the sentence-execution plan have been fulfilled. No additional mechanisms exist for evaluating the quality or impact of the treatment process.

[657] Feuerbach, 2022, p. 23.
[658] Art. 13. *Croatian Execution of Prison Sentence Act*, 2021.
[659] Feuerbach, 2022, p. 23.
[660] Feuerbach, 2022, p. 25.

Although the legal framework governing risk assessment, prisoner classification, and allocation is precise and systematic, in practice its application is often inconsistent due to various obstacles. These challenges are described in a scholarly article authored by a former prisoner, Angel Andonov, who spent 18 years in several different correctional systems in Croatia.[661] Even though the article dates from 2013, it remains highly relevant, as the structural problems it identifies continue to characterise the system today.[662] First-hand accounts of this kind are rare and particularly valuable, given that the prison system is, by its nature, closed and protected, making it difficult to obtain independent and objective information that is not shaped by the system itself. According to Andonov, the difficulties surrounding the classification of prisoners primarily stem from the fact that, although the system of categorisation ought to be applied in a strict and consistent manner, chronic overcrowding in penal institutions leads to its insufficient and often careless implementation, resulting in situations where younger and older adult inmates serve their sentences together with the general adult population, and where first-time offenders are placed alongside habitual recidivists.[663] This creates conditions in which harmful mutual influence among prisoners becomes inevitable, thereby producing precisely the outcomes that classification is intended to prevent. The issue of classification is particularly important for the young prison population, which, as Andonov notes, is especially susceptible to the influence of experienced recidivists who often mentor, shape, and ultimately recruit them as future accomplices for committing new crimes after release.[664] Andonov also pointed out the failure to comply with the provisions of the former Execution of Prison Sentence Act, specifically Article 74(3), which required a minimum living space of 4 m^2 and 10 m^3 per prisoner.[665] According to his personal experience, ensuring such conditions in existing Croatian prisons and penitentiaries is simply not possible. The issue of overcrowding has already been highlighted earlier in this chapter, and reports by the Ombudsperson confirm that it remains a persistent and serious problem.[666] In the new Execution of Prison Sentence Act[667], the provision guaranteeing a minimum amount of personal space for prisoners has been deleted. The earlier provision had served as a response to the ECtHR's stance in Muršić v. Croatia, where the Court held that a floor area of less than 3 m^2 per prisoner constitutes insufficient personal space and triggers a strong presumption of a violation of Article 3 of the

[661] Andonov, 2013.
[662] For example, see recent Ombudsman reports on overcrowding: Croatian Ombudsman, 2024, 2025.
[663] Andonov, 2013, p. 104.
[664] Andonov, 2013, p. 104.
[665] Andonov, 2013, pp. 104–105.
[666] Croatian Ombudsman, 2024, 2025.
[667] *Croatian Execution of Prison Sentence Act*, 2021.

Convention.[668] The legislator had originally sought, with good intentions, to guarantee more than this 3-m² minimum. However, the removal of the provision on minimum guaranteed space represents, in effect, a failure of the system to ensure in practice the rights and standards it sets in law: what cannot be fulfilled, even if it reflects good practice, is simply erased.

Further inconsistencies between the statutory provisions and their practical application can also be seen in the exercise of the right to file a complaint (Art. 17), the right to health care (Art. 110), as well as in the operation and development of general and specialised treatment programmes (Art.27).[669] Regarding complaints as a form of protecting prisoners' rights, Andonov notes that the system rarely functions impartially. In most cases, when a prisoner submits a complaint against the conduct or decision of a prison employee, the governor's first reaction is to shield the staff member, often by pressuring the prisoner to withdraw the complaint.[670] When the complaint is forwarded to the Central Office of the Prison Administration, the outcome is usually the same: the Office tends to protect its employees even when their mistakes are evident, since acknowledging an error is seen as admitting a weakness of the system as a whole.[671] Although a prisoner may file a constitutional complaint, the Constitutional Court typically dismisses such cases as outside its jurisdiction. Once a complaint is rejected, the prisoner is often stigmatized, and this frequently results in a transfer to another institution, making the act of filing a complaint a highly risky step for any prisoner.[672] Although the Execution of Prison Sentence Act guarantees prisoners access to medical treatment and health-care services of a scope and quality equivalent to those provided within the public health-care system for persons covered by mandatory health insurance, numerous judgments of the European Court of Human Rights[673], as well as the 2022 report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), highlight significant shortcomings in practice. The CPT, in particular, calls on the Croatian authorities to seriously reflect on the longstanding, harmful, and costly consequences of the chronic understaffing of the health-care sector within the prison system.[674] Moreover, while the Croatian prison system is conceived as rehabilitative, overcrowding and

[668] ECtHR, *Muršić v. Croatia, no. 7334/13, Judgement of 20 October 2016.*
[669] Andonov, 2013.
[670] Andonov, 2013, pp. 106–107.
[671] Andonov, 2013, pp. 106–107.
[672] For more details and example see: Andonov, 2013, pp. 106–107.
[673] For example, see: *Testa v. Croatia, no. 20877/04, 12 July 2007*; *Štitić v. Croatia, no. 29660/03, 8 November 2007*; *Pilčić v. Croatia, no. 33138/06, 17 January 2008*; *Požaić v. Croatia, no. 5901/13, 4 December 2014; Ulemek v. Croatia, no. 21613/16, 31 October 2019.*
[674] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2023, p. 28.

understaffing have severely undermined treatment work, leaving officers overwhelmed with organisational tasks and unable to provide individualised programmes essential for resocialisation.[675] As a result, treatment departments focus almost exclusively on prisoners with addiction-related measures, while other inmates receive inadequate support, revealing a broader systemic failure to ensure sufficient qualified staff and to uphold the rehabilitative purpose mandated by law.[676]

5.3. Recidivism in the Regional Context

Following the general overview of the criminal justice system in Croatia, this section shifts focus to a regional examination of criminal justice frameworks in Central and Southeastern Europe, precisely Serbia, Hungary, Romania, Poland, Slovakia, and Slovenia. It provides a comparative doctrinal analysis of recidivism regulation in this context, beginning with each country's statutory articulation, or deliberate omission, of punishment's purpose, followed by detailed examinations of recidivism definitions, time-bound aggravating mechanisms (such as Serbia's and Poland's five-year windows or Hungary's granular categories of habitual, repeat, and violent repeat offenders), sentencing consequences like mandatory minimum increases or life imprisonment substitutions, and interactions with rehabilitative tools including parole restrictions, probation exclusions, and alternative sanctions.

5.3.1. Serbia

In Serbia's criminal justice system, criminal sanctions consist of punishment, admonitions (caution), security measures and corrective (educational) measures as defined in Article 4 of the Serbian Criminal Code.[677] 'The general purpose of prescribing and imposing criminal sanctions in Serbia is to suppress acts that violate or endanger the values protected by criminal legislation, thereby contributing to prevention and the protection of society through legally regulated responses to criminal wrongdoing', as defined in paragraph 2 of the same Article. Moreover, Article 42 of the Criminal Code specifies the purposes of punishment within the framework of the general purpose of criminal sanctions set out in Article 4. It provides that 'punishment aims to prevent the offender from committing further criminal offences and to deter them from future offending (special prevention), to deter others from committing criminal offences (general prevention), to express social condemnation of the criminal offence and strengthen moral values and respect for the law, as well as to achieve justice and proportionality

[675] Andonov, 2013, p. 109.
[676] Andonov, 2013, p. 109.
[677] *Serbian Criminal Code*, 2019.

between the committed offence and the severity of the criminal sanction'. In addition, the execution of criminal sanctions in Serbia is regulated by the Law on the Execution of Criminal Sanctions, which in Article 2 provides that 'the execution of criminal sanctions serves to achieve both the general and individual purposes of their imposition, with the aim of ensuring the successful reintegration of convicted persons into society'.[678]

An important and distinctive characteristic of the Serbian sanctioning system is the existence of life imprisonment as the most severe criminal sanction. Until 2019, the harshest punishment was imprisonment of 30 to 40 years, introduced as a substitute for the death penalty and reserved for the most serious crimes.[679] Amendments to the Criminal Code in 2019 replaced this sentence with life imprisonment, which may be imposed only for the gravest criminal offences and only[680] on offenders who were at least 21 years old at the time of the offence.[681] This amendment may be viewed as a consequence of penal populism, which involves seeking electoral support by tightening prescribed penalties and advocating a more punitive criminal policy.[682]

In Serbian criminal legislation, the Criminal Code does not provide a specific definition of a "recidivist" as a distinct legal category; however, recidivism is explicitly regulated within Chapter IV, which concerns criminal sanctions, particularly through provisions on recidivism (Art. 55) and multiple recidivism (Art. 55a). Article 55 stipulates that 'if an offender commits a criminal offence with intent and has previously been convicted for an intentional criminal offence, the court shall consider this circumstance as an aggravating factor, provided that no more than five years have elapsed since the previous conviction or since the sentence was served'. In such cases, 'the court may not impose a sentence below the statutory minimum or a more lenient type of sanction, unless the law explicitly allows mitigation of punishment or exemption from punishment and the court decides not to exempt the offender'. In cases of multiple recidivism under Article 55a, 'where an intentional criminal offence punishable by imprisonment is committed, the court is obliged to impose a sentence above half of the prescribed sentencing range if the offender has previously been convicted at least twice for intentional criminal offences to imprisonment of not less than one year, and if less than five years have passed between the offender's release from serving the previous sentence and the commission of the new offence'. Accordingly, it can be concluded that, under Serbian criminal

[678] *Serbian Law on Execution of Criminal Sanctions*, 2019.
[679] Bugarski, 2022.
[680] *Serbian Law on Execution of Criminal Sanctions*, 2019.
[681] Bugarski, 2022.
[682] Delibašić, 2021.

law, recidivism is relevant for the court and for sentencing purposes only within a five-year time period. If more than five years have elapsed since the previous conviction or the completion of the sentence, prior offending is no longer taken into account as a legally relevant form of recidivism when determining the severity of the punishment.

Regarding the quality of prison life in Serbia, a significant study was conducted with the goal of assessing and identifying possibilities for improving the quality of prison life of convicted persons in the Republic of Serbia from criminological-penological, psychological, sociological, legal, and security perspectives.[683] The results indicate that although national regulations and the institutional framework are largely aligned with international standards for the treatment of prisoners, the overall quality of prison life remains relatively low and uneven across institutions.[684] Better conditions were identified in newer and more modern facilities, such as the Belgrade prison, while poorer evaluations were associated with outdated infrastructure, as was the case in the women's prison in Požarevac at the time of the research.[685] Among the examined dimensions, living conditions and contact with family were rated most positively, emphasizing the importance of regular social ties for prisoners' well-being and resocialization.[686] In contrast, professionalism was consistently assessed as the weakest dimension, pointing to shortcomings in staff expertise, transparency, fairness, and interpersonal relations.[687] Overcrowding, staff overload, and limited treatment capacities further negatively affect the prison climate and overall quality of life, highlighting the need for a holistic reform approach focused on strengthening professional practice, improving working conditions, expanding the use of alternative sanctions, and providing meaningful activities such as work and education to support successful reintegration and reduce recidivism.

5.3.2. Hungary

The Hungarian legislator, in Act C of 2012 on the Criminal Code, expressly defines the purpose of punishment.[688] According to Section 79, 'the objective of punishment is, in the interest of the protection of society, to prevent the perpetrator and other persons from committing criminal offences'. Furthermore, Act CCXL of 2013 on the execution of punishments specifies the task and purpose of the penitentiary system.[689] Pursuant to Section 1(1), 'the task of the penitentiary

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683 Ćopić, Stevanović and Vujičić, 2024.
684 Ćopić, Stevanović and Vujičić, 2024.
685 Ćopić, Stevanović and Vujičić, 2024.
686 Ćopić, Stevanović and Vujičić, 2024.
687 Ćopić, Stevanović and Vujičić, 2024.
688 *Act C of 2012 on the Criminal Code*, 2025.
689 *Act CCXL of 2013 on the Implementation of Penalties, Measures, Certain Coercive Measures, and Detention for Violations*, 2026.

system is to enforce the objectives of punishment through the execution of penalties and measures, while ensuring individualized treatment during enforcement in order to effectively achieve the goals of individual prevention'. In addition, Section 1(2) requires that 'the execution of penalties and measures be organized in a manner that, beyond the legal disadvantage inherent in the punishment and preventive provisions, promotes the social reintegration of convicted persons and the development of law-abiding behaviour'. The Act also emphasizes 'the protection of children's rights in the case of minors and, with regard to compulsory medical treatment, mandates the provision of appropriate treatment and care alongside the protection of society'.

The Hungarian legislator has precisely defined who, and under which circumstances, is to be regarded as a recidivist, which is specific to the Hungarian approach in that it regulates this matter in a particularly detailed manner and establishes strictly delineated categories of recidivism. This differentiated terminology reflects the seriousness of the repeated criminal conduct and is defined in Act C of 2012, Section 459(31)(a)–(d). Under this provision, a recidivist 'shall mean the perpetrator of a crime of intent, if such person was previously sentenced to an executable term of imprisonment for a crime committed intentionally, and three years have not yet passed since the last day of serving the term of imprisonment or the day when it ceases to be enforceable until the commission of another criminal act'. In addition, the Act distinguishes three further categories. A habitual recidivist 'shall mean any recidivist who commits on both occasions the same crime or a crime similar in nature'. A repeat offender 'shall mean a person who has been sentenced to an executable term of imprisonment as a recidivist prior to the commission of a crime of intent, and three years have not yet passed since the last day of serving the term of imprisonment or the day when it ceases to be enforceable until the commission of another criminal act punishable by imprisonment'. The most serious category is that of a repeat offender with a history of violence, who 'shall mean a repeat offender convicted for violent crime against the person on all three occasions previously'.

In addition to this normative framework, the Hungarian Central Statistical Office (KSH),[690] which provides data on crime, including registered perpetrators and recidivism, also distinguishes between the categories of perpetrators with a clean criminal record and non-recidivists. A perpetrator with a clean criminal record is a person who has no prior criminal conviction recorded in the criminal register at the time of the offence, that is, a first-time offender. By contrast, a non-recidivist is a person who does not meet the legal criteria of

[690] Hungarian Central Statistical Office, 2025.

recidivism under the Criminal Code; in other words, a person may have a criminal record and still be regarded as a non-recidivist in legal terms.[691]

The Hungarian legislator highlights the importance of provisions on recidivism in several sections of Act C of 2012, particularly in Section 29, which addresses the application of active repentance. According to the Act, any person who has committed a misdemeanour offense against life, physical integrity or health, personal freedom, human dignity and fundamental rights, any traffic offense, offenses against property or intellectual property rights, or any crime punishable by imprisonment not exceeding three years, shall not be prosecuted if they have admitted their guilt before being indicted and have provided restitution by means and to the extent accepted by the injured party within the framework of a mediation process, or previously if approved in the mediation process. However, this provision does not apply if the person is a repeat offender or a habitual recidivist, or if another criminal act has been committed within two years from the time the final and binding ruling became enforceable. This illustrates how the regulation of recidivism interacts with mitigating mechanisms in criminal law, limiting certain benefits for offenders who fall under stricter recidivist categories.

Moreover, the Hungarian legislator provides for special treatment of recidivists in Sections 36, 37, and 38 of Act C of 2012, in connection with fixed-term imprisonment and parole. The minimum and maximum duration of a fixed-term imprisonment shall be three months and twenty years, respectively; however, for crimes committed within the framework of a criminal organization, if the perpetrator is a repeat offender or a habitual recidivist, or in the case of cumulative or merged sentences, the maximum term shall be twenty-five years. A sentence of imprisonment imposed for a misdemeanour offense shall generally be carried out in a jail; however, if the convicted perpetrator is a recidivist, the sentence shall be served in a correctional institution. For parole, the court specifies the earliest date of eligibility: normally after two-thirds of the sentence is served, but for recidivists, after three-quarters of the sentence, with at least three months served in all cases.

In Section 65 on conditional sentences, the Hungarian legislator provides that the court may defer the imposition of a sentence if it concerns an infraction or a felony punishable by imprisonment of up to three years, provided there are reasonable grounds to believe that probation will serve the purpose of rehabilitation. However, certain categories of offenders are explicitly excluded from this possibility: recidivists may not be released on probation.

[691] This distinction represents one more example of the differing understandings of recidivism: under a criminological definition, such a person would still be considered a recidivist, whereas the normative framework operates strictly within the boundaries set by statutory criteria.

Similarly, Section 67, which regulates work performed in amends, provides that the court may defer the imposition of a sentence for one year if it concerns an infraction or a felony punishable by imprisonment not exceeding three years, and may order work to be performed in amends if there are reasonable grounds to believe that it will serve the purpose of rehabilitation. Work performed in amends may be ordered concurrently with probation under supervision. However, this option may not be imposed on recidivists, highlighting again the stricter treatment of repeat offenders under the Hungarian criminal framework. Section 69 and provides that probation with supervision shall be ordered for a recidivist if they are released on parole or sentenced to a term of imprisonment whose execution is conditionally suspended. Section 86 provides that the execution of a sentence of imprisonment may not be suspended if the perpetrator is a repeat offender.

Hungarian criminal law establishes special rules for habitual and repeat offenders, as well as for repeat offenders with a history of violence, reflecting a stricter approach to recidivism. For habitual and repeat offenders, the law increases the maximum penalties for any subsequent criminal offenses by half, although the maximum term of imprisonment is capped at twenty-five years. In cases involving multiple cumulative sentences or when a defendant waives the right to trial, the penalties are also increased proportionally. Reductions in punishment for these offenders are allowed only in exceptional circumstances deserving special consideration, while more severe penalties generally apply unless the law already treats habitual recidivism as an aggravating factor. Repeat offenders with a history of violence are subject to even stricter rules. The minimum and maximum sentences for violent crimes against the person committed by such offenders are doubled, and if the resulting maximum would exceed twenty years, or if the offenses carry a potential life sentence, the offender must be sentenced to life imprisonment. At the same time, the punishment of repeat offenders with a history of violence is generally not subject to reduction, except in cases where the general provisions of the law explicitly allow it. These regulations demonstrate how the Hungarian legal framework differentiates between levels of recidivism, imposing progressively stricter consequences to reflect both the seriousness of repeated offenses and the increased risk posed by offenders with a history of violence.

Other provisions concerning recidivism address a range of specific situations. They include rules on juvenile detention (Section 110) and the limitations on carrying out custodial arrest in a military guardhouse (Section 132). The law also provides for harsher punishments in cases of homicide (Section 160) and in cases of disorderly conduct (Section 340). Additionally,

Section 369 establishes that violent crimes against property and offenses against property are to be treated as criminal activities similar in nature to habitual recidivism.
Hungarian criminal law adopts a highly detailed and structured approach to recidivism, differentiating between first-time offenders, non-recidivists, habitual offenders, repeat offenders, and repeat offenders with a history of violence. The legal framework not only defines these categories precisely but also imposes progressively stricter consequences, ranging from limitations on active repentance and conditional sentences to harsher imprisonment terms, parole rules, and specialized provisions for violent or property-related offenses. This approach has both positive and negative aspects. By clearly defining categories the law provides predictability and consistency in sentencing. The framework allows for graduated penalties, ensuring that repeated offenders face consequences proportionate to both the seriousness and recurrence of their crimes. This differentiation also strengthens public protection, as individuals with a demonstrated pattern of criminal behaviour are subject to stricter supervision, reduced access to mitigating measures, and longer custodial sentences. Additionally, the system integrates both normative and rehabilitative elements, such as active repentance, probation, and work performed in amends, while restricting these options for those who repeatedly offend, maintaining a balance between rehabilitation and societal safety. However, there are potential drawbacks. The strict categorizations and enhanced penalties for recidivists may reduce judicial flexibility, limiting the ability to consider individual circumstances or signs of genuine rehabilitation. Certain measures, such as the denial of parole or suspension of sentences for repeat offenders, could contribute to over-incarceration, increasing prison populations without necessarily improving public safety. The heavy emphasis on statutory definitions may also create discrepancies between criminological and legal concepts of recidivism, meaning that individuals considered recidivists in practice may not always be treated as such under the law, or vice versa. Finally, the approach risks being overly punitive, particularly for offenders whose repeated crimes are less serious or non-violent, potentially undermining the rehabilitative goals of the criminal justice system.

5.3.3. Romania

A particular feature of the Romanian legislator's approach is that the current Criminal Code[692] no longer provides a precise normative definition of the purpose of punishment. In contrast, the former 1969 Criminal Code expressly stated in Article 52 that punishment was 'a measure

[692] *Romanian Criminal Code*, 2012.

of coercion and a means of re-educating the convict,' that its purpose was 'to prevent the commission of new offenses,' and that the enforcement of the punishment was aimed at forming a correct attitude towards work, the rule of law, and the rules of social coexistence.[693] Although the purpose of punishment is not explicitly prescribed in the general provisions of the Romanian Criminal Code, the legislator ensures the application of fundamental criminal law principles, including the lawfulness of criminal penalties, while establishing clear conditions for penalty individualization in Article 74. This provision mandates that the determination of a penalty's length or amount shall be based on the seriousness of the offense and the threat posed by the convict, assessed through specific criteria: the circumstances and manner of commission, including means used; the threat to protected social values; the nature and seriousness of consequences; the motive and intended goal; the convict's criminal history, including nature and frequency of prior offenses; post-offense conduct during trial; and personal factors such as education, age, health, and family/social situation. Paragraph (2) further specifies that when alternative penalties are available, these criteria guide the selection among them, thereby embedding substantive sentencing principles into practice despite the absence of an overarching purpose definition.

In stark contrast to the absence of an explicit definition of the purpose of punishment, the Romanian Criminal Code provides a precise statutory definition of repeat offense (recidiva) in Article 41. Recidivism exists when, after a conviction and sentence of more than one year of imprisonment remains final, and before rehabilitation or completion of the sentenced term, the convicted individual commits another violation with direct intent or oblique intent, for which the law mandates a term of more than one year of imprisonment, or in case one of the penalties under paragraph 1 is life imprisonment. In parallel, the National Institute for Statistics operationalizes recidivism for statistical purposes by defining recidivists as persons convicted who have again intentionally committed an offense for which the penal law provides, under certain circumstances, a punishment of deprivation of liberty exceeding one year.[694] Paragraph 3 further establishes that consideration shall also be given to a conviction judgment returned in another country, for a violation that is also included in Romanian criminal law, if that conviction has been recognized under the law. Article 42 complements this framework by specifying convictions that do not trigger recidivism status. In establishing the existence of a repeat offense, consideration shall not be given to convictions for: acts that are no longer

[693] Republica Socialistă România, 1968.
[694] Romanian National Institute for Statistics, 2025.

stipulated in criminal law; violations that have been pardoned; or violations committed with basic intent. This exclusionary provision ensures that only relevant, enduring prior convictions contribute to the recidivism assessment, maintaining proportionality and legal certainty in sentencing practice. Article 43 further elaborates the specific penalty consequences for repeat offenses, establishing a comprehensive regime for their calculation and application. Under paragraph 1, if a new repeat offense is committed before the previous sentence is fully served, the penalty for the new offense is added to the remaining time of the prior sentence. Paragraph 2 addresses multiple offenses where at least one constitutes recidivism, requiring merger of penalties before addition to the previous sentence. Paragraphs 3 and 4 provide for life imprisonment substitution when cumulative terms exceed specified limits or involve life sentences. For post-execution recidivism under paragraph 5, statutory penalty limits increase by half, while paragraphs 6 and 7 govern retroactive application when recidivism status is determined after the new conviction becomes final.

Although Article 77 of the Romanian Criminal Code lists general aggravating circumstances, it contains no explicit reference to recidivism or repeat offenses. Article 79 regulates the concurrence of mitigating and aggravating factors, mandating successive application of rules for aggravating circumstances, continued offenses, multiple offenses, or repeat offenses when multiple provisions apply to a single offense. However, repeat offenses receive direct treatment elsewhere: Article 45, governing complementary, ancillary penalties, and security measures in plurality cases, explicitly provides that when identical complementary penalties arise in repeat offense scenarios, the unserved portion of the prior penalty merges with the new violation's penalty. Thus, while recidivism is absent from standard aggravating circumstance lists, the legislator systematically integrates it through specialized sentencing mechanisms. Repeat offending receives additional regulation in Articles 82 and 89 concerning special sentencing deferrals. Article 82(3) provides that waiver of penalty is revoked if, within two years of the final judgment, the recipient committed a prior undetected offense leading to later conviction; standard rules for multiple offenses, repeat offenses, or intermediate plurality then apply. Similarly, Article 89(1) nullifies postponement of penalty enforcement if a new offense (committed before the postponement judgment but sentenced later) emerges during probation, triggering the same concurrence rules. These provisions ensure recidivism undermines lenient dispositions, reinforcing its systemic impact on sentencing.

5.3.4. Poland

The Polish legislator does not directly define the purpose of punishment in a singular provision across its major penal codes. Historically, the 1932 Penal Code embraced an offender-oriented approach, prioritizing individual prevention and rehabilitation through mechanisms like judicial rehabilitation.[695] In contrast, the 1969 communist-era code pivoted to an offense-oriented model, stressing punishments proportionate to the offense's gravity alongside general deterrence.[696] The 1997 Criminal Code[697] evolves further, departing from rigid offense-focus by emphasizing positive general prevention to reinforce social norms while strictly limiting punishment severity to the offender's culpability, as reflected in Chapter VI (Principles of Passing Sentence and Penal Measures), where Article 53 paragraph 1 instructs courts to impose penalties within statutory limits, ensuring they do not exceed guilt while accounting for the act's social harm, the penalty's preventive and educational impact on the offender, and its role in cultivating societal legal awareness; paragraph 2 mandates primary consideration of the offender's motives and methods, any minor involvement, duty breaches, consequence severity, personal traits and circumstances, pre-offense lifestyle, post-offense actions (notably damage repair or public justice restoration), and victim conduct; and paragraph 3 integrates mediation successes or prosecutorial/court settlements, thus enabling a balanced hybrid of retribution and prevention via principled judicial discretion.

The 1997 Polish Criminal Code addresses recidivism in Chapter VIII, Article 64, which lays out specific conditions for aggravating penalties in cases of repeat intentional offending following prior imprisonment. Under paragraph 1, if a perpetrator sentenced to deprivation of liberty for an intentional offence has served at least six months of that penalty and then commits a similar intentional offence within the following five-year period, the court may impose a prison term for the new offence up to the statutory maximum increased by half. Paragraph 2 escalates for aggravated recidivism: if an offender previously sentenced under paragraph 1 conditions has served a total of at least one year's imprisonment and, within five years of serving all or part of their last penalty, commits another intentional offence against life or health, rape, robbery, theft with burglary, or other property offences involving violence or threats of violence, the court must impose imprisonment exceeding the lower statutory limit or up to one and a half times the maximum statutory penalty. Paragraph 3 limits this penalty enhancement, excluding its application to indictable offences.

[695] Krajewski, 2016
[696] Krajewski, 2016.
[697] *Polish Criminal Code*, 1997.

Statistics Poland defines a habitual offender for statistical and administrative purposes, distinct from the legal recidivism in the 1997 Penal Code. An adult habitual offender is someone sentenced for an intentional crime to deprivation of liberty or its substitute penalty or punished for an intentional misdemeanour with a prison sentence, substitute prison sentence, or military arrest for intentional crimes or misdemeanours, who has previously served such punishments; this draws from Ministry of Justice datasets and surveys.[698] Key differences from legal special recidivism under Article 64 lie in scope, purpose, effect, and application. Habitual offender status captures any repeat custodial history without timing restrictions, offence similarity, or minimum custody served, whereas legal recidivism requires a five-year window after serving at least six months for ordinary cases or one year for multiple, plus offence homology or specific gravity. Statistical use supports criminology and policy analysis, while legal serves normative penalty aggravation. Habitual classification carries no direct sentencing consequences, unlike recidivism's mandatory minimums or maximum increased by half.

5.3.5. Slovakia

Slovak legislation, specifically Article 34 of the Criminal Code (Act No. 300/2005 Coll.), outlines the core principles for the imposition of punishments.[699] This provision defines punishment's purpose as protecting society from offenders by preventing further criminal activity and creating conditions for their rehabilitation to lead an orderly life, while simultaneously deterring others from committing crimes and expressing society's moral condemnation of the offender. The provision emphasizes proportionality, stipulating that only the type and severity of punishment prescribed by law may be imposed, and that penalties must minimize impact on the offender's family and close relations. When determining the appropriate punishment, courts must consider multiple factors including the method of commission, consequences of the act, the offender's fault and motive, aggravating and mitigating circumstances, the offender's personal circumstances, and their rehabilitation potential. Additionally, the legislation addresses property benefits derived from criminal activity, directing courts to impose property-related penalties where appropriate, and requires consideration of the roles of accomplices, organizers, instigators, and abettors according to their respective contributions to the offense. This comprehensive framework reflects Slovak criminal law's balanced approach to punishment, integrating protective, repressive, preventive,

[698] Statistics Poland, no date.
[699] *Penal Code of the Slovak Republic (Act No. 300/2005 Coll., as amended)*, 2005.

and rehabilitative functions while ensuring individualized justice based on the specific circumstances of each case.

Repetition of crime is covered in the aggravating circumstances under Section 37 of the Slovak Criminal Code (Act No. 300/2005 Coll.), mainly in subsections (h) and (m). Subsection (h) applies when 'the offender has committed more than one criminal offence,' which includes multiple or repeated crimes charged in the current case without needing any prior record. Subsection (m) covers prior convictions, stating 'the offender was already convicted for a criminal offence,' though courts can choose to ignore them if the earlier offence was minor or unrelated in nature, providing flexibility for fair sentencing. Under Section 38(4), these factors raise the minimum penalty by one third if aggravating points outweigh mitigating ones in the overall balance; for repeated crimes generally, subsection 5 increases the lower statutory limit by half (replacing the one-third rule of 4), and for repeated particularly serious crimes, subsection 6 raises it by two thirds (overriding both previous adjustments to ensure the strictest response).

The Slovak legislator does not precisely define the term recidivism but addresses repeated commission of crime in Section 122 of the Criminal Code (Act No. 300/2005 Coll.), which specifies: 'The criminal offence is considered as having been committed repeatedly if the offender, through repeated separate acts, has committed a number of successive identical criminal offences, which are related to each other neither objectively nor subjectively, while the punishability of each of them shall be judged separately.' These represent very narrow conditions for deeming an offence repeated, far narrower than the standard criminological definition of recidivism, which broadly covers any reoffending after conviction irrespective of offence similarity or links between acts, yet this precision suits the legislator by allowing controlled, targeted penalty increases solely for unambiguous serial identical crimes. This definition distinguishes repetition from mere multiplicity by requiring a series of discrete, identical offences lacking any objective connection, such as shared circumstances, or subjective connection, such as unified intent, with each act evaluated independently for liability. In parallel to this narrow legal framing in Section 122, the Statistical Office of the Slovak Republic (ŠÚ SR) employs a similar operational definition for data collection, classifying a habitual offender as a person who has repeatedly committed the same criminal offence.[700]

[700] Statistical Office of the SR, no date a.

For offenders who repeatedly commit crimes, the Slovak Criminal Code prescribes special measures in Section 81(3) concerning detention, as well as in Section 360b(3)(c). Section 81 permits courts, if deemed necessary, to order the placement of an offender convicted of a sexually motivated crime or one who repeatedly commits particularly serious crimes into a detention institution following the completion of their prison sentence, thereby extending control over persistent high-risk individuals beyond standard imprisonment. Likewise, Section 360b(3)(c) on dangerous electronic harassment mandates a custodial sentence of two to six years where the offence is committed repeatedly within the preceding twenty-four months despite a prior conviction for the same act, thus imposing graduated severity on recidivist digital harassment. These provisions complement the narrow repetition criteria of Section 122 and aggravating factors under Sections 37 and 38, reinforcing Article 34's protective objectives by isolating habitual offenders through post-sentence detention or enhanced penalties to mitigate ongoing threats to society.

5.3.6. Slovenia

Slovenian legislators do not explicitly prescribe the purposes or goals of punishment in the Slovenian Criminal Code.[701] However, Chapter One on Fundamental Provisions, which determines the imposition of criminal liability, states more precisely that 'criminal liability shall be imposed by sentencing adults who committed criminal offences on the basis of determined guilt'. Moreover, Article 2 reflects the *nullum crimen, nulla poena sine lege* principle, while Article 3 in the System of Legal Criminal Sanctions prescribes that criminal sanctions include sentences, admonitory sanctions, and safety measures, emphasizing the principle of proportionality.

Slovenian legislator defines recidivism in the Criminal Code within the General Rules on Sentencing, specifically in Article 49. Recidivism is expressly regulated in Article 49(3), which provides that, when determining the sentence for an offender who has committed a criminal offence after having already been convicted, after serving a sentence, after enforcement of the sentence has become time-barred, or after the sentence has been remitted, the court shall pay particular attention to whether the earlier offence is of the same type as the new one, whether both offences were committed for the same motive, and to the time which has lapsed since the former conviction or since the serving, withdrawing, remitting or barring of the sentence. It is visible here that recidivism is based on a definition that considers any re-commission of a crime

[701] *Slovenian Penal Code and Law on Amendments and Supplements to the Criminal Code*, 2023.

regardless of the time that has elapsed since the end of the previous sentence, aligning with the criminological definition, as it is not time limited. Furthermore, the concept of recidivism is embedded into the broader framework of mitigating and aggravating circumstances in Article 49(1), which requires the court, when fixing the sentence, to consider all circumstances that influence the grading of the punishment, particularly the degree of the offender's criminal liability, the motives for the offence, the intensity of the danger or injury caused to the protected legal interest, the circumstances under which the offence was committed, the offender's past behaviour, his personal and financial circumstances, his conduct after the offence (especially whether he has remedied the damage caused), and other circumstances relating to the personality of the offender.

Additionally, Slovenian law further integrates the consideration of re-offending into decisions on early release under Article 88. This provision states that an offender may be released on parole when it is reasonable to expect that they will not repeat the criminal offence. In assessing parole eligibility, the court shall particularly consider the possibility of re-offending, any ongoing criminal proceedings for prior offences committed before imprisonment, the offender's attitude towards the offence and victim, their conduct during sentence serving, the success of addiction treatment, and conditions for reintegration into society.

5.4. Comparative Overview of Recidivism Regulation in Region

This examination of recidivism regulation in Croatia, Serbia, Hungary, Romania, Poland, Slovakia, and Slovenia uncovers distinct patterns across these post-communist states, where criminal codes reflect both shared transitional histories and divergent reform paths influenced by EU membership or candidacy. These differences in approach, ranging from explicit punishment philosophies to varied handling of repeat offending, become more systematic through Table 2: Comparative Overview of Recidivism Regulation in Region.

Notably, definitional approaches differ sharply: Hungary, Romania, Poland, and Slovenia offer direct statutory definitions of recidivism, often detailed, as with Hungary's tiered categories or Poland's time-limited rules, while Croatia provides neither direct nor indirect legal framing, leaving it to judicial practice; Serbia and Slovakia, meanwhile, avoid the term "recidivism" altogether, addressing repetition through circumstance-specific provisions (Serbia's five-year Articles 55/55a; Slovakia's narrow Section 122). Some countries supplement, or in Croatia's case, substitute for, these legal gaps with statistical definitions from national bureaus (Hungary's KSH, Poland's Statistics Poland, Croatia's Bureau of Statistics), using prior convictions as proxies for monitoring reoffending.

Across these Central and Southeastern European systems, recidivism regulation spans a spectrum from tightly defined, highly codified models (for example, Hungary or Poland) to approaches that rely on general sentencing principles without any explicit legal definition, as in Croatia, or use only narrow, offence-specific formulations, as in Slovakia or Serbia. This variation cannot be meaningfully ranked without robust, comparable empirical data on reoffending, prison populations, and sentencing practice, because each model is embedded in its own historical development, legal culture, and continuity of doctrine, and cannot be assessed in isolation from broader penal policies, judicial practice, and available rehabilitative infrastructures. Any evaluation of "effectiveness" therefore has to be contextual and interdisciplinary, combining doctrinal analysis with criminological and socio-legal evidence rather than relying solely on the wording of the codes.

Both ends of this spectrum have identifiable advantages and disadvantages. Detailed statutory definitions and automatic uplifts can promote legal certainty, transparency, and consistency, support targeted incapacitation of persistent or violent offenders, and facilitate statistical monitoring and policy design, but they may also reduce judicial flexibility, increase the risk of disproportionate sentences for less serious repeat offences, and contribute to prison overcrowding and penal rigidity. By contrast, non-definitional or broadly framed approaches can strengthen individualized justice, allow judges to calibrate the weight of prior convictions to the specific case, and better accommodate rehabilitative progress, but they may generate disparities in sentencing, make policy outcomes harder to measure, and offer less structured guidance for responding to high-risk recidivism.

Recidivism functions as an aggravating factor across all examined jurisdictions; Serbia, Hungary, Romania, Poland, Slovakia, Slovenia, and Croatia; though with varying degrees of mandatory intensity. In most systems, judges must explicitly consider prior convictions to enhance sentence severity: Serbia requires it via Articles 55/55a as a core sentencing element; Hungary, Poland, Slovakia, and Romania (often through indirect special relapse provisions) compel its weighing for uplifts; Slovenia incorporates prior offence similarity and time elapsed into evaluations. Croatia integrates it under Article 47 by directing courts to assess "all circumstances" relevant to punishment (including the offender's prior life and previous convictions) thus mandating judicial consideration without immediate or automatic aggravation, allowing case-specific discretion that tempers regional punitiveness while ensuring deliberate attention to reoffending history.[702]

Five countries; Hungary, Poland, Slovakia, Romania, and Serbia, apply granular, automatic harsher provisions for recidivism through quantified uplifts like Poland's 50-150% maximum increases, Romania's 50% penalty additions, Slovakia's one-third to two-thirds minimum raises, Serbia's half-range minimums, and Hungary's doubled penalties with life imprisonment possible for violent repeat offenders. Croatia and Slovenia instead favour rehabilitative flexibility via judicial discretion without mandatory escalations, aligning with EU proportionality principles.

Despite their shared heritage and close ties among the examined countries the regulatory frameworks for recidivism display clear doctrinal differences in criminal law. These differences manifest in punishment rationales, definitions of recidivism, aggravating circumstances, and penalty escalations. Such variation demonstrates that criminal law remains a key domain of national sovereignty, fostering distinct approaches even among historically and culturally similar countries despite partial EU harmonization efforts. Comparative analysis of normative rules alone imposes evident limits on drawing firm conclusions. This doctrinal examination should therefore be complemented by empirical data on recidivism and prison populations, which will form the focus of subsequent chapters.

Table 2: Comparative Overview of Recidivism Regulation in Region

COUNTRY	PURPOSE OF PUNISHMENT	LEGAL RECIDIVISM DEFINITION	STATISTICAL RECIDIVISM DEFINITION	AGGRAVATING FACTOR	SPECIAL HARSHER PROVISIONS
Croatia	Yes (Art.41 CC; reintegration explicit)	No (absence of statutory definition)	Yes (Croatian Bureau of Statistics: prior convictions proxy)	Not specified (but prior convictions relevant in sentencing)	No (focus on reintegration; no recidivism-specific escalation)
Serbia	Yes (Art. 4,42 CC; reintegration in Execution Law)	Indirectly (regulated in Art.55,55a)	-	Yes (mandatory consideration Art.55/55a)	Yes (min above half range Art.55a; 5-yr limit)
Hungary	Yes	Yes	Yes	Yes	Yes

[702] The treatment of recidivism as an aggravating factor, compelling harsher sentencing consideration across all examined jurisdictions was already explored theoretically in Chapter 4's recidivist sentencing premium model and progressive loss of mitigation approaches, which justify escalated penalties for repeats based on heightened blameworthiness and failed reform, while critiquing their proportionality risks and mixed deterrence evidence.

COUNTRY	PURPOSE OF PUNISHMENT	LEGAL RECIDIVISM DEFINITION	STATISTICAL RECIDIVISM DEFINITION	AGGRAVATING FACTOR	SPECIAL HARSHER PROVISIONS
	(Section 79 Act C of CC; Section 1 Act CCXL of 2013)	(detailed categories in Act C of 2012, Section 459(31)(a)–(d))	(KSH: clean record/non-recidivist)	(multiple provisions; section 29,36–38,65)	(doubled penalties; life for violent; parole 3/4)
Romania	No (implicit in Art.74)	Yes (Art. 41)	Yes (National Institute for Statistics: Recidivist)	Indirect (special rules Art.43,45,82,89)	Yes (cumulative +50%; life substitution Art.43)
Poland	No (hybrid in Art.53)	Yes (Art.64)	Yes (Habitual offender Statistics Poland)	Yes (Art.64)	Yes (max +50% or +150%; 5-yr)
Slovakia	Yes (Art.34 CC)	Indirectly (repeated commission of crime in Art.122)	Yes (Statistical Office of the SR: Habitual offenders)	Yes (Section 37(h), (m); 38)	Yes (min +1/3 to +2/3; post-sentence detention)
Slovenia	No (implicit in Ch.1, Art.3)	Yes (Art.49(3))	-	Yes (Art.49(1), (3))	No (sentencing consideration only)

6. Research Methodology

6.1. The Challenge of Measuring Recidivism

As discussed briefly in Chapter 2[703], the concept of recidivism plays a central role in evaluating the effectiveness of criminal justice interventions. However, measuring recidivism poses significant methodological challenges. The term itself lacks a universally accepted definition, which complicates attempts at comparison across studies and jurisdictions. Maltz warned about these methodological shortcomings, emphasizing that 'recidivism has often been defined on an ad hoc basis, without sufficient attention to its precise meaning or implications'.[704] Researchers have employed various criteria[705] each capturing different aspects of post-release behaviour. This inconsistency leads to a fundamental issue: "recidivism rates" derived from distinct definitions and measurement periods are frequently compared as if they were equivalent, informing judgments about which correctional programs or systems perform "better". Consequently, any serious analysis of recidivism must explicitly address how the term is operationalized and measured. The reliability and validity of the findings depend on recognizing these conceptual and methodological ambiguities, and on applying transparent, standardized metrics wherever possible.

Furthermore, Chapter 5. Comparative Normative Analysis of Recidivism in Croatia and in Regional Context demonstrated that each country defines recidivism differently. This variation extends beyond the formal definition of the term. Even when definitions appear similar, national criminal justice systems diverge in other essential aspects, such as their underlying purposes of punishment and the degree of criminalisation or decriminalisation of certain acts. For example, Croatia's 2013 reclassification of personal drug possession from a criminal offence to a misdemeanour significantly influenced crime statistics. An additional layer of complexity arises from differences in operationalisation. National statistical offices often collect and interpret recidivism data according to distinct methodological criteria. For example, as detailed in Section 5.2.4. Poland, Polish legislators provide a legal definition of recidivism, while Statistics Poland defines a "habitual offender" for statistical and administrative purposes, distinct from the legal concept of recidivism in the 1997 Penal Code.

703 See Section 2.2.2. Normative Approach.
704 Maltz, 2001, p. 1.
705 Such as rearrest, reconviction, or reimprisonment.

Nevertheless, this does not reduce the importance or usefulness of recidivism data. When analysed within a national context and aligned with each jurisdiction's legal definitions, such data provide valuable insight into the phenomenology of recidivism. Trends, whether upward, downward, or stable, can reveal how policy and systemic changes shape offender behaviour. Moreover, analysing significant shifts in one country allows for a deeper understanding of the reforms or practices that preceded them, thereby helping to identify "good" or "bad" practices that could inform improvements in other systems.

Authors frequently warn about the non-comparability of recidivism data across jurisdictions.[706] Moreover, a systematic review of criminal recidivism rates worldwide underscores the profound methodological inconsistencies in this field.[707] The study identified recidivism data for 18 countries and noted that, of the 20 countries with the largest prison populations, only 2 reported repeat offending rates; the most commonly reported outcome was 2-year reconviction rates among prisoners, yet sample selection and definitions of recidivism varied widely, rendering few countries truly comparable.[708] The authors conclude that international comparisons of recidivism rates are currently not valid and require greater consistency and transparency in data reporting and definitions to enable meaningful cross-country analysis. More recent research has reached a similar conclusion, namely that recidivism rates must be interpreted within the broader context of legal and criminal justice system factors, with government agencies urged to provide detailed, transparent criminological background data for independent analysis while avoiding international comparisons until underlying factors are thoroughly examined.[709]

6.2. Methodological Explanations

The research is designed as a mixed-methods and multilevel study that combines quantitative, qualitative, comparative, and documentary-analytical approaches for the purpose of analysing the phenomenon of recidivism. The research design is based on the integration of individual, institutional, and systemic levels of analysis, with empirical and secondary data being used in a complementary manner.

The theoretical analysis (presented in Chapters 4, and 5) includes a comparative examination of the legislative and institutional frameworks of Central and Eastern European countries. It is

[706] For example, see: Blumstein and Larson, 1971; Fischer, 2005; Payne, 2007; Aebi, 2010; Schoeman, 2010; Fazel and Wolf, 2015; Ruggero *et al.*, 2015; Andersen and Skardhamar, 2017; Fenimore and Jennings, 2021; Getoš Kalac and Feuerbach, 2023; Yukhnenko, Farouki and Fazel, 2023.
[707] Fazel and Wolf, 2015, p. 6.
[708] Fazel and Wolf, 2015, p. 6.
[709] Yukhnenko, Farouki and Fazel, 2023.

grounded in a normative analysis of national criminal justice systems and relevant scholarly literature, with the aim of contextualizing the differences in penal policies and prison systems. These data are supplemented with information from secondary official national statistical sources, including the Croatian Bureau of Statistics, the Hungarian Central Statistical Office (KSH), Statistics Poland, the National Institute for Statistics (Romania), the Statistical Office of the Slovak Republic, the Statistical Office of the Republic of Slovenia (SURS), and the Statistical Office of the Republic of Serbia (RZS), as well as corresponding national statistical reports.

Additionally, Eurostat data have been used, including indicators related to the size of the prison population, the capacity of prison systems, prison overcrowding rates, and the SPACE statistics of the Council of Europe, which serve as a standardized source for cross-national comparison of prison systems and other relevant recidivism factors. These data have enriched the analysis of systemic differences between countries and supported the contextualization of empirical findings.

In the second chapter, special attention is devoted to defining the concept of recidivism and demonstrating its conceptual breadth. For the purposes of the research operationalization, the notion of recidivism has been limited. In the analysis of secondary data, there is no single universally accepted definition of recidivism; rather, the aim is to present the spectrum of definitions used by different statistical sources, which collect data that are therefore not directly comparable. Although this chapter does not resolve the definitional question of recidivism, it emphasizes the importance of conceptual clarity for its operationalization within the research framework. In designing the questionnaire, the objective was to remain as close as possible to a criminological perspective. Consequently, recidivism is not understood solely through repeated convictions but also encompasses repeated commission of criminal offenses, regardless of whether they were detected. Considering that this study relies on self-report data, and acknowledging the expected degree of respondents' mistrust, possible lack of self-criticism, or the desire to present themselves more positively, in addition to questions concerning prior convictions and prior offending, a control question was included to determine whether respondents had ever been unjustly convicted and how many times. Respondents who reported more than two "unjust" convictions were also classified as recidivists.[710] In this way, a recidivist is defined as a person who has committed two or more criminal offenses, regardless of prior convictions.

[710] Further details on the operationalization of this definition are provided in Chapter 7.2.15.

The questionnaire consisted of three main groups of variables: socio-demographic variables (such as age, gender, and level of education), criminological variables (for example, type of criminal offense and status as a recidivist or non-recidivist), and psychosocial variables, including the participants' perception of their own responsibility for the committed offense and the assessment of risk factors associated with recidivism. Additionally, respondents evaluated factors contributing to the prevention of recidivism using a four-point Likert scale ranging from "strongly disagree" to "strongly agree." The final section of the questionnaire included open-ended questions concerning the perceived advantages and disadvantages of the prison system, which provided a qualitative insight into the participants' subjective experiences.

The research was conducted in five prison institutions in the Republic of Croatia: Zagreb Prison, Glina Penitentiary, Lepoglava Penitentiary, Turopolje Penitentiary, and Lipovica-Popovača Penitentiary. Approval for the research was obtained from the Ministry of Justice and Digital Transformation of the Republic of Croatia and the Directorate for the Prison System, both of which recognized the scientific and practical relevance of the study. In total, 1,200 questionnaires were distributed among individuals serving prison sentences. The questionnaires were available in both Croatian and English and were distributed by prison treatment officers, who facilitated access to the survey instruments. Participants were given seven days to complete the questionnaire and then anonymously deposit it into designated boxes. Participation was voluntary and anonymous, in accordance with ethical standards for conducting research with vulnerable populations. Prisoners constitute a particularly vulnerable group due to their restricted freedom and the inherent power imbalances within the correctional system. Therefore, an ethical notice was attached to the questionnaire, clearly emphasizing that participation in the study was not connected to any privileges, punishments, or parole decisions. It also stated that participation was voluntary and anonymous, and that the questionnaires would not be processed or reviewed by the prison administration. Furthermore, participants were informed that they could withdraw from the study at any moment without any negative consequences. The ethical notice was reviewed and approved by the Prison Administration prior to the start of the research.

6.3. Limitations

The limitations of this research include sample and accessibility constraints, representativeness concerns, self-report bias, limitations of secondary statistical data, restrictions in qualitative analysis, and challenges related to the availability of accurate administrative data. The primary aim of the study was to include all adult persons who are currently deprived of their liberty in prison facilities, regardless of whether they were serving a custodial sentence, held in pre-trial detention, or serving a prison sentence imposed in criminal or misdemeanour proceedings. However, defining the target population and ensuring access to participants were restricted by normative and institutional factors. The research excluded individuals in pre-trial detention, juvenile offenders, and young adults up to the age of twenty-one. Their exclusion results from the specific legal framework governing these categories, as minors and young adults are subject to separate legislation that regulates criminal proceedings and correctional treatment. Including individuals in pre-trial detention would have required individual judicial authorization for each participant, which represents a considerable administrative and organizational constraint. According to the most recent prison report, a total of 4,965 individuals were deprived of liberty, of whom 2,107 were in pre-trial detention, accounting for approximately 42% of the prison population.[711] The available data are further limited by aggregated reporting, which presents a combined figure of 2,713 individuals, encompassing both adult and juvenile prisoners, without the possibility of accurately differentiating these categories. Consequently, the exact number of adult prisoners serving custodial sentences cannot be identified with complete certainty, which directly affects the precision of defining the study's target population.

The assessment of sample representativeness is also subject to several methodological limitations, primarily the absence of precise official data on the total number of adult prisoners serving custodial sentences, the inability to determine the accurate size of the population from which the sample was drawn, and restricted access to information on prisoner distribution across institutions due to security regulations. During the study's preparation phase, it was not possible to obtain updated and precise figures for the number of inmates in each correctional institution. Therefore, the distribution of 1,200 questionnaires was determined as an approximate guideline provided by the prison administration in order to ensure an adequate number. The voluntary nature of participation may also have led to self-selection bias, as the study likely attracted participants who were more motivated, communicative, or held stronger opinions about the prison system. Consequently, despite the sample offering valuable insights into the studied phenomenon, the results cannot be fully generalized to the entire prisoner population.

Methodological constraints related to the availability of accurate administrative data further highlight the structural challenges inherent in researching prison populations, where institutional and security considerations often conflict with scientific research requirements.

[711] Government of the Republic of Croatia, 2025, p. 19.

Such conditions necessitate the adaptation of research design and reliance on estimates, which may affect the precision of methodological interpretations. Additionally, the data collected through self-report methods introduce specific limitations, since participants may provide socially desirable answers by diminishing their personal responsibility for the committed offense, shifting blame to external factors such as social circumstances or systemic conditions, and emphasizing resocialization-oriented attitudes perceived as favourable. The specificity of the prison environment can lead to strategic responding, where participants consciously shape their answers in accordance with what they believe might influence their institutional standing. Despite the emphasized anonymity of participation, respondents may still perceive the questionnaire as being associated with institutional structures or believe that their responses could influence treatment evaluations, conditional release decisions, or risk assessments, thus tending to provide “expected” attitudes. The accuracy of responses also depends on participants’ memory and interpretation of personal experiences, which may lead to recall bias or oversimplification of complex life circumstances. The fact that questionnaires were distributed within correctional facilities, with the mediation of treatment officers, could additionally affect the perceived level of anonymity, trust, and willingness of participants to express critical views about the system. Although measures were taken to ensure anonymity through voluntary participation and anonymous submission of questionnaires, the respondents’ perception of these conditions may have varied. While the self-report method allows unique insight into prisoners’ subjective perceptions and experiences, the findings obtained through this method must be interpreted with caution. In this study, the mentioned limitations were partially mitigated through the combination of different data sources, which enhanced the overall validity of the research results.

Qualitative data gathered from open-ended questions enabled a deeper understanding of participants’ perceptions, yet this approach also has limitations. Compared to interviews, the depth of responses was restricted, and the quality and comprehensiveness of answers varied considerably. The coding and interpretation process inherently involved a degree of subjectivity, and results derived from qualitative responses cannot be generalized to the broader population. Despite these constraints, qualitative data were instrumental in capturing nuances of prisoners’ attitudes and experiences that quantitative measures alone could not fully reflect.

In addition to primary data collected through questionnaires, secondary statistical sources also presented limitations, despite their official and internationally recognized character, including data from national statistical offices, Eurostat, and SPACE reports. Issues related to definitional consistency and differences in legislative frameworks were discussed in Chapters 5 and 6, particularly regarding the impossibility of accurately comparing recidivism rates across jurisdictions. Nonetheless, significant limitations persist in the comparability of datasets such as prison population and probation statistics. Legal definitions of imprisonment and community-based sanctions (probation, conditional measures) vary considerably, meaning that identical indicators do not always reflect equivalent phenomena across systems. Additionally, methodological divergences in data collection and reporting practices occur, including whether data represent individuals or cases and whether reporting follows unified reference dates and administrative protocols. National datasets are often aggregated, which conceals internal regional disparities and hinders precise spatial analysis. Problems of timeliness and completeness are further compounded by delays in reporting or reliance on estimates; moreover, in some instances, certain countries do not provide relevant data to international databases at all, creating gaps that limit the scope and comparability of cross-national research. Furthermore, limitations also emerge from reliance on national statistical sources, which may be published only in the official language of the respective member state or in non-Latin scripts, thereby creating additional barriers to interpretation and analysis for researchers who are not native speakers or familiar with the linguistic context. These linguistic and script-related constraints can impede accurate data understanding, verification, and cross-country comparison, further complicating the methodological integrity of international comparative research.

6.4. Data Analysis

The data collected through the structured questionnaire were entered and analysed using the statistical software Jamovi, which served as the primary tool for conducting quantitative statistical procedures. Data processing was carried out in several stages, encompassing descriptive and inferential analyses, accompanied by comparative interpretation against relevant indicators extracted from official prison reports. In the initial stage, descriptive statistical analysis was used to examine the frequencies and distributions of key variables, including socio-demographic and criminal-law characteristics of the participants. For variables measured with a four-point Likert scale, response frequencies were calculated in order to identify dominant patterns of perception among respondents. The four-point scale was intentionally selected to avoid the presence of a neutral midpoint and to encourage more explicit articulation of attitudes.

To examine relationships between categorical variables, a Chi-square test of independence was performed based on 2×2 contingency tables. This test was employed to analyse the association between recidivism status and selected variables, such as age at first arrest (before 18 years of age) and the presence of drug addiction. Furthermore, a four-point Likert scale was used to assess participants' perceptions regarding factors influencing the prevention of recidivism. These factors were conceptually grouped into two dimensions; individual (personal) and systemic (institutional). A paired-samples t-test was conducted to determine whether a statistically significant difference existed in participants' perceptions of the relative importance of systemic and individual factors.

7. Presentation of Results

7.1. Recidivism Indicators and Data Collection in the Region

A range of factors indicate the state of prison systems. These include prison capacity relative to occupancy rates, infrastructure conditions, sanitation standards, staff training levels, security measures, equitable treatment of inmates, access to healthcare services both physical and mental, and resocialisation programmes that equip inmates with skills for societal reintegration. Data on recidivism provide vital insights into long-term outcomes, including reoffending patterns and the efficacy of correctional interventions. Additional aspects, such as probation services, re-entry support, legal frameworks,[712] and external oversight mechanisms, reveal the system's fairness, humanity, and overall performance. The demographic composition of the prison population, such as the overrepresentation of certain age groups, genders, ethnicities, or socioeconomic classes compared to the general public, highlights potential systemic inequalities and disproportionate impacts on specific communities. Cases before the European Court of Human Rights (ECtHR) on prison-related human rights violations reflect adherence to international standards. Although numerous factors exist, the limitations of this study preclude examining all of them, so the analysis focuses on prison populations, probation populations, and recidivism data. These indicators offer key insights into prison conditions and the effectiveness of criminal justice systems.

7.1.1. Prison Population

As the first parameter of prison population analysis, official prison capacity (representing total available spaces measured in persons), will be examined. Table 3. presents prison capacity data for Croatia, Hungary, Poland, Romania, Slovenia, Slovakia, and Serbia from 2013 to 2023.[713] This metric establishes the infrastructural baseline against which actual incarceration levels can be assessed to identify overcrowding risks. Hungary demonstrates the most substantial expansion, increasing from 12,584 spaces in 2013 to 18,087 in 2023, a 44% rise, indicating significant infrastructure investment aimed at addressing overcrowding. Romania shows the sharpest decline, dropping from 29,389 to 21,587 spaces (-27%). Poland maintains the region's largest and most stable system around 88,000 spaces (-1% change), while Serbia records steady growth (+30%, from 9,200 to 11,957). Croatia (+3%), Slovenia (+4%), and Slovakia (-2%) exhibit relatively stable capacities under 12,000 spaces each.

[712] More on legal frameworks see in Chapter 5.

[713] Sourced from (Eurostat, 2025b)

Table 3: Official Prison Capacity by Country (2013–2023)

Year	Croatia	Hungary	Poland	Romania	Slovenia	Slovakia	Serbia
2013	3,921	12,584	88,662	29,389	1,293	11,812	9,200
2014	4,022	12,584	87,742	28,901	1,293	11,828	9,340
2015	4,022	13,209	89,164	27,479	1,322	11,184	9,459
2016	—	13,774	89,178	27,889	1,322	11,033	9,802
2017	3,900	14,011	86,868	20,408	1,339	10,941	9,892
2018	3,900	14,469	85,940	19,414	1,339	11,499	10,307
2019	3,919	14,866	85,790	19,522	1,339	11,625	10,323
2020	3,919	15,905	86,071	19,532	1,326	11,625	11,227
2021	3,927	18,037	86,709	19,774	1,326	11,621	11,451
2022	3,927	18,691	87,511	20,571	1,354	11,653	11,957
2023	4,052	18,087	87,925	21,587	1,345	11,558	11,957

The next important indicator in prison population analysis is the actual number of persons held in prison, as presented in Table 3 for Croatia, Hungary, Poland, Romania, Slovenia, Slovakia, and Serbia from 2013 to 2023, (with one missing value for Slovenia in 2017).[714] This metric reveals key incarceration trends, complementing capacity data to assess overcrowding pressures and policy impacts. Poland led consistently with over 73,000 prisoners on average (80,165 in 2013 to 74,505 in 2023, a drop of 7% with a downward trend), followed by Romania's sharp decline (33,434 to 23,650, -29%, decrease and the sharpest downward pattern). Hungary stayed fairly steady, up just 0.5% (17,841 to 17,939) with ups and downs, while Serbia grew the most at 16.6% (10,031 to 11,701) with a clear upward trend. Slovakia held even around 10,000 (down 0.3% from 9,753 to 9,724), Croatia rose slowly after 2017 (4,352 to 4,445, +2%), and Slovenia stayed low near 1,300 with a small net gain of 6% Regional totals dropped from 156,936 in 2013 to a 2020 pandemic low before rebounding to 143,402 in 2023.

Table 4: Actual Number of Persons Held in Prison by Country (2013–2023)[715]

[714] Sourced from (Eurostat, 2025b)
[715] Sourced from (Eurostat, 2025b).

Year	Croatia	Hungary	Poland	Romania	Slovenia	Slovakia	Serbia
2013	4,352	17,841	80,165	33,434	1,360	9,753	10,031
2014	3,763	17,890	79,345	30,156	1,522	10,020	10,288
2015	3,341	17,449	72,695	28,334	1,399	9,913	10,064
2016	3,108	17,658	72,209	27,455	1,308	9,995	10,672
2017	3,190	17,343	74,480	23,450	—	10,028	10,807
2018	3,217	16,303	72,818	20,792	1,346	10,294	10,871
2019	3,533	16,334	74,612	20,578	1,396	10,555	11,077
2020	3,531	16,752	68,354	21,753	1,449	10,519	10,540
2021	3,905	18,623	72,269	22,989	1,136	10,104	10,557
2022	4,091	19,347	71,723	23,082	1,380	9,839	10,787
2023	4,445	17,939	74,505	23,650	1,438	9,724	11,701

Using the presented data on official prison capacity and actual number of prisoners held, occupancy rates, calculated as (actual prisoners ÷ capacity × 100), provide insights into infrastructural pressures across the selected region countries from 2013 to 2023, with one missing value for Slovenia in 2017. Rates exceeding 100% indicate overcrowding.[716]

Hungary demonstrates the region's most significant improvement, reducing extreme overcrowding from 142% (2013–2014) to 99% capacity utilisation by 2023, reflecting successful infrastructure expansion that aligned capacity with stable prisoner numbers around 17,000 –19,000. Croatia exhibits U-shaped volatility, dropping to 77% underutilisation in 2016 before rebounding to 110% overcrowding by 2023. Romania maintains persistent moderate overcrowding (100–116% range, average 109%), as prisoner reductions lagged behind capacity cuts. Poland, operating the largest system, maintains healthiest rates (79–90%, COVID low 79% in 2020), demonstrating balanced capacity management. Slovakia stays optimal (83–92%), while Serbia (90–110%) and Slovenia (86–118%) show moderate fluctuations. Regionally, average occupancy declined from 104% to 100%, but Croatia, Romania, and intermittently Serbia/Slovenia remain above European norms, highlighting persistent challenges despite divergent national policies in the selected region.[717]

[716] Overcrowding may occur even at occupancy rates below 100%, as prison facilities comprise different accommodation types: open, semi-open, and closed regimes. It is possible for open sections to have available spaces while closed sections experience overcrowding, particularly considering that pre-trial detainees are always housed in closed departments.

[717] Overcrowding has frequently triggered European Court of Human Rights (ECtHR) violations under Article 3 (prohibition of inhuman/degrading treatment), with landmark cases establishing minimum space standards (e.g.,

Table 5: Overcrowding Rates by Country[718]

Year	Croatia	Hungary	Poland	Romania	Slovenia	Slovakia	Serbia
2013	111%	142%	90%	114%	105%	83%	109%
2014	94%	142%	90%	104%	118%	85%	110%
2015	83%	132%	82%	103%	106%	89%	106%
2016	77%	128%	81%	101%	99%	91%	109%
2017	82%	124%	86%	115%	—	92%	109%
2018	83%	113%	85%	107%	101%	89%	105%
2019	90%	110%	87%	105%	104%	91%	107%
2020	90%	105%	79%	111%	109%	91%	94%
2021	99%	103%	83%	116%	86%	87%	92%
2022	104%	104%	82%	112%	102%	84%	90%
2023	110%	99%	85%	110%	107%	84%	98%

Numerous factors contribute to prison overcrowding in the selected countries, including prolonged pre-trial detention, short sentencing practices, insufficient use of non-custodial alternatives, policy shifts toward harsher penalties, infrastructural limitations, and immigration pressures. Many countries maintain high remand populations and struggle with ageing facilities unable to accommodate fluctuating prisoner numbers, while staffing shortages exacerbate control issues in crowded conditions. The COVID-19 pandemic also influenced these figures, potentially creating false positives through temporary releases or court delays that artificially lowered occupancy rates in 2020–2021. However, without deeper analysis of specific cultural, political, and geopolitical contexts, it remains impossible to draw definitive conclusions about causal relationships.[719]

Finally, a key figure for analysing prison populations is the Prison Population Rate (PPR), calculated as the number of persons held in prison per 100,000 inhabitants, providing a

3m² per prisoner). The relationship between occupancy metrics and ECtHR jurisprudence regarding prison conditions in the region represents an important topic meriting separate investigation but falls outside the scope of this thesis.

[718] Data primarily originate from: Eurostat, 2025b. For deeper understanding, supplementation from the 2024 SPACE survey reveals that overcrowding in correctional facilities can be categorized into three levels of severity. Severe overcrowding, defined as more than 110 inmates per 100 available places, is recorded in Slovenia (134%). Moderate overcrowding (100–110%) is observed in Croatia (110%) and Hungary (104%). Finally, some systems, such as Serbia (98%), operate close to full capacity, where even minor fluctuations in admissions can lead to overcrowding. See more in: Aebi and Cocco, 2025a.

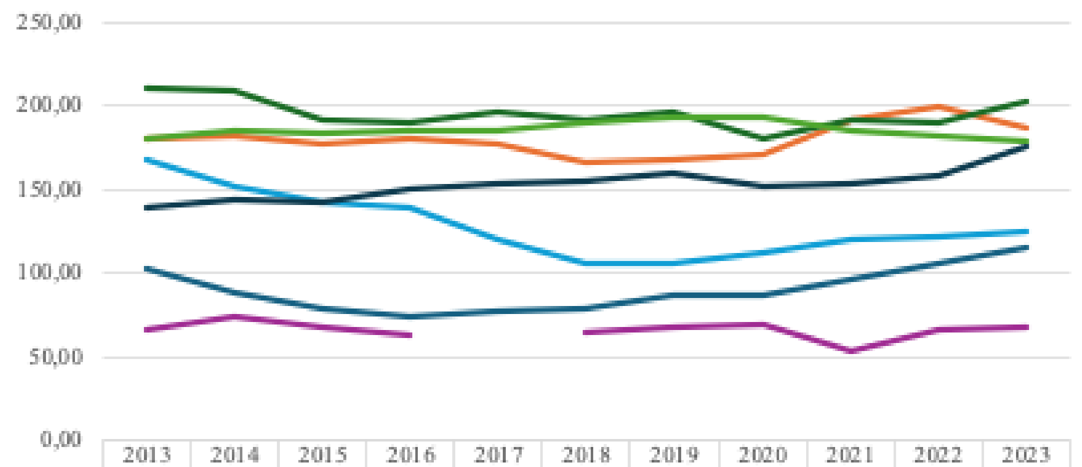
[719] A more comprehensive examination of Croatia's overcrowding dynamics is provided in Chapter 5.1.

standardized metric that accounts for population size differences across countries. Unlike data on recidivism, which varies due to differing definitions, tracking methods, and follow-up periods, PPR offers directly comparable figures between nations, enabling robust cross-regional analysis despite disparities in legal systems or reporting standards. Figure 3. presents these prison rates for selected regional countries from 2013 to 2023. Over this decade, rates reveal stark regional disparities, with Poland and Hungary consistently leading at over 170–200 prisoners per 100,000, Slovenia remaining the lowest at 50–70, Romania showing the sharpest drop from 167 to 124.1, Croatia tracing a U-shaped path from 102.1 to 115.4, and Slovakia and Serbia holding around 180–190 and 150–170 respectively.

While these patterns highlight initial contrasts, the true understanding of such divergent trends requires a deeper analysis of cultural norms[720], political shifts (e.g., changes in sentencing laws or government priorities)[721], social dynamics (e.g., inequality or migration pressures)[722], and other contextual factors unique to each country and time period. These data can be particularly complemented by Probation Population Rates, which show the number of persons under probation supervision per 100,000 inhabitants, revealing the balance between custodial and non-custodial measures across the region.

In the context of PPR, it is important to highlight the SPACE reports on Probation and Prisons in Europe.[723] These reports place PPRs in a broader European perspective, characterizing Poland, Hungary, Slovakia, and Serbia as countries with very high rates (more than 25% higher than the European median value), Croatia and Romania as high (between 5.1% and 25% higher), and Slovenia as low (between 5% and 25% lower). Moreover, they note that the overall trend in the prison population across Europe shows an upward trajectory, with a +4% increase.

[720] See more on attitudes toward punishment in Chapter 5.
[721] For Croatian example see Chapter 5.1.
[722] For Croatian example see Chapter 5.2 on pressure on pre-trial detention.
[723] (Aebi and Cocco, 2025a, 2025b)



	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Croatia	102,11	88,61	79,07	74,16	76,79	78,36	86,67	87,01	96,75	105,92	115,43
Hungary	180,05	181,12	177,05	179,62	177,01	166,73	167,14	171,47	191,38	199,68	186,87
Poland	210,61	208,70	191,27	190,19	196,14	191,74	196,49	180,08	190,99	190,48	202,71
Romania	167,00	151,18	142,59	138,94	119,37	106,46	105,99	112,54	119,72	121,21	124,12
Slovenia	66,06	73,84	67,82	63,37		65,12	67,09	69,14	53,86	65,49	67,93
Slovakia	180,25	185,01	182,85	184,20	184,50	189,12	193,65	192,73	185,06	181,04	179,12
Serbia	139,68	143,95	141,46	150,81	153,50	155,27	159,07	152,16	153,63	158,70	176,19

Figure 3: Prison Population Rates per 100,000 Inhabitants[724]

7.1.2. Probation Population Rate

Prison population rates constitute a fundamental indicator of a penal system's overall scale, operational efficiency, and a society's dependence on incarceration as a primary response to crime. These rates, expressed as prisoners per 100,000 inhabitants, encapsulate not only absolute prisoner counts but also broader dynamics, such as crime incidence, sentencing practices, judicial decision-making, and the availability of non-custodial alternatives. SPACE report authors caution that no "magic formula" exists to determine an appropriate probationer rate for any jurisdiction, since probation involves community sanctions and measures, often termed alternatives to imprisonment, that prioritize offender social inclusion over custody.[725] Per the Council of Europe's Recommendation CM/Rec(2010)1, probation entails the community implementation of legally defined sanctions and measures imposed on offenders, encompassing supervision, guidance, and assistance to promote reintegration and community safety; in principle, probationers thus serve non-custodial or semi-custodial penalties, predominantly community sanctions and measures (CSM). Consequently, the probation

[724] (Eurostat, 2025b)
[725] Aebi, Cid-Pozo, *et al.*, 2025, p. 5.

population rate, probationers per 100,000 inhabitants, cannot be meaningfully interpreted without comparison to the prison population rate, as presented in Figure 4.

To compare selected countries in the region, the SPACE II classification is followed, which cross-references probation population rates against prison population rates.[726] Countries in the region do not adhere to a uniform pattern, demonstrating clear differentiation. Serbia (41.8 probationers; 177.1 prisoners per 100,000) and Croatia (78.3; 115.1) exhibit low probation rates (≤100) alongside relatively high prison rates (>100 to <200), signalling heavier reliance on incarceration over community sanctions. Slovenia (104.2; 85) shows relatively high probation rates (>100 to <200) with low prison rates (≤100), indicating stronger emphasis on non-custodial alternatives. Slovakia (250.3; 179.3) combines high probation rates (≥200) and relatively high prison rates (>100 to <200), reflecting substantial use of both sanction types. Poland (623.7; 201.6) displays both high probation and high prison rates (≥200), characteristic of an expansive penal system.

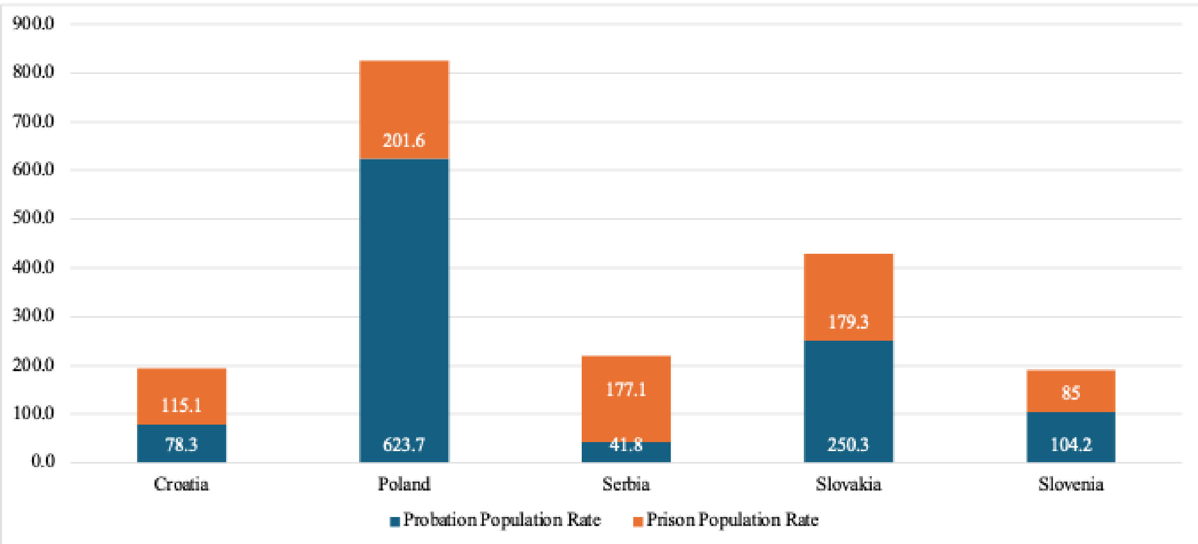


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Figure 4: Probation and Prison Population Rates for 2024[728]

The selected countries reveal diverse penal strategies across the region, with no singular pattern dominating.[729] Serbia and Croatia prioritize incarceration amid limited probation use, while

[726] Aebi, Pozo, *et al.*, 2025.
[727] Data on probation population rates (stock of probationers under supervision on 31 January 2024, per 100,000 inhabitants) from the SPACE II 2025 survey were unavailable for Hungary and Romania. For more details see: Aebi, Pozo, *et al.*, 2025.
[728] Aebi and Cocco, 2025a; Aebi, Pozo, *et al.*, 2025.
[729] Historically, probation stayed weak in Serbia and Croatia because, after socialism, they had suspended sentences but no strong, unified probation profession, so control remained fragmented (often with police) and courts continued to rely more on prison. Slovenia, although it never built a separate probation service, long used

Slovenia favours community alternatives to reduce prison reliance. Slovakia and Poland, conversely, maintain high volumes of both custodial and non-custodial sanctions, underscoring expansive systems that blend resocialisation with imprisonment.

7.1.3. Data on Recidivism

Data on recidivism collected across countries in the region cannot be directly compared, as they differ significantly in methodological approaches. Variations exist in definitions of recidivism, data collection procedures, reference periods, population coverage, and institutional responsibilities. Therefore, the purpose of this chapter is not to assess or compare how effectively each country addresses recidivism, as such comparisons would be, as frequently noted in the literature, akin to comparing apples and oranges.[730] Instead, this chapter aims to present an overview of what types of recidivism data are collected in each country, which institutions are responsible for gathering them, and how these datasets differ in scope and methodology. Although the data are not comparable across countries, they nevertheless provide valuable insights into national recidivism trends over time, within the context of each country's specific definitions, data systems, and limitations.

7.1.3.1. Croatia

In Croatia, there is no explicit legal definition of recidivism (see Chapter 5.3), which also shapes how data on repeat offending are produced and interpreted. Instead of a dedicated recidivism indicator, the Croatian Bureau of Statistics[731] collects data on adult convicted offenders with previous convictions, alongside the total number of adult convicted offenders, which enables only indirect reconstruction of recidivism measures within the constraints of the existing system. These data are available in Croatian and in English on the Croatian Bureau of Statistics website. A convicted person is defined as an adult person against whom criminal penalties or other measures have been imposed, including imprisonment, a fine, educational measures, a judicial admonition (milder act principle), or a person who has been found guilty

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its social-care institutions to supervise juveniles and minor offenders, so community-based responses became normal practice and effective probation use grew high even under a welfare label. Hungary and Poland each had early 20th-century juvenile probation traditions that only expanded to adults after 1990, when European pressure to reduce imprisonment led them to set up modern state probation services, so their current probation use still reflects this relatively recent adult-sector reform. Romania already introduced suspended sentences and after-care in its 1936 code, yet socialist rule froze that development, and it has created a national probation service mainly to ease prison overcrowding, which is why probation there is present but more narrowly focused on executing alternative sanctions. For more details on development of European probation system see: Van Kalmthout and Durnescu, 2018.

[730] Beck, 2001; Walters, 2003, p. 553; Schoeman, 2010, p. 80.

[731] Croatian Bureau of Statistics, 2025c.

but for whom no sentence has been imposed.[732] In the context of the statistical surveys, “crime” covers the process from the reporting of a criminal offence to the final conclusion of legal proceedings by the public prosecutor’s office or the pronouncement of a final court decision, so that only cases with a legally valid outcome enter the conviction statistics.[733] Adult perpetrators of criminal offences are persons who were at least 18 years old at the time of committing the offence and against whom proceedings based on a crime report and interlocutory proceedings have been concluded, as well as accused persons (including those charged on the basis of a private suit) whose criminal proceedings have been validly concluded.[734] In addition to the conviction statistics from the Croatian Bureau of Statistics, the Ministry of Justice and Public Administration publishes an annual prison system report (“Izvješće o zatvorskom sustavu”) that provides detailed operational data on persons deprived of liberty.[735] However, this report does not contain direct recidivism statistics, such as the share of prisoners with prior convictions, repeat admissions, or longitudinal data on reoffending. Recidivism is mentioned only in the context of drug addicts, noting that ‘the recidivism rate in this group is higher than in the general prison population’,[736] but it is unclear what exactly is meant by “recidivism rate,” no numbers or shares of recidivism are provided for either group, and thus it is unclear on what data this conclusion is based.

7.1.3.2. Hungary

Hungary employs a detailed systematization of recidivism enshrined in its Criminal Code, which includes categories such as recidivist, habitual recidivist, repeat offender, and repeat offender with a history of violence, alongside a more nuanced classification in the Hungarian Central Statistical Office (KSH)[737] distinguishing perpetrators with a clean criminal record from non-recidivists.[738] These datasets are publicly available in both English and Hungarian on the KSH website. For statistics, a perpetrator is defined as a person committing a crime, irrespective of their age and of the existence of reasons excluding or terminating punishability.[739] While total numbers of convicted offenders distinguish between categories (juvenile aged 14-17 years, young adult aged 18-24 years, adult 25 years and older), recidivism statistics provide only aggregate totals without age-based separation. This broad approach

[732] Croatian Bureau of Statistics, 2025a.
[733] Croatian Bureau of Statistics, 2025a.
[734] Croatian Bureau of Statistics, 2025a.
[735] Ministry of Justice Public Administration and Digital Transformation, 2025b.
[736] Ministry of Justice Public Administration and Digital Transformation, 2025b, p. 33.
[737] Hungarian Central Statistical Office, 2025.
[738] See more in Chapter 5.2.2.
[739] Hungarian Central Statistical Office, 2024.

aggregates juvenile perpetrators (aged 14-17 years), young adult perpetrators (aged 18-24 years), and adult perpetrators (25 years of age and older) together.[740]

7.1.3.3. Poland

The Polish legislator provides a definition of recidivist in Article 64 for the purposes of aggravating penalties. However, data in regard to such a definition are not collected. Instead, Statistics Poland defines a habitual offender for statistical and administrative purpose.[741] Statistics Poland provides yearly data from 2010-2024 on imprisoned persons in remand centres or prisons (available in Polish and English).[742] A prisoner is defined as an inmate in a prison or remand (detention) centre, including both those who have been convicted and pre-trial detainees, as well as those who have been punished. A convict is a natural person who has been found guilty of a criminal offence by a court in criminal proceedings, by a final judgment or by a criminal order, and has been charged a penalty or a criminal measure. The perpetrator of a criminal act has the status of a convicted person from the moment the judgment becomes final, throughout the entire enforcement proceedings, until the conviction is blurred. A habitual offender is an adult sentenced for an intentional crime to a penalty of deprivation of liberty or a substitute penalty of deprivation of liberty or punished for an intentional misdemeanour to a prison sentence or substitute prison sentence, that has previously served such punishments or a military arrest for intentional crimes or misdemeanours. A juvenile offender, according to criminal law, is a person who at the time of crime committing is not 21 years old and at the moment of decreeing in the first instance court is not 24 years old. This data have certain limitations, as they exclusively cover persons imprisoned in remand centres or prisons, omitting the majority of convictions resulting in non-custodial penalties (such as fines, suspended sentences, or community service). The "habitual offender" definition requires prior deprivation of liberty sentences, so repeat offenders receiving only non-custodial penalties (despite multiple convictions) are not captured in these statistics.

7.1.3.4. Romania

The Romanian legislator establishes a precise statutory definition of recidivism in Article 41 of the Criminal Code, distinct from the operational definition employed by the National Institute for Statistics (INS)[743] for data collection purposes.[744] While the legal definition,

[740] This approach is markedly different from Croatia's adult-only conviction statistics.
[741] More details provided in Chapter 5.2.4.
[742] Statistics Poland, no date.
[743] Romanian National Institute for Statistics, 2025.
[744] See Chapter 5.2.3. for details.

applied for sentencing aggravation, narrowly targets new intentional offences committed before completion or rehabilitation of prior long custodial sentences (more than 1 year imprisonment), INS adopts a broader approach, encompassing repeat intentional offences where the law permits imprisonment exceeding one year under specified circumstances, irrespective of timing or prior sentence enforcement. INS methodology systematically records persons who received a final conviction by means of a court decision, defined as the number of persons definitively convicted for infringements against the penal law. In cases of persons convicted for several offences, only the most severe offence is registered in judicial statistics. An offence is an action stipulated by criminal law that has been committed under guilt, without justification, and for which a person can be charged. Data are distributed by the adjudicating court's county, with sources transitioning from the Ministry of Justice (until 2004) to the Superior Council of Magistracy (from 2005 onwards). Data are available in both English and Romanian.

7.1.3.5. Slovakia

The Slovakian legislator defines recidivism indirectly through conditions for repeated commission of crime in Section 122 of the Slovak Criminal Code, establishing narrow criteria for legally recognizing offence repetition.[745] Similarly, the Statistical Office of the Slovak Republic (ŠÚ SR) follows parallel practice in operationalizing habitual offenders as persons who have repeatedly committed the same criminal offence, facilitating consistent data aggregation on offence-specific recidivism.[746] According to ŠÚ SR, criminal offenders are persons arrested and investigated by police, with statistical data capturing aggregated information on detected perpetrators recorded during investigation; key indicators include total perpetrators and habitual offenders, encompassing absolute numbers of perpetrators aged 0-18 and 0-13 (though specified), yet lacking breakdown of habitual offenders under age 18. Data are available in both English and Slovakian, but data on habitual offenders is unavailable for period from 2012 to 2014 (no explanation provided).[747]

7.1.3.6. Slovenia

The Slovenian legislator defines recidivism explicitly in Article 49(3) of the Criminal Code, establishing criteria for legally recognizing repeated offences.[748] Unlike parallel statistical operationalizations in neighbouring jurisdictions, the Statistical Office of the Republic of

[745] For detailed analysis, see Chapter 5.2.5.
[746] Statistical Office of the SR, no date b.
[747] Statistical Office of the SR, no date a.
[748] For detailed analysis, see Chapter 5.2.6

Slovenia (SURS) does not provide an alternative definition or collect dedicated data on recidivists, instead emphasizing annual figures on convicted adults (known perpetrators), defined as persons against whom a final judgment determines legal responsibility for a specific crime; this data is available in English and Slovenian.[749] However, the Annual Reports of the Slovenian Administration for the Enforcement of Criminal Sanctions (URSIKS)[750] collect targeted recidivism-related data, specifically tracking whether persons entering prison in a given year have prior convictions. This classification applies across all entry modes (voluntary arrival, brought from freedom, transferred from pre-trial detention, extradition, merged sentence, etc.) and is disaggregated by sex (male/female); reports are available only in Slovenian. In 2020, URSIKS introduced a key methodological improvement: previously, court-merged multiple pending sentences for incarcerated persons were counted as separate entries, inflating recidivism figures; under the revised approach, such merged sentences for those already in custody are excluded, yielding more accurate statistics.

7.1.3.7. Serbia

The Serbian legislator defines recidivism within Articles 55 and 55a of the Criminal Code, establishing criteria for ordinary and multiple repeat offences as sentencing aggravators.[751] However, the Statistical Office of the Republic of Serbia (RZS)[752] does not collect data using dedicated definitions for recidivism, previous convictions, or similar terms (e.g., habitual offenders). Instead, RZS provides data on convicted adult perpetrators, defined as accused persons against whom criminal proceedings have been terminated by a final binding court decision; this information is available bilingually in Serbian and English. Nevertheless, a recidivism-related indicator, the number of previous convictions (defined as all prior judgments imposing a penalty, including those in which the accused is found guilty but exempted from punishment, as well as decisions imposing judicial warnings or educational measures on younger adult offenders), is available in the publication Bulletin on adult perpetrators of criminal offences in the Republic of Serbia.[753] However, since this publication is available only in Serbian and in Cyrillic script, these data were not incorporated into the analysis due to technical limitations.

[749] Statistical Office of the Republic of Slovenia, 2025.
[750] Administration of the Republic of Slovenia for the Execution of Criminal Sanctions, no date.
[751] See detailed analysis in Chapter 5.2.1.
[752] Statistical Office of the Republic of Serbia, no date.
[753] Republički zavod za statistiku, 2024.

7.1.3.8. Recidivism Data Collection Across the Region

Differentiation on recidivism data collection in the region will be summarised in Table 6. In Chapter 5.2 it was already emphasised how the legislative framework precludes any meaningful comparison, but data collection practices introduce an additional layer of complexity. Numerous possible datasets can reflect recidivism,[754] but they can be broadly categorised into conviction-based types (such as Croatia's ratio of adult convicted offenders with previous convictions or Hungary's categorised recidivists alongside total perpetrators) and prison-based types (such as Poland's habitual offenders among prison/remand inmates or Slovenia's prison entrants with prior convictions), alongside examples fitting neither category (e.g., Slovakia's habitual offenders among police-detected perpetrators). Data also differ markedly in indicators used, populations covered (adults only vs. all ages including juveniles), responsible collecting institutions, data availability (language, public access), and time periods tracked.

Table 6: Recidivism Data Collection Across the Region[755]

Country	Pattern Type	Exact Indicator	Population and Scope Details	Data Source and Availability
Croatia	Conviction	Adult convicted offenders with previous convictions	Adult convicted offenders; final court outcomes only	Croatian Bureau of Statistics; Croatian/English
Hungary	Conviction	Categorized: non-recidivist, recidivist, habitual recidivist, repeat offender, violent repeat	All perpetrators (juveniles 14–17, young adults 18–24, adults 25+ aggregated)	Hungarian Central Statistical Office (KSH); Hungarian/English
Poland	Prison	Habitual offenders in prisons/remand (prior deprivation of liberty sentences)	Adults in prisons/remand	Statistics Poland; Polish/English

[754] These categorisations emerge from the absence of a universally accepted recidivism definition, compounded by divergent penological, normative, and criminological approaches across jurisdictions. For more detailed discussion, see Chapter 2.

[755] Administration of the Republic of Slovenia for the Execution of Criminal Sanctions, no date; Statistical Office of the Republic of Serbia, no date; Statistical Office of the SR, no date b; Statistics Poland, no date; Hungarian Central Statistical Office, 2024; Croatian Bureau of Statistics, 2025a; Romanian National Institute for Statistics, 2025; Statistical Office of the Republic of Slovenia, 2025.

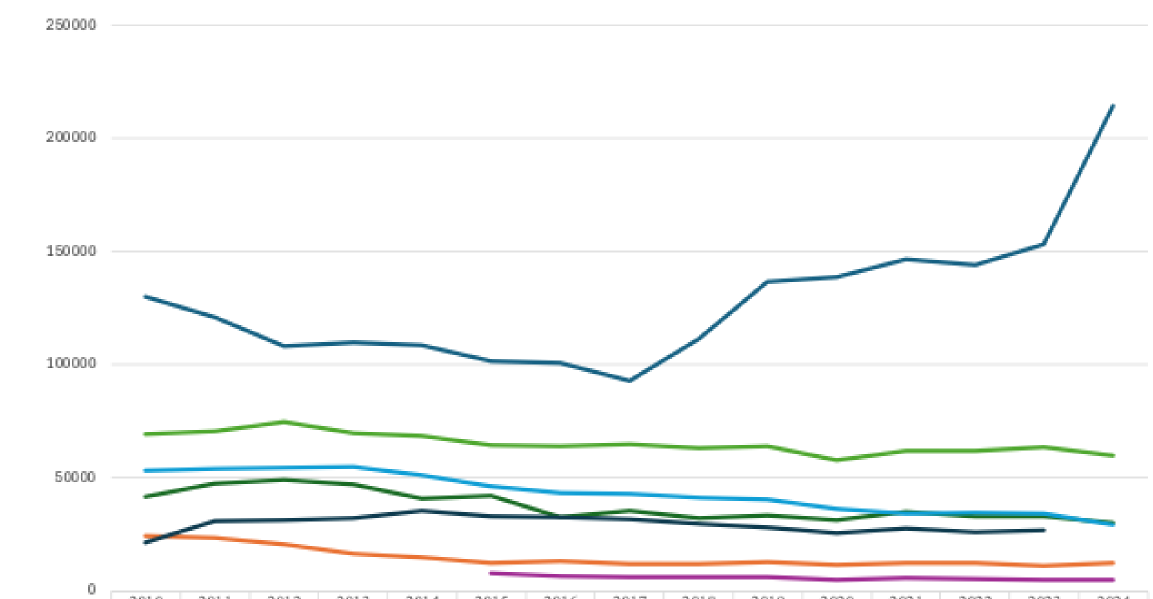
Country	Pattern Type	Exact Indicator	Population and Scope Details	Data Source and Availability
Romania	Conviction	Repeat intentional offences eligible for more than 1year imprisonment	Adult convicted offenders	National Institute for Statistics (INS); Romanian/English
Slovakia	None	Habitual offenders (repeating same offence)	Detected perpetrators recorded during police investigation	Statistical Office (ŠÚ SR); Slovak/English
Slovenia	Prison	Adult convicted offenders + prison entrants with prior convictions	All prison entries	SURS convictions Slovenian/English + URSIKS reports (Slovenian only)
Serbia	Conviction	Convicted adult perpetrators	Adults with binding court outcomes	Statistical Office (RZS); Serbian/English + Bulletin (Serbian)

Having examined Table 6. and the methodological differences it reveals, it becomes unequivocally clear that direct cross-jurisdictional comparisons of these recidivism datasets are impossible. Any attempt to assert that one country performs "better" than another in addressing recidivism would be methodologically indefensible, constituting a fundamental misapplication of heterogeneous metrics that measure fundamentally different phenomena. These indicators preclude derivation of recidivism rates, which require standardised follow-up periods and outcome definitions.[756] The only feasible metric extractable from available data is a recidivism share, calculated by dividing the number of recidivists by the total number of perpetrators.[757] However, even this basic ratio carries profound limitations inherent to its components. The denominator, "total perpetrators", varies substantially across countries.[758] Similarly, the numerator, "recidivists", employs disparate definitions: Slovakia's narrow "habitual offenders repeatedly committing the same criminal offence" among police-detected perpetrators contrasts sharply with Hungary's detailed system (non-recidivist, recidivist, habitual recidivist, repeat offender, violent repeat offender). Consequently, while national recidivism shares may

[756] Recidivism rates (e.g., % reoffending within 2 years post-release) require consistent follow-up periods, comparable outcome measures (arrest/conviction/re-imprisonment), and cohort-based longitudinal tracking, none of which these cross-sectional figures provide. For methodological details, see Chapters 2 and 6.
[757] Recidivism share = (Number of recidivists ÷ Total perpetrators) × 100.
[758] Croatia counts only adult convicted offenders with final court outcomes (fines, prison, etc.), Hungary aggregates all perpetrators irrespective of age (juveniles 14–17 through adults 25+), and Poland restricts to adults in prisons/remand centres.

usefully illuminate domestic trends over time within each country's specific methodological constraints, they remain wholly unsuitable for regional benchmarking or policy evaluation across borders.

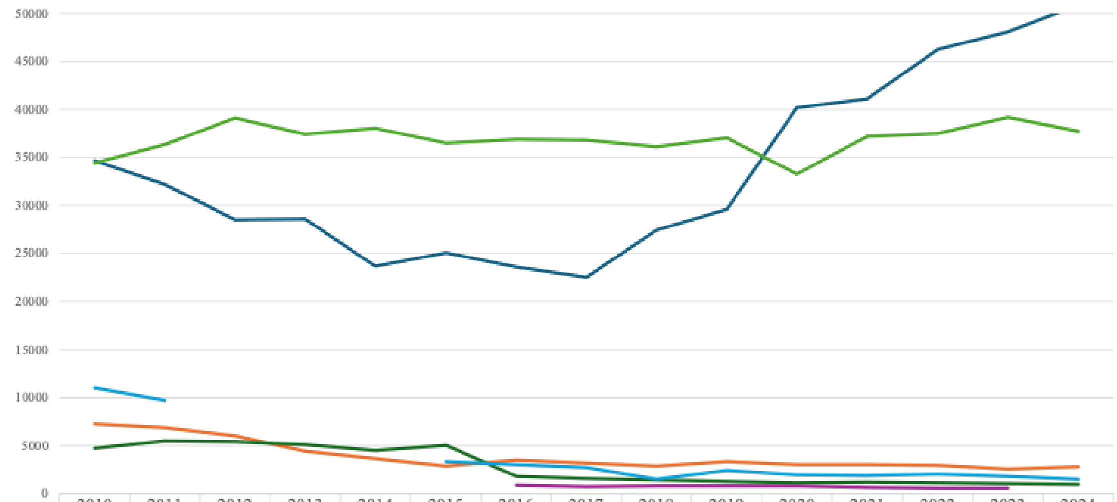
This methodological discussion must be borne in mind before examining the subsequent graphics on the number of total perpetrators, number of recidivists, and recidivism shares. Due to space limitations in this chapter, these graphics present all countries' data together in single figures for efficient visual overview, but country-specific trends must be interpreted exclusively on an individual basis. The profound divergences in data collection practices across indicator definitions, population scopes, institutional sources, and methodological patterns mean that any visual cross-country comparison of these raw figures or derived shares would be fundamentally misleading. National trends within each jurisdiction may hold analytical value, but aggregating or ranking countries risks implying false equivalences between incompatible metrics, potentially leading to erroneous policy conclusions. Readers should view each nation's line/bar series strictly as specific annual national figures to discern domestic patterns over time, not as basis for regional benchmarking or performance evaluations.



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Hungary	129949	120949	108305	109797	108474	101492	100933	92896	111590	136669	138950	146688	143979	153143	214144
Croatia	24430	23389	20548	16617	14888	12552	13412	12091	11866	13002	11634	12286	12355	11254	12609
Romania	41891	47577	49188	47133	40832	42276	32720	35396	32204	33683	31483	35317	32907	32892	30280
Slovakia	53310	54307	54469	54824	51049	46429	43426	42911	41426	40399	36324	34162	34890	34210	29307
Slovenia						7874	6687	6252	6098	6036	4814	5736	5373	5070	4924
Poland	69597	70676	74586	69862	68619	64501	64010	64803	63269	64039	57919	62034	61816	63741	59986
Serbia	21681	30807	31322	32241	35376	33189	32525	31759	29750	28112	25487	27508	26200	26919	

Figure 5: Total Number of Perpetrators 2010 to 2024[759]

The first relevant data for calculating recidivism shares, the total number of perpetrators 2010 to 2024, is presented in Figure 5. This table shows annual totals serving as the denominator (total perpetrators), with each country's figures reflecting its unique statistical definition.[760] Hungary rises sharply from 129949 in 2010 to 214144 in 2024 (+65%) for all-ages aggregated perpetrators. Croatia declines gradually from 24430 to 12609 (-48%) for adult convicted offenders. Romania falls from 41891 (2010) with 2012 peak 49188 to 30280 in 2024 (-28%) for repeat offences eligible for more than 1 year imprisonment. Slovakia drops from 53310 to 29307 (-45%) for police-detected habitual offenders. Slovenia stays relatively stable from 7874 (2016) to 5070 (2024) (-36%), with data gap pre-2016, for convicted adults with final judgments determining legal responsibility. Poland fluctuates from 69597 to 59986 (-14%, peak 74586 in 2012) among prison adults only. Serbia increases modestly from 21681 to 26919 (+24%, peak 35376 in 2014), with 2024 data gap, for adult court finals only.



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Hungary	34686	32235	28560	28610	23717	25074	23615	22519	27488	29636	40242	41089	46310	48137	50889
Croatia	7240	6895	6053	4383	3643	2870	3455	3158	2896	3299	2995	2995	2937	2534	2783
Romania	4688	5517	5429	5120	4492	5049	1772	1543	1374	1226	1076	1143	1063	1050	982
Slovakia	11007	9694				3300	3008	2735	1514	2432	1921	1835	2042	1821	1460
Slovenia							869	754	786	801	798	623	583	573	
Poland	34458	36345	39121	37415	38016	36554	36874	36788	36132	37080	33307	37246	37550	39181	37718

Figure 6: Total Number of Recidivists 2010 to 2024

The next relevant data for calculating recidivism shares, the total number of recidivists 2010 to 2024, is presented in Figure 6. This table provides the annual counts of persons classified as recidivists, which serve as the numerator for recidivism shares. As with perpetrators, each

[759] Statistical Office of the Republic of Serbia, no date; Statistical Office of the SR, no date a; Statistics Poland, no date; Croatian Bureau of Statistics, 2025c; Romanian National Institute for Statistics, 2025; Statistical Office of the Republic of Slovenia, 2025.

[760] Interpret individually only, as methodological differences preclude cross-country comparison.

country operationalises “recidivist” differently, so these figures must be interpreted only within each national context and not compared across borders. Hungary shows a steady increase from 34 686 recidivists in 2010 to 50 889 in 2024, an overall rise of about 47 %. Croatia’s recidivist counts, defined as adult convicted offenders with previous convictions, decline from 7 240 in 2010 to 2 783 in 2024, a decrease of roughly 62 %. Romania’s numbers fall even more sharply, from 4 688 in 2010 (and similar levels through 2014) to 982 in 2024, which represents a reduction of about 79 %. Slovakia records a decrease from 11 007 recidivists in 2010 to 1 821 in 2024, a drop of approximately 83 %, with a gap in available data between 2012 and 2015 for habitual offenders repeatedly committing the same criminal offence. Slovenia’s data, available from 2017 onward, show a decline from 869 to 573 recidivists by 2024, a reduction of around 34 %, counting convicted adults with final judgments and prior convictions. Poland’s figures fluctuate within a narrower band, rising from 34 458 recidivists in 2010 to 37 718 in 2024, an increase of about 9 %, with a peak of 39 181 in 2023 among habitual offenders in prisons and remand centres.[761]

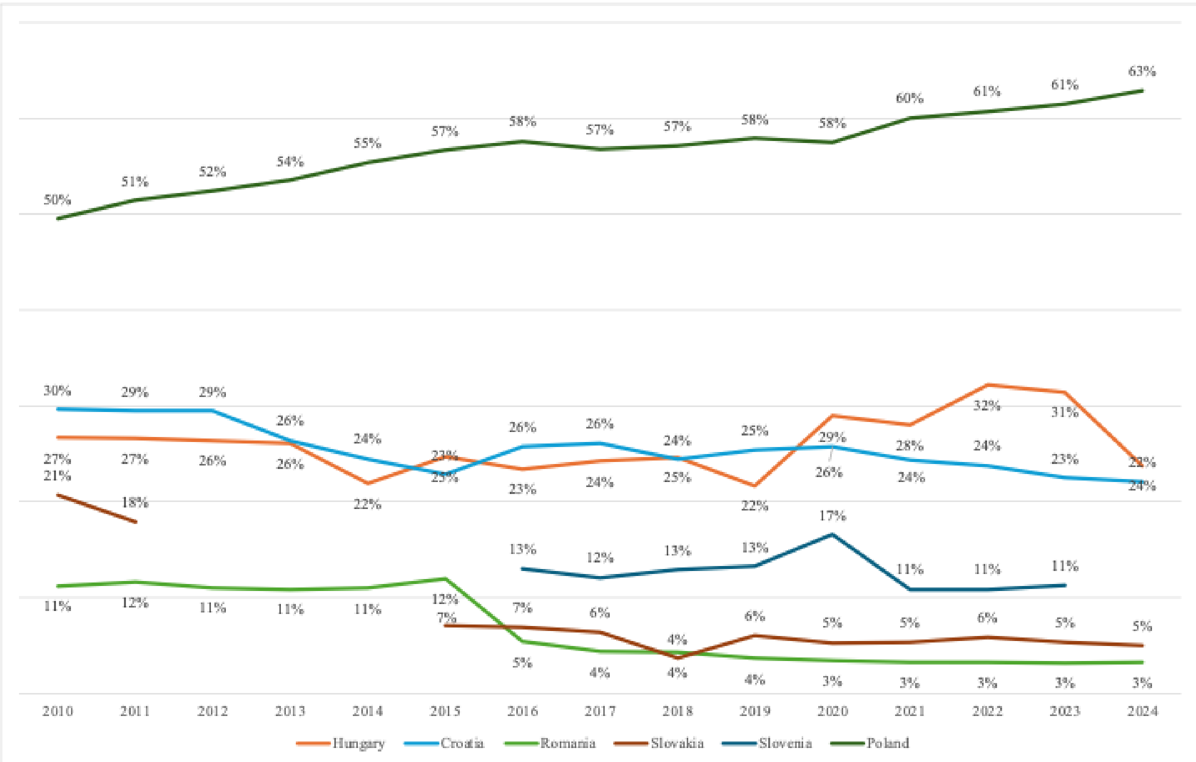


Figure 7: Share of Recidivists 2010 to 2024

[761] As previously mentioned, data for Serbia are not included in this table due to technical limitations, as the relevant series are available only in Cyrillic.

The final component for recidivism analysis, the share of recidivists 2010 to 2024, is presented in Figure 7. These percentages,[762] derive from Figures 5 and 6 but inherit their profound methodological incompatibilities across definitions, populations, and scopes; interpret each country individually only, as cross-comparisons remain invalid. Hungary fluctuates between 22% and 32% (27% in 2010 falling to 24% in 2024, -3 percentage points change), averaging 26% across its categorised recidivists (non-recidivist, recidivist, habitual, repeat, violent). Croatia shows steady decline from 30% (2010) to 22% (2024, -8 percentage points), averaging 25%, for adult convicted offenders with previous convictions. Romania experiences dramatic drop from 11–12% (2010–2015) to persistent 3% post-2019 (-8 percentage points overall), averaging 7%, tracking repeat intentional offences eligible for >1 year imprisonment. Slovakia plummets from 21% (2010) to 5% (2023, -16 percentage points), averaging 8% with gaps 2012–2015, for habitual offenders repeating the same offence among police perpetrators. Slovenia varies narrowly 11–17% from 2017 (13% to 11% in 2024, -2 percentage points), averaging 13%, for convicted adults with final judgments determining legal responsibility and prior convictions. Poland exhibits consistent rise from 50% (2010) to 63% (2024, +13 percentage points), averaging 57% with peak 61% in 2023, among prison/remand habitual offenders.

These observed drops or increases in recidivism shares must not be interpreted as direct evidence of penal progress or failure in any given country. Such changes may simply reflect external factors like decriminalisation processes, the COVID-19 pandemic, shifts in sentencing practices, changes in law enforcement priorities, or other national influences, rather than genuine shifts in reoffending patterns or the effectiveness of rehabilitation efforts. For instance, a decline in reported recidivism shares could stem from offences being downgraded from criminal to misdemeanour status, temporary reductions in court activity during lockdowns, or statistical artefacts arising from altered data collection methods, rather than improved desistance from crime. Without detailed examination of each country's specific legal, social, economic, and policy context, including legislative amendments, demographic shifts, or targeted interventions, the true meaning of these trends remains indeterminate and open to misinterpretation. Nevertheless, these figures serve as a valuable starting point for identifying significant years or inflection points, which could be further investigated through knowledge of national circumstances to assess their actual impact on recidivism shares. For example, correlating these shares with major policy changes or external shocks could reveal causal

[762] Calculated as recidivists ÷ total perpetrators.

patterns that inform targeted reforms. A comprehensive analysis of every country's legislative, institutional, and contextual factors, however, exceeds the scope and capacity of this thesis.[763] This regional overview thus underscores the critical need for future research into the precise factors driving recidivism fluctuations. Such studies should examine whether apparent declines or rises represent authentic reductions in serious offending, improved reintegration outcomes, or merely spill-over effects from one sphere of criminal law to another, such as through decriminalisation processes that shift certain behaviours from the criminal to the misdemeanour domain, thereby artificially lowering recorded recidivism shares without addressing underlying criminogenic risks.

7.1.4. Conclusion From Secondary Data

The analysed secondary data show that the region's prison and probation systems are heterogeneous, with partially converging trends in overcrowding and recidivism, but without clear evidence that any country's penal policy is unequivocally "successful" or "unsuccessful". Across Croatia, Hungary, Poland, Romania, Slovenia, Slovakia and Serbia, formal prison capacity has mostly remained stable or grown modestly, with Hungary and Serbia expanding most, while Romania reduced capacity and Poland had the highest formal prison capacity. Actual prisoner numbers declined slightly at the regional level between 2013 and 2023, with Poland and Romania recording notable reductions, Hungary remaining broadly stable, and Serbia showing the clearest increase. Occupancy rates show that Croatia, Slovenia, Romania and, at times, Serbia still operate above 100%, indicating persistent overcrowding pressures. These descriptive patterns suggest that some countries have used capacity expansion, but the data do not allow firm causal attributions to specific reforms or policies. Prison population rates per 100,000 inhabitants reveal structurally different penal models, with Poland, Hungary, Slovakia and Serbia consistently at very high or high levels, Croatia and Romania in the high range, and Slovenia at low levels in European terms. When these are combined with probation population rates, the SPACE II classification indicates that Serbia and Croatia rely comparatively more on imprisonment with limited probation, Slovenia emphasises probation and maintains low imprisonment, while Slovakia and especially Poland rely heavily on both custodial and community sanctions. The secondary data therefore point to divergent strategies rather than a single regional pattern, and they underline that high probation use does not automatically translate into low imprisonment. Secondary recidivism data for 2010–2024 show

[763] With more detailed discussion of Croatian-specific factors available in Chapter 5.1.

strong within-country trends but are methodologically incomparable across states due to differing definitions, follow-up periods and populations. Hungary and Poland display increasing or persistently high shares of recidivists, while Croatia, Romania, Slovakia and Slovenia generally show declining shares over time, sometimes very steeply. However, these changes may reflect legal reforms, decriminalisation, shifts in recording practices, the impact of the COVID-19 pandemic and other contextual factors rather than genuine reductions or increases in reoffending, so they cannot be read straightforwardly as indicators of penal effectiveness. Taken together, the secondary data provide a robust descriptive overview of prison capacity, overcrowding, prison and probation rates, and recidivism indicators in the selected countries, but they do not support causal claims about the impact of specific criminal justice policies or institutions. The analysis therefore shows that secondary statistics are valuable for identifying critical pressure points, turning years and structural differences between systems, yet meaningful interpretation of these trends requires additional, country-specific qualitative and legal analysis that lies beyond the scope of the present study.[764]

7.2. Descriptive Analysis of Questionnaire Data from Incarcerated Individuals

The following chapter presents a descriptive analysis of questionnaire data pertaining to age, sex, sentence length, education, employment and income, pre-incarceration residence, suitability, and post-release accommodation, marital status and children, victimisation and family abuse, family support, poverty risk, addiction and mental health problems, acceptance of responsibility, arrest before age 18, self-reported prior offenses and convictions, type of punishment, time between last convictions, treatments in prison, treatment access in prison, perceived helpfulness of treatment programmes, and perceived importance of preventive factors. For the purposes of systematic presentation, these factors are grouped into four main categories: demographic and socio-economic characteristics, personal characteristics, criminal history and prison-related characteristics, and preventive factors.

7.2.1. Demographic and Socio-Economic Characteristics

7.2.1.1. Age

[764] For better understanding of recidivism changes and patterns in the region, see more in: Ministerul Justiției, 2024 for Romania, Ćopić *et al.*, 2023; Ilijić, Pavićević and Drndarević, 2023 for Serbia, Mrhar Prelić, 2019 for Slovenia.

Age data was collected from 439 prisoners serving sentences across five Croatian prison facilities (from 458 total cases, excluding 19 missing values).[765] The median age of 40 years marks the exact centre: ranking all from youngest to oldest places half inmates below 40 and half above. This even split confirms no skew toward youth or advanced age and the distribution centres squarely on middle adulthood, typical for peak offending periods. Moreover, the mean age of 42.4 years nearly matches the median, reinforcing this balance. Standard deviation (13.1 years) shows moderate spread, with approximately 68% between 29–55 years. The range covers 59 years (minimum 22; maximum 81). Comparison with 2025 prison report[766] (Table 7) reveals group-by-group similarity: 21–25 years (7% sample vs 9% report), 25–30 (14% vs 15%), peaking at 30–40 (30% vs 28%), 40–50 (22% vs 26%), 50–60 (17% vs 13%), 60–70 (6% vs 7%), 60+ overall (9% vs 9%). Aggregated shares match precisely: 21–40 years (51% vs 52%), 40–60 (39% vs 39%), showing the sample is representative of the total prison population despite its smaller size.

Table 7: Age Distribution of the Sample Compared to the Croatian Prison System

Age group	Sample N	Sample %	Prison system N	Prison system %
21–25	30	6	180	9
25–30	63	14	305	15
30–40	132	30	555	28
40–50	98	22	524	26
50–60	75	17	266	13
60–70	28	6	137	7
70–80	12	3	47	2
80+	1	0	5	0
TOTAL	439	100	2,019	100

765 Younger adults, defined as those aged 18–21 at the time of their offense, were excluded because they are sentenced under the Croatian Court for Juveniles Act; this research focused exclusively on fully adult perpetrators of criminal offenses covered under regulation discussed in chapter 5.1.
766 Government of the Republic of Croatia, 2025.

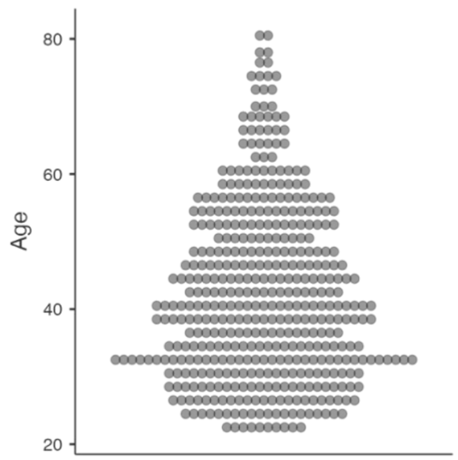


Figure 8: Age Distribution of the Sample among Respondents

7.2.1.2. Sex

Gender distribution across the sample (N=454) shows overwhelming male predominance: 99% males (n=449) and 1% females (n=5), with cumulative percentages reaching 99% for males and 100% overall. This low female share (1%) reflects methodological sampling: only Zagreb prison initially included female prisoners; the other facilities (Lepoglava, Turopolje, Lipovica-Popovača, Glina) are exclusively male penitentiaries. Nationally, women comprise around 6% of new admissions (115/1992 on 31.12.2024 per 2025 report) and around 7–8% of total prison population, confirming the sample's expected underrepresentation aligns with male-focused facilities while maintaining gender imbalance realism.

7.2.1.3. Sentence Length

Duration of sentence length will be represented using categorical bands constructed according to the categories from the official Croatian prison report, enabling direct comparison with national prison population data. The data set includes 422 respondents with valid responses, while 36 cases were missing, indicating that the vast majority of participants provided information on their sentence length.

In terms of sentence length distribution, the most prevalent category was "3 years to less than 5 years," accounting for 28% (N=119) of respondents, followed by "5 years to less than 10 years" at 22% (N=94) and "1 year to less than 3 years" at 20% (N=86). These three medium-length categories together represent nearly three-quarters of the sample. Additional categories showing notable representation include "6 months to less than 1 year" (8%, N=33) and "10 years to less than 15 years" (8%, N=33).

Shorter sentences were less common, with “3 months to less than 6 months” comprising less than 1% (N=2).[767] Longer sentences showed a gradual decline in frequency, including “15 years to less than 20 years” (4%, N=16), “20 years to less than 30 years” (5%, N=22), “30 years to less than 40 years” (3%, N=11), and “more than 40 years” (1%, N=6).

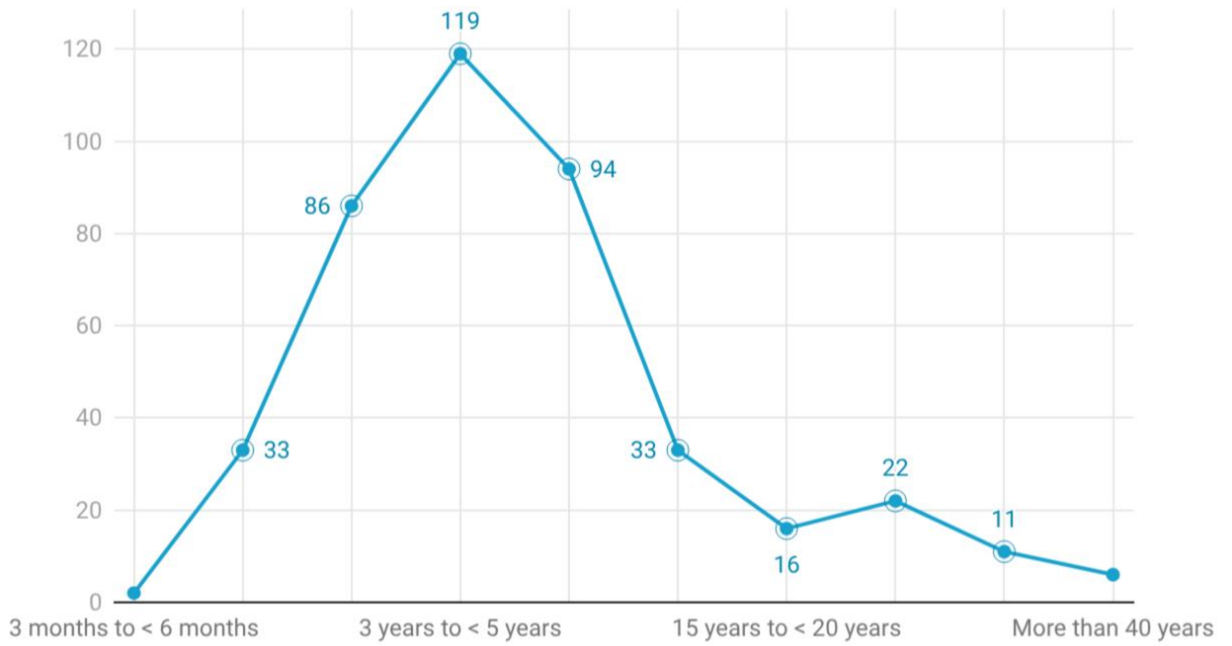


Figure 9: Distribution of Respondents by Sentence Length among Respondents

When comparing the sentence length distribution of the research sample (N=422) to official Croatian prison population data from December 31, 2024, the sample has longer sentences than expected from national statistics, which is not surprising. The official data shows many more short sentences like “6 months to less than 1 year” (632) and “1 year to less than 3 years” (834), while the sample has highest numbers in “3 years to less than 5 years” (119, 28%), “5 years to less than 10 years” (94, 22%), and “1 year to less than 3 years” (86, 20%). Short sentences are much less common in sample data (“6 months to less than 1 year”: only 33, 8%). This difference happens because data was collected mainly from penitentiaries, not prisons, so sample naturally includes people with longer sentences. The sample differs from general prison population because penitentiaries were more relevant for recidivism research, prioritizing potential chronic prisoners and people with criminal careers. However, as was already

[767] Having in mind that research was conducted mostly in penitentiaries (4) and only 1 prison, the prevalence of offenders with longer sentences is expected since penitentiaries generally serve longer sentences than prisons, as was indicated in chapter 5.1.5.

discussed (see chapter 5.1.3.), short prison sentences from 6 months to 1 year present critical point worth mentioning as they in official data come as results of legal changes.

7.2.1.4. Education

Education data from 452 cases shows secondary school dominates at 49% (N=223), followed by bachelor degree 25% (N=112) and primary school 21% (N=95), while no schooling accounts for 4% (N=17) and postgraduate degrees (master/doctorate) just 2% total (N=8).[768] Secondary and bachelor combined represent 74% of the sample. Given that the sample shows higher overall formal education levels than the latest prison report, it can be concluded that participants with higher education were more interested in taking part in the questionnaire.[769]

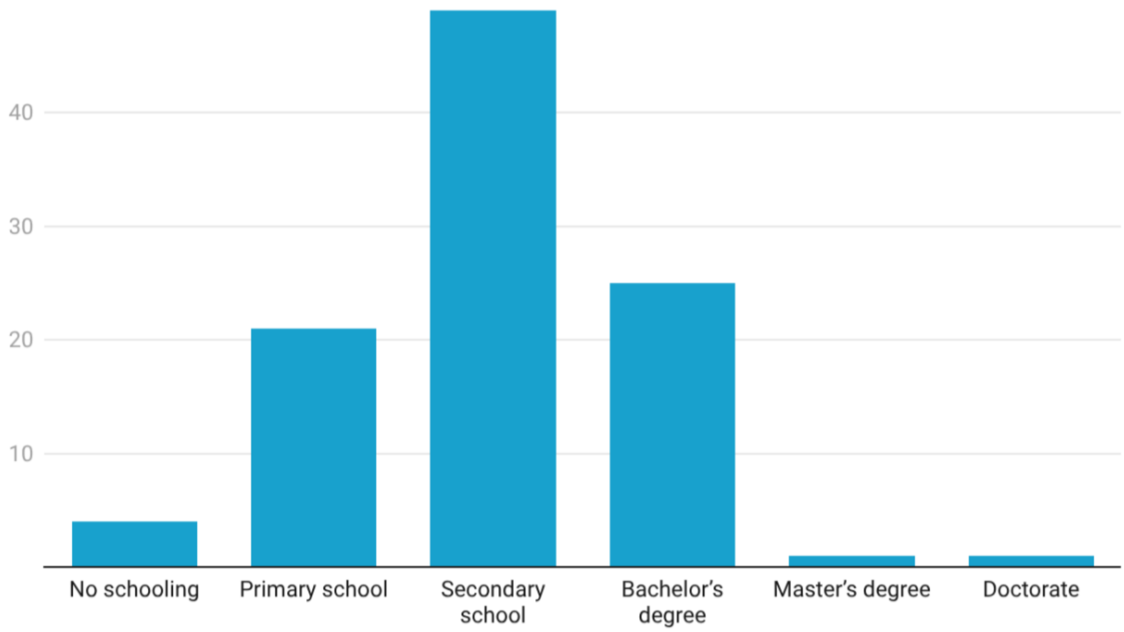


Figure 10: Percentage Distribution of Respondents by Educational Attainment among Respondents

7.2.1.5. Employment and Income

Employment status prior to deprivation of liberty (N=458, 20 missing, 438 valid) reveals full-time work most common (56%, N=245), followed by occasional or undeclared work (24%, N=105) and no work (20%, N=88). Monthly income levels before imprisonment (N=458, 34 missing, 424 valid) distribute relatively evenly: up to EUR 900 (36%, N=151), EUR 901–1700

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[768] Similar trend visible in 2025 report where secondary school or four/five-year vocational secondary comprises 53%. See: Government of the Republic of Croatia, 2025, p. 28.
[769] For data comparison see: Government of the Republic of Croatia, 2025, p. 28.

(31%, N=131), and over EUR 1700 (33%, N=142). Subjective peer income comparison, respondents' description of their pre-imprisonment income relative to peers, centres on average (46%, N=199), balanced by 27% below average (N=116) and 27% above average (N=119).

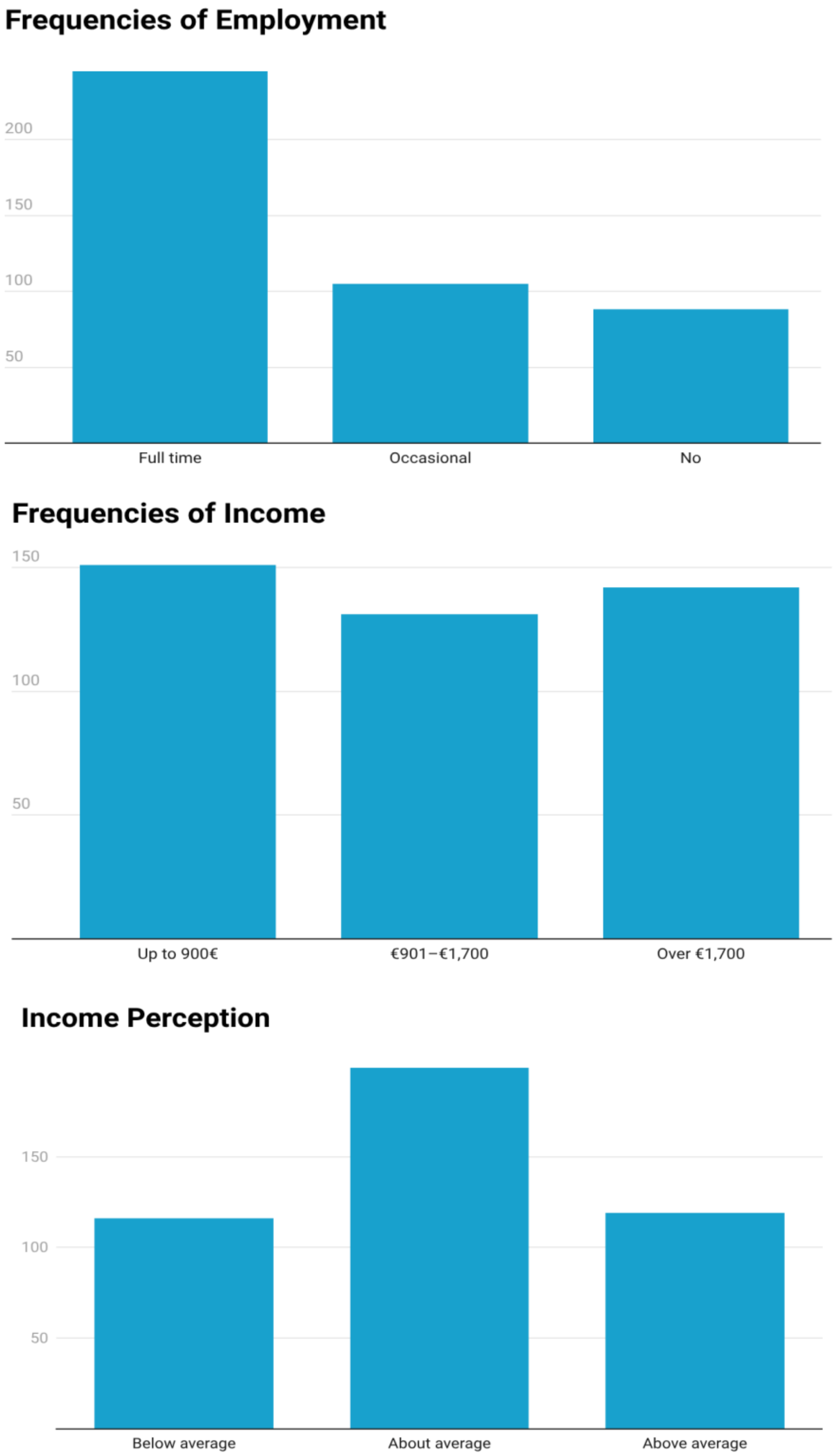


Figure 11: Distribution of Employment, Income and Income Perception among Respondents

7.2.1.6. Residential Stability

Prior to imprisonment, the vast majority of respondents reported having a permanent place of residence (N=458, 13 missing, 445 valid): 90% affirmed yes (N=402), 5% no (N=21), and 5% temporary arrangements such as with friends or family (N=22).

The suitability of their pre-incarceration residence for decent life was overwhelmingly positive (N=458, 14 missing, 444 valid), with 93% indicating yes (N=412) and 7% no (N=32).

Expectations for secure accommodation upon release were similarly affirmative (N=458, 12 missing, 446 valid): 88% yes (N=392), 4% no (N=19), and 8% not sure (N=35).

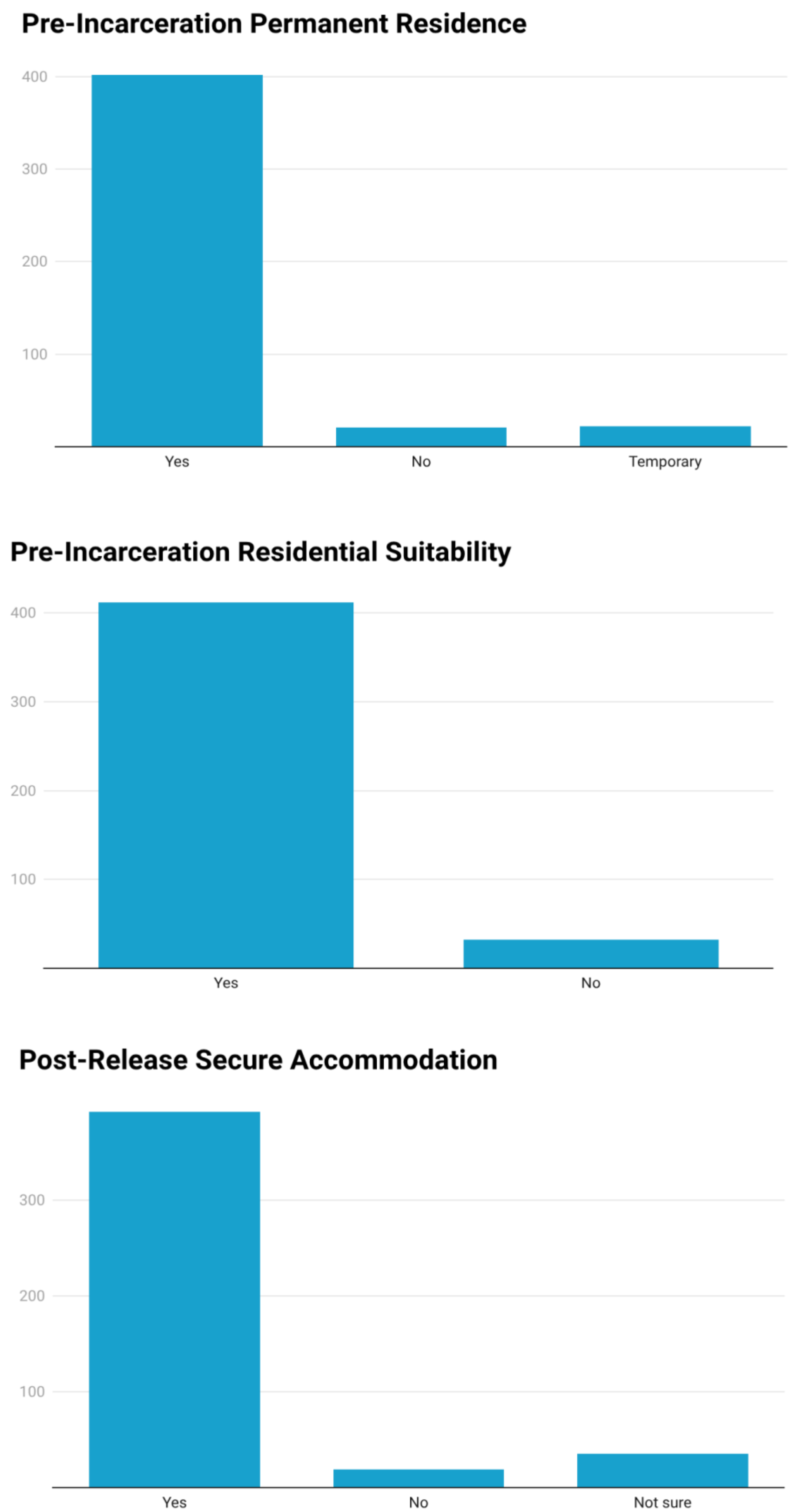


Figure 12: Distribution of Pre-Incarceration Residence, Suitability, and Post-Release Accommodation among Respondents

7.2.1.8. Marital Status and Children

Among respondents, marital status (N=458, 9 missing, 449 valid) showed single individuals as the largest group at 30% (N=136), followed closely by married or cohabiting at 29% (N=131). Other categories included divorced at 21% (N=95), widowed at 10% (N=45), and in a relationship at 10% (N=42).

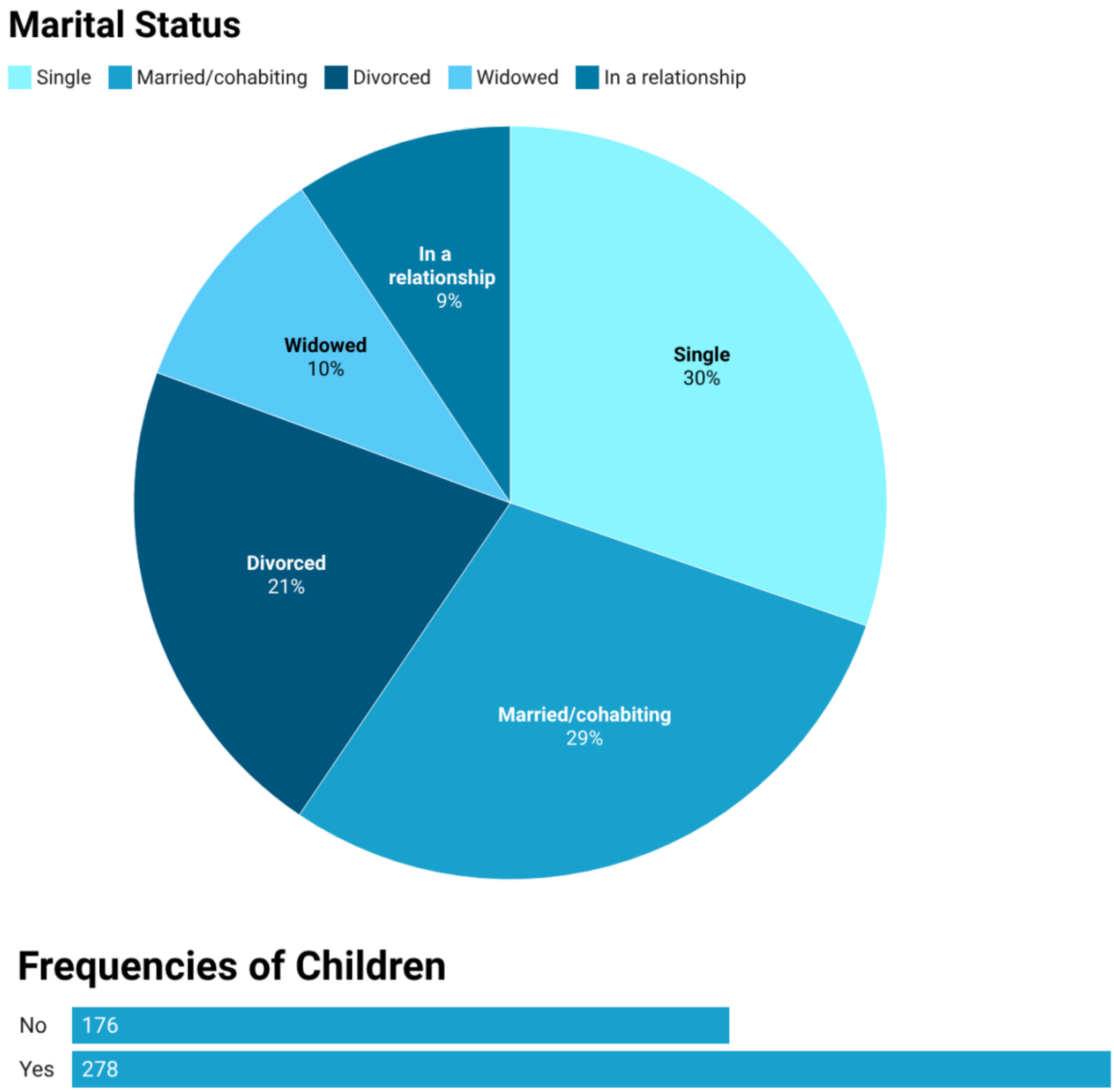


Figure 13: Marital status and Children among Respondents

Among respondents, presence of children (N=458, 4 missing, 454 valid) showed 61% affirming yes (N=278), while 39% reported no children (N=176). The overall mean number of children per respondent is 1.46 (N=458 total, 15 missing, 443 valid), with a standard deviation of 1.72, median of 1, sum of 648, and range from a minimum of 0 to a maximum of 11. This mean incorporates the full prison population, including the 39% without children (N=176), where childless cases are assigned 0 in the count. For the subgroup of parents only (61%, N=278), the mean number of children per parent is approximately 2.33, derived by dividing the total sum of 648 by 278.

7.2.2. Personal characteristics

7.2.2.1. Victimisation and Family Abuse

Among respondents, self-reported victimisation of criminal offence (N=458 total, 7 missing, 451 valid) indicates 57% reported no (N=255), while 43% affirmed yes (N=196).

Regarding experiences of violence or neglect in their family of origin, 71% reported no (N=314), while 29% affirmed yes (N=130) (N=458 total, 14 missing, 444 valid).

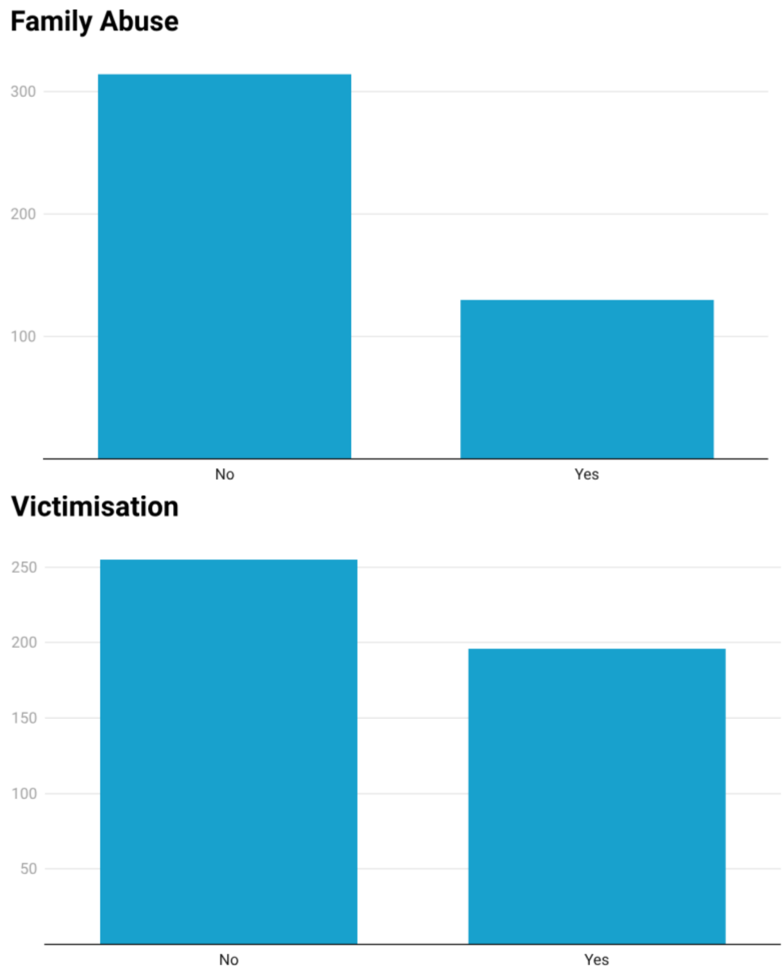


Figure 14: Criminal Victimisation and Family Abuse

7.2.2.2. Family Support

Family stability perceptions during childhood indicate that 61% (N=275) rated their family situation as very stable and supportive, 28% (N=125) as partly stable with occasional problems, and 12% (N=52) as unstable with many problems (valid cases N=452, missing data N=6 or 1.3% of total sample).

Current family situation shows a slight increase: 65% (N=288) very stable and supportive (up 4 percentage points), 19% (N=85) partly stable with occasional problems (down 9 points), and 15% (N=67) unstable with many problems (up 3 points) (valid cases N=440, missing data N=18 or 3.9% of sample).

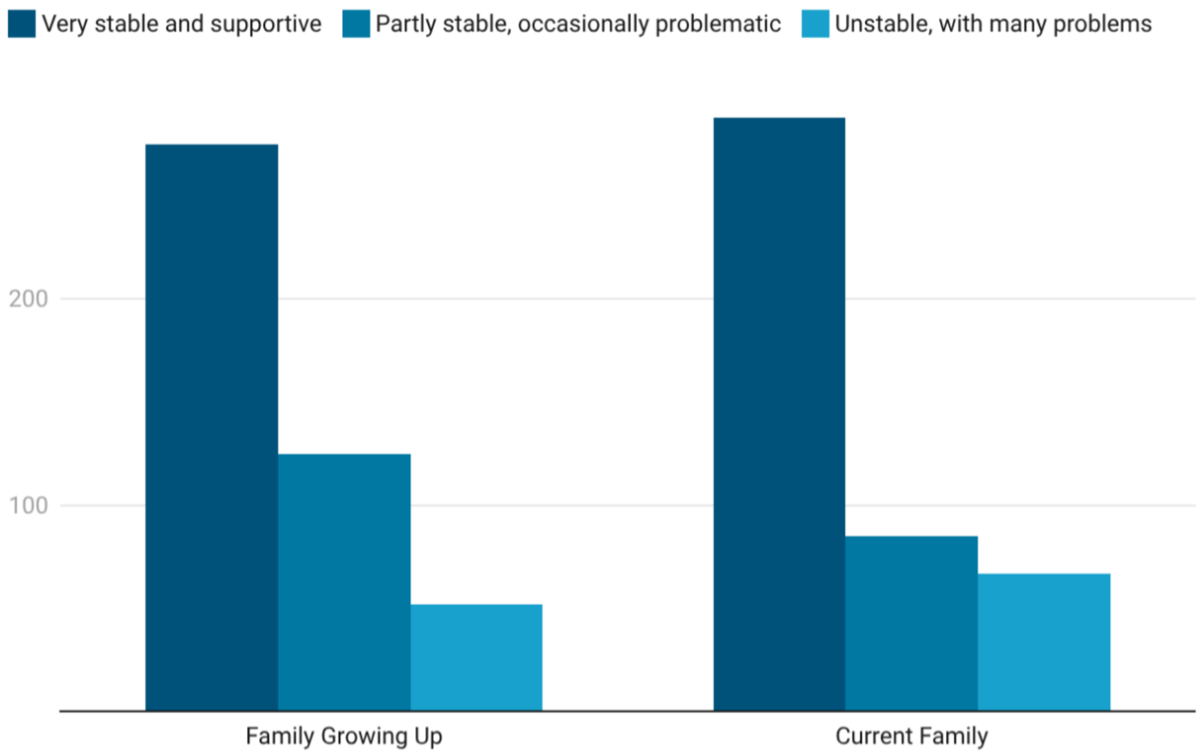


Figure 15: Family support among Respondents

7.2.2.3. Poverty Risk

Risk of poverty data shows that 51% of respondents have experienced some form of poverty risk related to basic needs (N=441 valid cases, missing data N=17 or 3.8% of total sample). Specifically, 17% (N=73) reported poverty risk only before imprisonment, 23% (N=103) only currently while in prison, 11% (N=49) both before and now, and 49% (N=216) never faced such a situation.

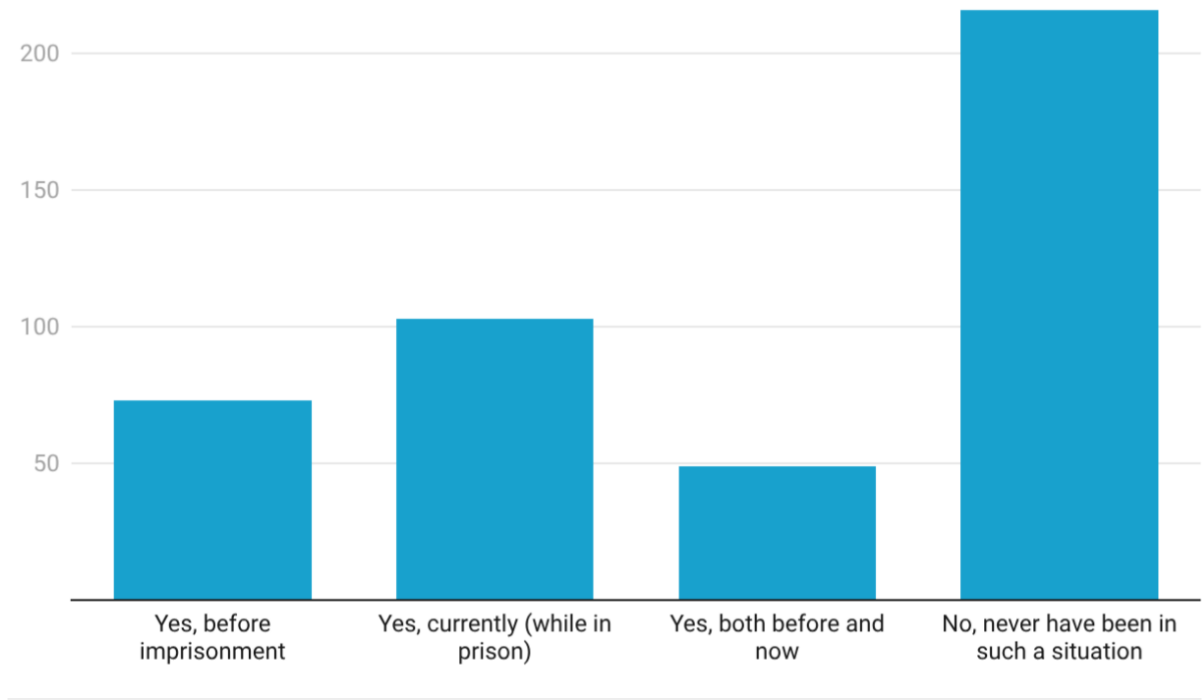


Figure 16: Poverty Risk

7.2.2.4. Addiction and Mental Health Problems

Analyses examined self-reported lifetime experiences with drug addiction, alcohol addiction, mental health problems, mental health medication receipt, prescription drug addiction, and gambling addiction among prisoners. Valid cases ranged from 446 to 454 across variables, with missing data recorded as N=4 (drug addiction), N=4 (alcohol addiction), N=5 (mental health problems), N=12 (mental health medication), N=6 (gambling problems), and N=5 (prescription drug problems). Affirmative responses showed 29% for drug addiction (N=133/454; 71% no, N=321), 20% for alcohol addiction (N=93/454; 80% no, N=361), 36% for mental health problems (N=164/453; 64% no, N=289), 32% for mental health medication (N=144/446; 68% no, N=302), 13% for gambling problems (N=58/452; 87% no, N=394), and 20% for prescription drug problems (N=90/453; 80% no, N=363).

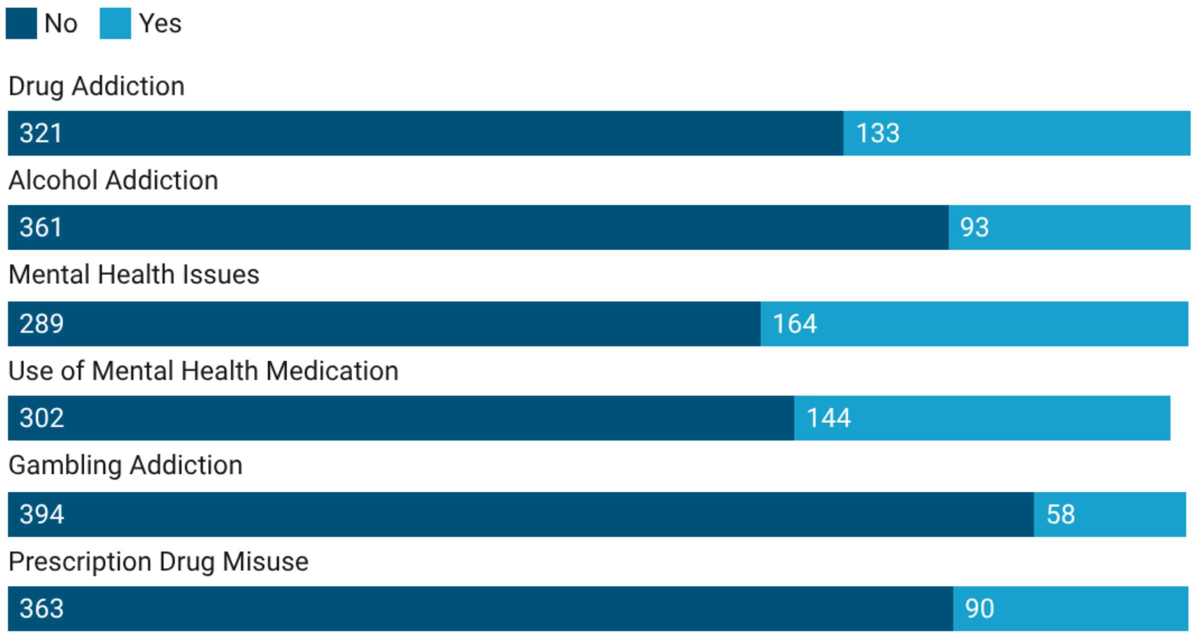


Figure 17: Self-Reported Addiction and Mental Health Problems among Respondents

Self-reported drug addiction prevalence of 29% (N=133/454) and alcohol addiction of 20% (N=93/454) substantially exceed official figures from the 2025 Croatian prison report,[770] which documented 12% drug addicts (N=698/5,982) and 12% alcohol addicts (N=747/5,982) among prisoners serving sentences during 2024, or 13% drugs (N=354/2,713) and 11% alcohol (N=311/2,713) on December 31, 2024.[771] The prison report emphasizes that drug addicts represent one of the most demanding groups for treatment and security, as addiction is typically directly or indirectly linked to criminal offenses, with higher recidivism than the general prison population, alongside greater propensity for risky behaviours in custody (self-harm, conflicts, therapy manipulation, drug smuggling attempts) and elevated health issues.

7.2.2.5. Acceptance of Responsibility

Analyses examined self-reported responsibility attribution for the current offense for which prisoners are deprived of liberty (valid N=453, missing N=5), with responses distributed as 47% yes (N=213), 41% no (N=186), and 12% don’t know (N=54).

[770] Government of the Republic of Croatia, 2025, pp. 32–34.
[771] The questionnaire captured lifetime experiences, unlike the report’s focus on current or formally identified cases, contributing to this discrepancy alongside potential under-detection in administrative records.

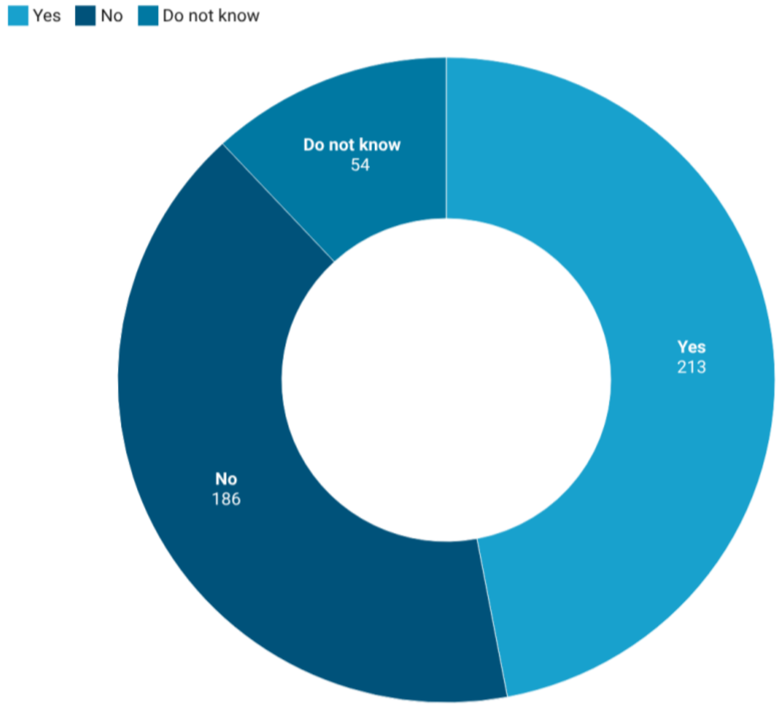


Figure 18: Acceptance of Responsibility among Respondents

7.2.3. Criminal history and prison-related characteristics

7.2.3.1. Arrest Before Age 18

Analyses examined self-reported experiences of arrest before age 18 among prisoners (valid N=455, missing N=3), with 29% yes (N=131; 71% no, N=324).

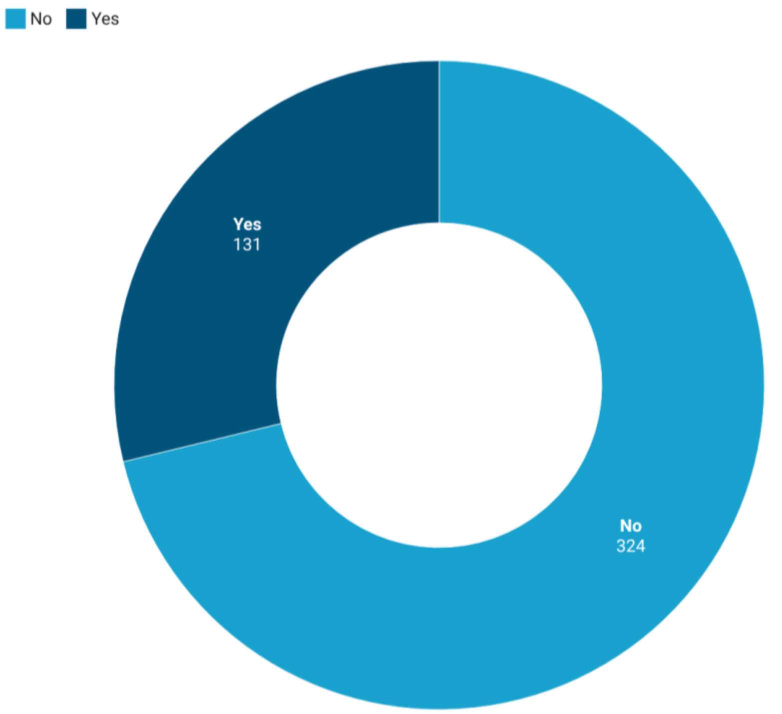


Figure 19: Arrested Before Age 18

7.2.3.2. Recidivism

Three self-report measures contributed to the recidivism classification: prior criminal offenses before current imprisonment (whether caught and punished), wrongful convictions exceeding two, and previous convictions. Valid cases were N=442 (missing N=16) for prior offenses, N=431 (missing N=27) for wrongful convictions exceeding two, and N=433 (missing N=25) for previous convictions. Of those reporting prior offenses, 241 (55%) indicated at least one, while 201 (45%) reported none. For previous convictions, 259 (60%) affirmed having them, compared to 174 (40%) who did not. Wrongful convictions exceeding two were acknowledged by 101 (23%), versus 330 (77%) who denied such multiple wrongful convictions. Recidivism was operationalized to include prisoners with more than two total convictions (current plus previous) or any prior offense/conviction. The wrongful convictions exceeding two served as a control variable to detect potential response bias, where repeated claims of injustice might mask recidivism despite legal history; such respondents remained classified as recidivists. Overall, 291 (66%) qualified as recidivists and 152 (34%) as non-recidivists (valid N=443, missing N=15).

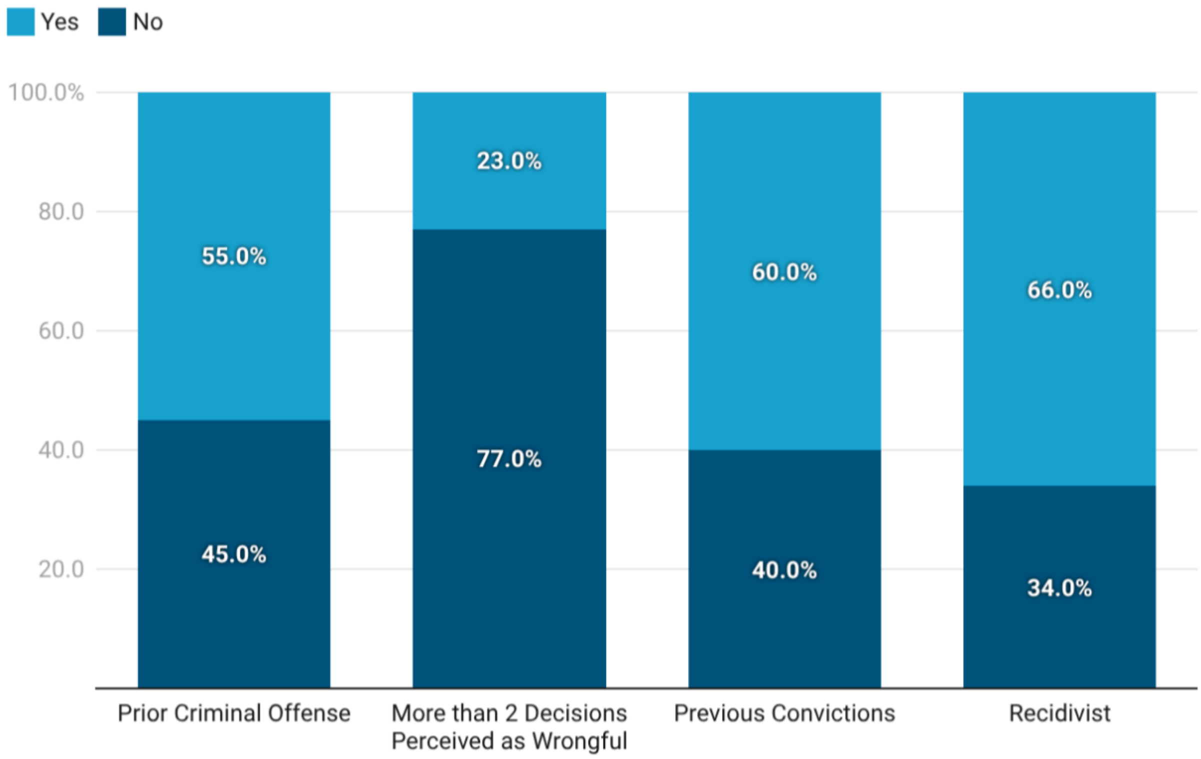


Figure 20: Self-Reported Prior Offenses and Convictions among Respondents

Of the 259 respondents reporting previous convictions, 249 (96%) specified the offense categories involved, across five types: property offenses, violent offenses, economic crimes, traffic offenses, and other offenses (residual category). In this group, 41% reported property offenses (N=102), 31% violent offenses (N=76), 13% economic crimes (N=32), 13% traffic offenses (N=33), and 59% other offenses (N=146). Respondents could select multiple categories, explaining percentages over 100%; other offenses were most common as the catch-all category, followed by property and violent offenses, patterns typical for recidivists.

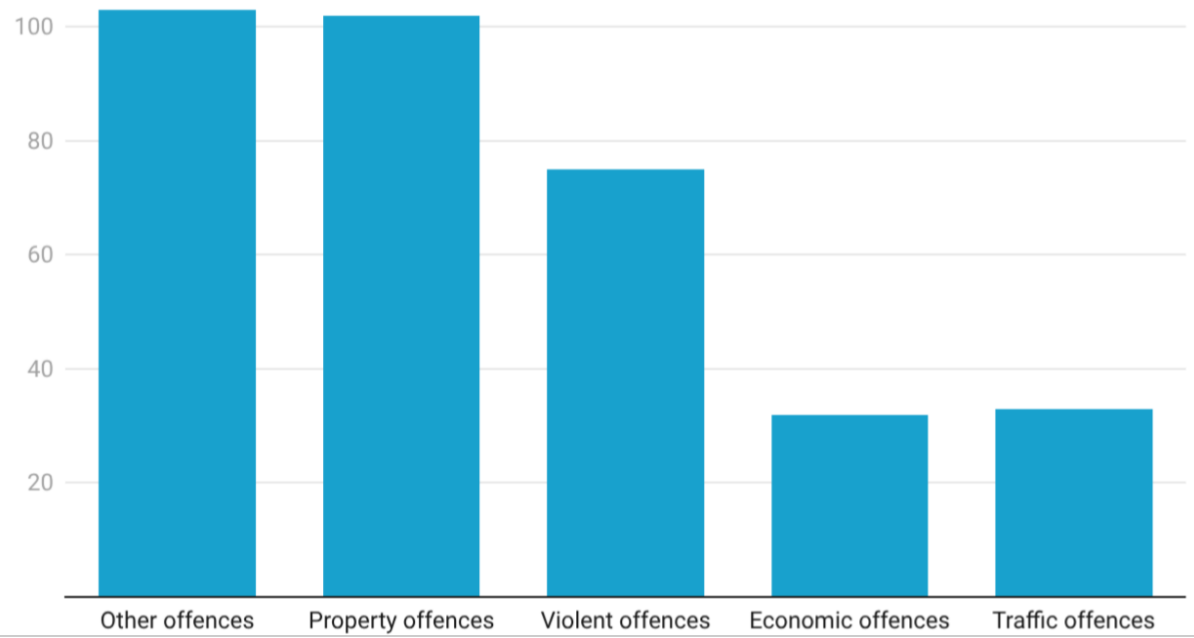


Figure 21: Distribution of Prior Offences Among Participants with Previous Convictions among Respondents

Moreover, of the 259 respondents reporting previous convictions, 247 (95%) provided details on punishment types received across seven categories: imprisonment, suspended prison sentence, fine, security measure, ban, community service and other penalty. Among these, imprisonment affected 61% (N=150), suspended prison sentences 40% (N=97), fines 34% (N=84), community service 27% (N=66), security measures 14% (N=35), other penalties 7% (N=18), and bans 4% (N=11). Multiple punishment types per respondent account for percentages exceeding 100%, while imprisonment and suspended prison sentences constituted the primary custodial sanctions in these prior conviction histories.[772]

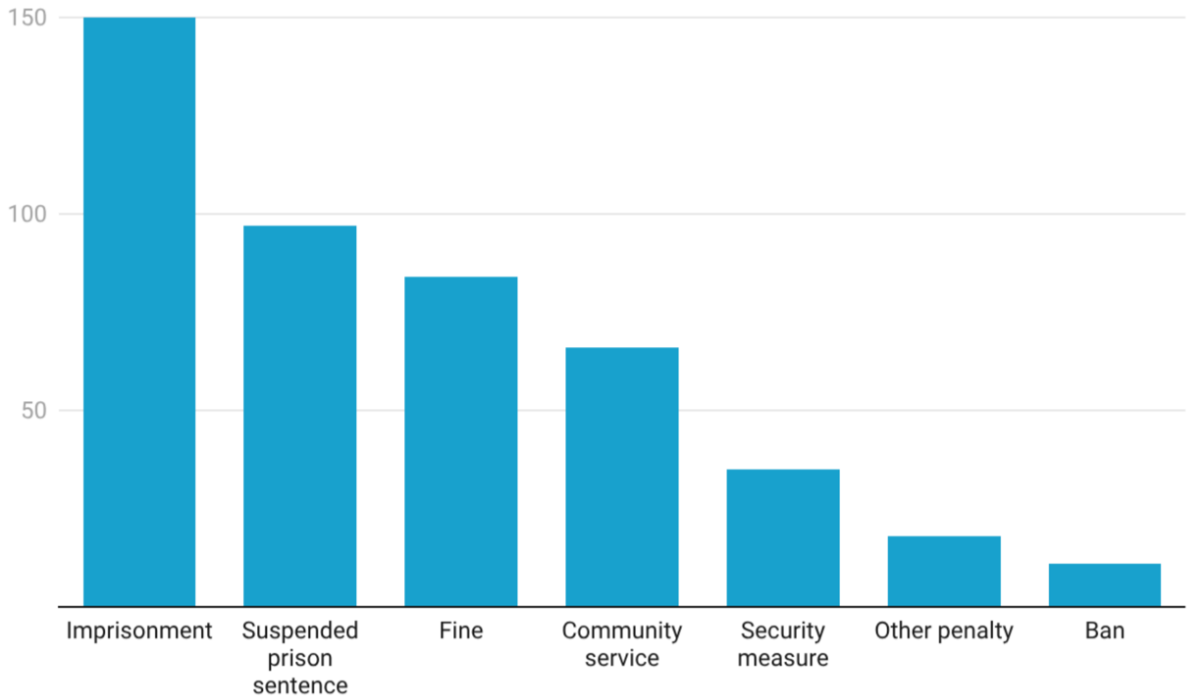


Figure 22: Type of Punishment among Respondents

7.2.3.4. Time Between Last Convictions

The distribution of time between the last conviction shows that 42 cases (17%) fall into the category of less than one year. A larger proportion, 77 cases (32%), is recorded in the 1 to 3 years category. The highest frequency is observed in the category of more than 3 years, with 124 cases, accounting for 51% of the total.

These findings deviate from general conclusions that recidivism is highest within the first year after release, and from the commonly accepted two-year period for monitoring recidivism rates. In the presented sample, more than half of the participants reoffended after three years, which suggests a relatively protracted pattern of recidivism and a longer-term risk trajectory than what is typically assumed in standard recidivism studies. At the same time, it is important to note the limitation that not all participants had previously served a prison sentence, so the variable "time since last conviction" does not necessarily correspond to time since release from incarceration and should not be interpreted as a classic post-release relapse interval.

[772] This distribution aligns with general sentencing patterns in Croatia, where suspended prison sentences and imprisonment represent the most frequently imposed penalties. For further details, see: Getoš Kalac and Feuerbach, forthcoming 2026.

These findings deviate from general conclusions that recidivism is highest within the first year after release,[773] and from the logic behind the commonly accepted two-year period for monitoring recidivism rates.[774] In the presented sample, more than half of the participants reoffended after three years, which suggests a relatively protracted pattern of recidivism and a longer-term risk trajectory than what is typically assumed in standard recidivism studies. At the same time, it is important to note the limitation that not all participants had previously served a prison sentence, so the variable "time since last conviction" does not necessarily correspond to time since release from incarceration and should not be interpreted as a classic post-release relapse interval. However, in order to make the starting point more comparable to a post-release situation, the analysis will be restricted to individuals with prior imprisonment experience.[775] In subsample, 31 cases (21%) fall into the "less than one year" category, 50 cases (34%) into the "1 to 3 years" category, and 65 cases (45%) into the "more than 3 years" category. This distribution shows no major differences from the general pattern of time-to-relapse among all recidivists with prior conviction regardless of the type of punishment, indicating that the temporal structure of reoffending remains relatively similar across groups. Nevertheless it can still be observed that among individuals with prior imprisonment, the proportion is slightly higher in the "less than one year" (+4 percentage points) and "1 to 3 years" (+2 percentage points) categories, while the share in the "more than 3 years" category (−6 percentage points) is somewhat lower. This subtle shift suggests a marginally accelerated pattern of relapse for those with prison experience, even if the overall profiles remain closely aligned.

[773] Aebi *et al.*, 2021, p. 284.
[774] Government of the Republic of Croatia, 2025, p. 27.
[775] This is not formally equivalent to "time since release," because the questionnaire first asks whether participants had previously served a prison sentence and then records the time between the last conviction and the new offense. It is therefore possible that an individual with multiple convictions reoffended not after release from prison, but after a non-custodial sanction (for example: first a prison sentence, then a fine or another non-custodial penalty, and only later again a prison sentence).

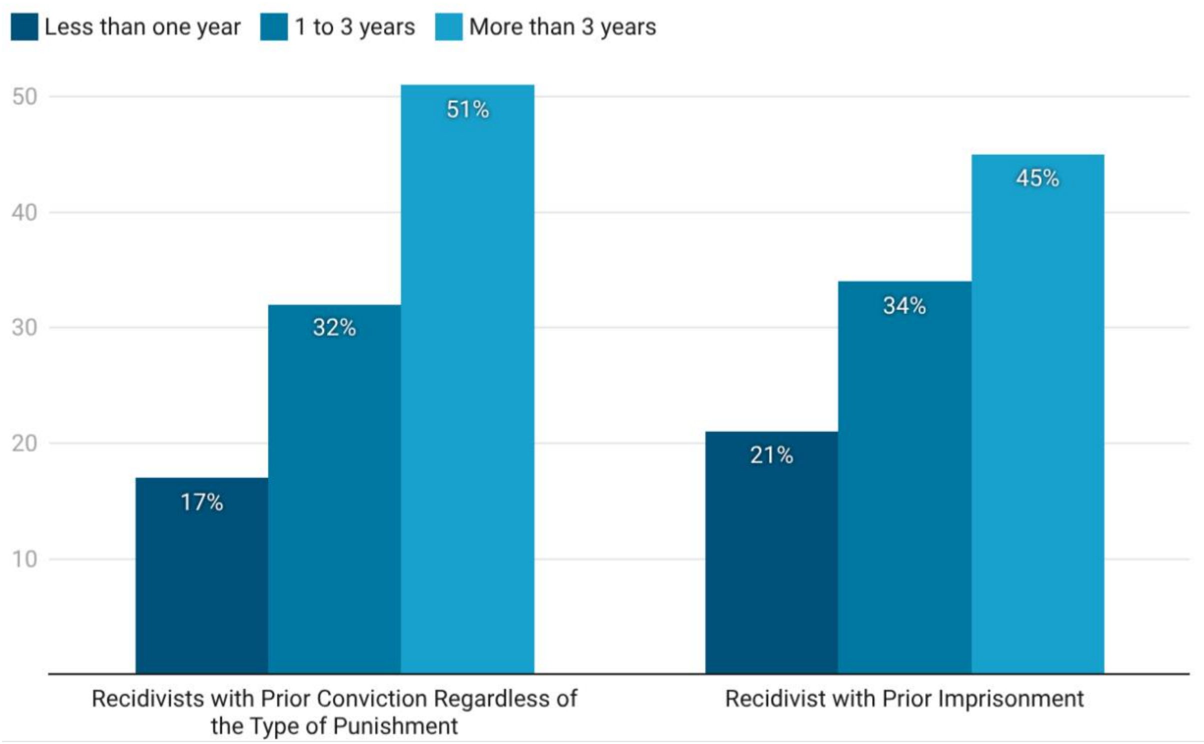


Figure 23: Time Between Reconvictions

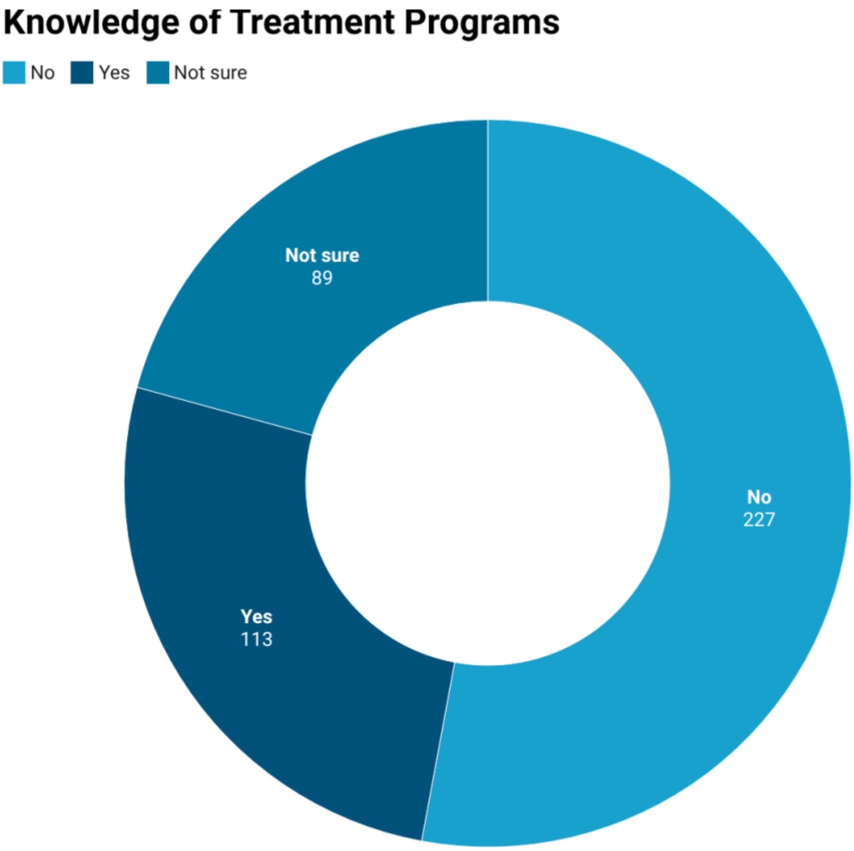
7.2.3.5. Treatments in Prison

The analysis examines three key self-reported aspects of prisoners' experiences with treatment programmes:1) their perceived awareness of available programmes, 2) whether they recall being informed about participation opportunities, and 3) whether they report having been offered such programmes during incarceration. The number of valid responses is consistently high across variables (knowledge: N=429; information: N=431; programme offers: N=420).

In relation to perceived awareness, 53% (N=227) of participants reported that they were familiar with the types of treatment programmes available in prison. At the same time, 21% (N=89) indicated that they were not aware, while 26% (N=113) reported being unsure. These responses reflect variation in how participants perceive their own level of knowledge regarding available programmes.

With regard to being informed about participation opportunities, 59% (N=256) of respondents stated that they were informed, whereas 41% (N=175) reported that they were not. These figures represent participants' recollections of whether information about treatment opportunities was communicated to them during their time in prison.

Finally, 57% (N= 240) of respondents reported that they were offered some form of treatment programme, while 43% (N=180) stated that they were not. These findings describe how participants perceive their access to treatment opportunities, based on their self-reported experiences.



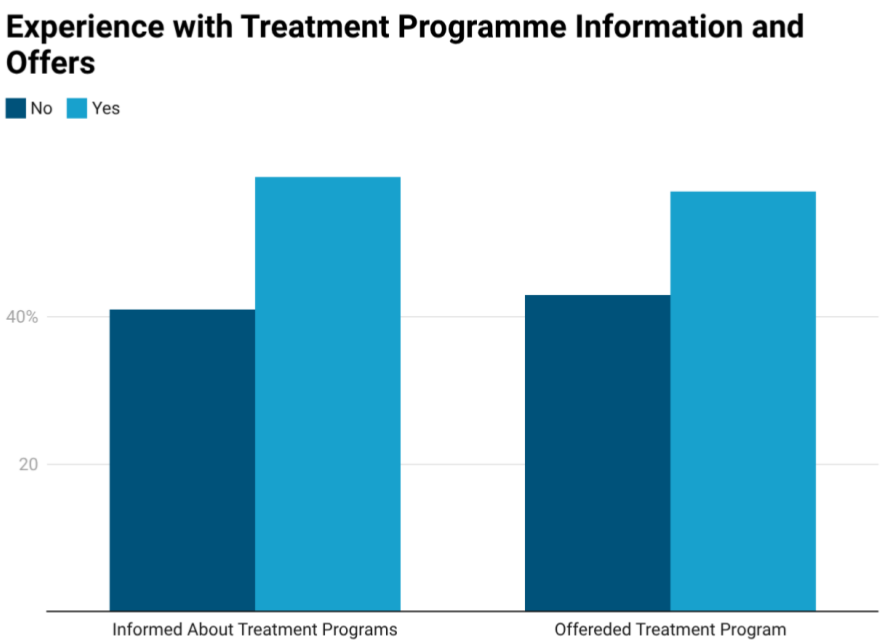


Figure 24: Treatment Access in Prison

Among respondents who had attended a treatment programme (N=97), perceptions of helpfulness were predominantly positive. Specifically, 35 participants (36%) stated that the treatment, together with their own effort and willingness to change, had greatly helped them in their personal development or behaviour change, while a further 36 participants (37%) reported that it had helped partly. In contrast, 15 participants (15%) felt that the treatment did not help them, and 11 participants (11%) did not notice any change.

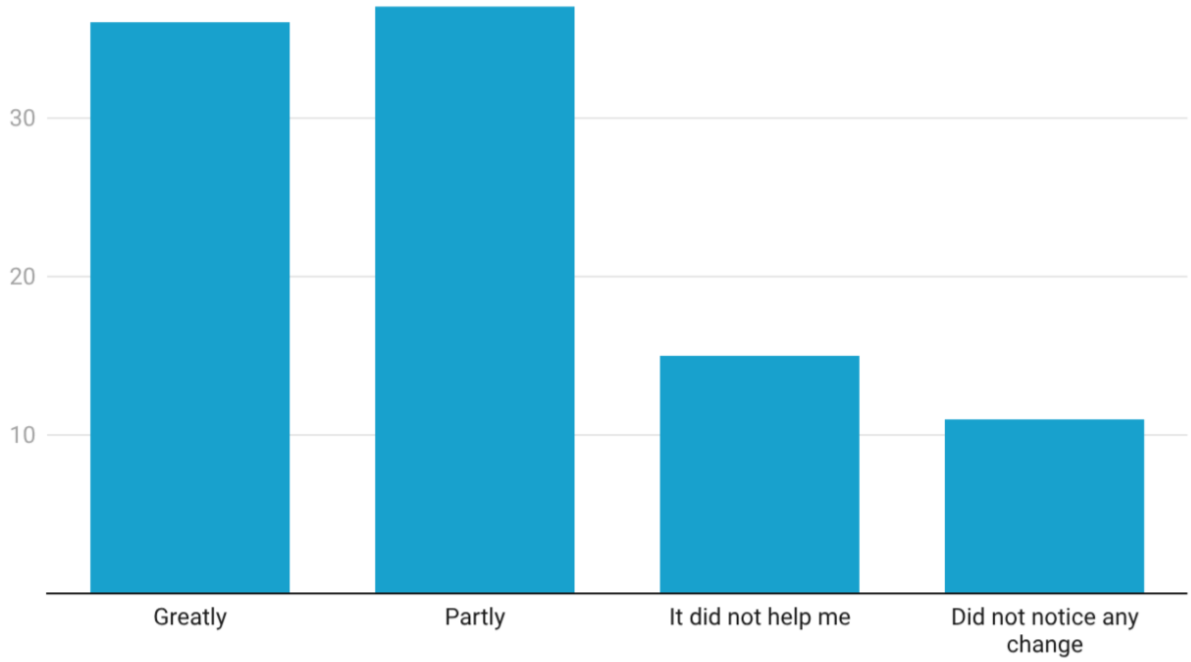


Figure 25: Perceived Helpfulness of Treatment Programmes among Respondents

7.2.4. Preventive factors

Participants were asked to rate the influence of various factors in preventing reoffending. The response options were structured on a four-point Likert scale: 1 = strongly disagree, 2 = disagree, 3 = agree, 4 = strongly agree. Valid responses ranged from 413 to 425 per item, with 33 to 45 missing values. Every factor produced a mean score above 3.0, denoting considerable agreement overall; medians centred on 3 ("agree") for most, except family support at 4 ("strongly agree"); and standard deviations spanned 0.81 to 0.97. Family support topped the ratings (N=425, mean = 3.41, SD = 0.86), with 256 respondents (60%) selecting 4 (strongly agree), 115 (27%) selecting 3 (agree), and only 54 (13%) choosing 1 or 2 (disagree categories). Ability to control emotions and impulsive behaviour ranked next (N=418, mean = 3.30, SD = 0.81): 203 (49%) chose 4, 157 (38%) chose 3, totalling 87% agreement (3 or 4) and 14% disagreement (1 or 2). Accepting responsibility for the offence and willingness to change performed strongly too (N=422, mean = 3.26, SD = 0.88): 205 (49%) selected 4, 149 (35%) selected 3, with disagreement at 10%. Forming a partner relationship or starting a family earned consistent approval (N=418, mean = 3.17, SD = 0.91; 188 or 45% chose 4, 141 or 34% chose 3), as did successful addiction treatment (N=420, mean = 3.06, SD = 0.97; 169 or 40% chose 4, 148 or 35% chose 3).

Systemic factors showed parallel strength. Secure and stable housing led this group (N=417, mean = 3.21, SD = 0.91), where 197 (47%) chose 4 and 139 (33%) chose 3, for 81% agreement (3 or 4) versus 13% disagreement (1 or 2). A permanent job was a near match (N=418, mean = 3.20, SD = 0.91): 189 (45%) chose 4, 156 (37%) chose 3, 18% disagreeing. Further education and work skills rated moderately (N=415, mean = 3.07, SD = 0.92): 161 (39%) chose 4, 152 (37%) chose 3 (75% agreement, 24% disagreement). Access to therapy and mental health care aligned closely (N=420, mean = 3.09, SD = 0.92), with 164 (39%) each selecting 4 or 3, and 14% disagreeing. Acceptance by society without stigma placed lowest here (N=413, mean = 3.07, SD = 0.91): 156 (38%) chose 4, 159 (38%) chose 3, but 17% disagreed.

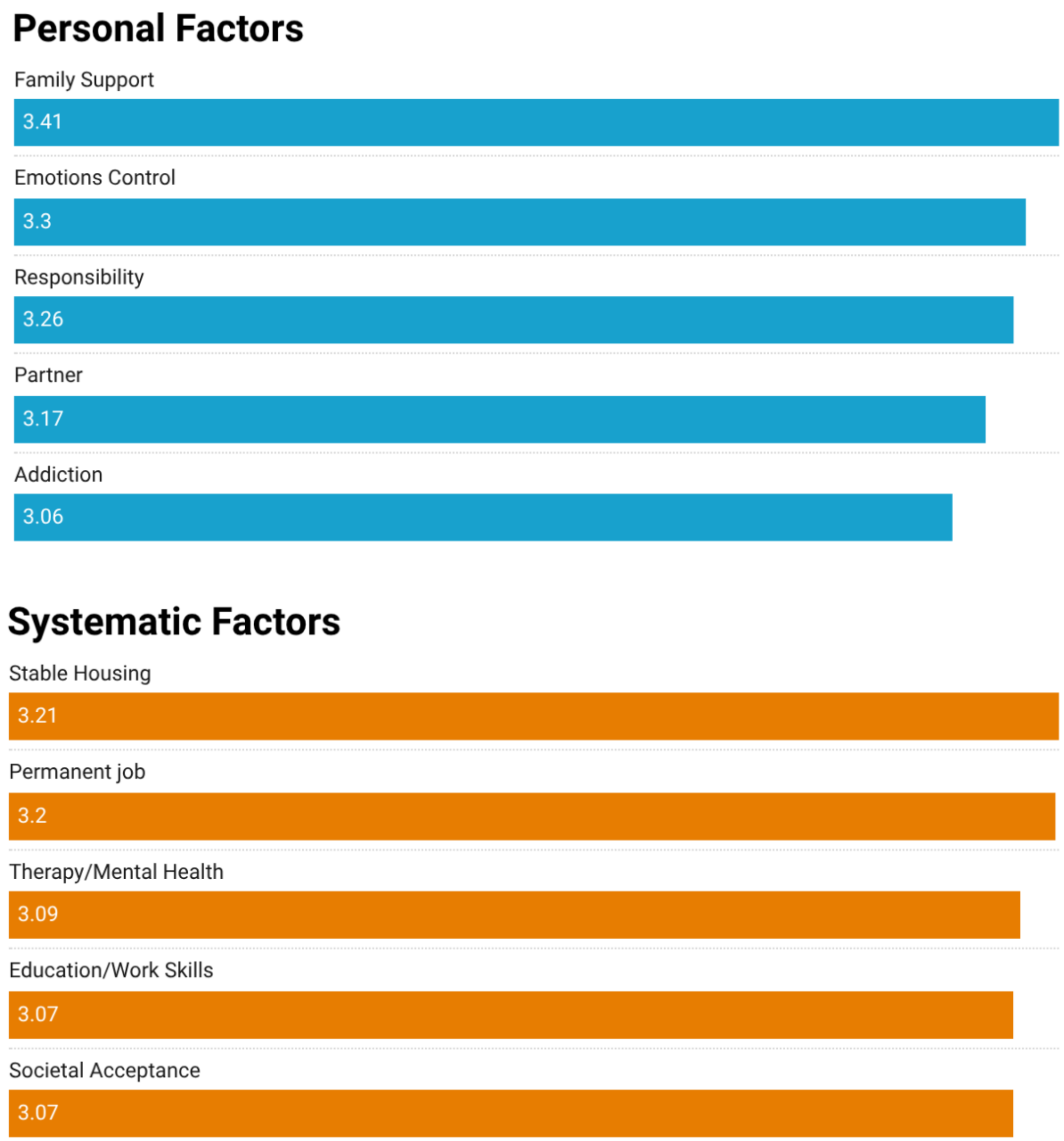


Figure 26: Perceived Importance of Preventive Factors among Respondents

7.3. Qualitative Questioner Data Analysis

7.3.1. Disadvantages of the Prison System

The qualitative analysis of data collected from prisoners through an open-ended question about deficiencies in the prison system enabled understanding of the wide range of problems they face during the execution of custodial sentences. Prisoners most frequently pointed to overcrowding, poor and inhumane prison conditions, weaknesses in the healthcare system, the denial or lack of access to conditional release, and an inadequate post-penal support framework. Overcrowding was described in concrete terms, such as “26 people on 2 sanitary points,” “nine or ten people on 18 m², with inmates sleeping on the floor," "three toilets for 41 prisoners," and "four people in a 10 m² room," all of which illustrate severe spatial strain and a violation of basic human dignity. Although these accounts sound alarming, they are unfortunately not surprising. Similar concerns were raised by the Ombudsman in the most recent report, which noted that on the day of inspection, the Diagnostic Centre in Zagreb operated at 204% capacity.[776] As many as twenty-seven inmates were sleeping on mattresses placed directly on the floor.[777] In rooms measuring 21.1 m² (19.12 m² excluding sanitary facilities), up to nine prisoners were housed, providing each with only 2.12 m² of personal space.[778] In the "R-room" (a former workshop) with a total area of 43.71 m² (41.79 m² without sanitary facilities), as many as twenty inmates were accommodated, leaving merely 2.09 m² per person.[779]

Prisoners described the conditions as harsh and degrading, pointing to the lack of basic hygiene items such as toilet paper, sanitary pads, and toothpaste, together with poor-quality beds and mattresses, insufficient space for exercise, bad beds and mattresses, higher canteen prices than outside prison, and limited opportunities to maintain personal hygiene because shower time was restricted, the water was cold, and showers were scheduled during recreation periods. They also reported understaffing across all services, deteriorated infrastructure, infestations, monotonous meals with insufficient protein, a lack of meaningful activities, and a prison kitchen damaged by an earthquake and marked with a red hazard sign. Inmates further described insects in food, rats in the kitchen, and the inability to request additional food, which was then simply discarded. Clothing and hygiene conditions were likewise problematic: prisoners reported a limited supply of clothing, an inability to purchase clothes through the prison, inappropriate attire for cold and damp conditions, mold and fungus in the bathroom, and having to wait several months to borrow a book. One inmate concluded that "serving a prison sentence looks the same as being in pre-trial detention," referring to spending 22 hours a day in a cell without sports or other activities. Some of these claims are also confirmed in the Ombudsperson's report. The report likewise points to a lack of investment and maintenance, noting that the walls are dirty and damaged and that the tiles in the sanitary area are broken, as well as the presence of bedbugs in the rooms.[780] Although prisoners do not mention this issue,

[776] Croatian Ombudsman, 2025, p. 288.
[777] Croatian Ombudsman, 2025, p. 288.
[778] Croatian Ombudsman, 2025, p. 289.
[779] Croatian Ombudsman, 2025, p. 289.
[780] Croatian Ombudsman, 2025, p. 289.

the report also highlights the separation of the sanitary facility from the rest of the room, which causes unbearable odors to spread throughout the space where inmates live, eat, and sleep.[781] On inmate classification, they criticized that prisoners with lighter offenses are placed in the same cell with those who committed serious crimes, and that “mentally ill inmates are housed together with mentally stable ones,” smokers with non-smokers, the young with the elderly, first-time offenders with multiple offenders, and people on therapy with those who are not, are mixed together, increasing tension and undermining safety.

On the healthcare system, prisoners reported the inability to obtain regular medical examinations, a lack of permanent psychiatrists, dentists, doctors, and psychologist, and extremely long waiting times for routine procedures, such as “waiting four and a half years for an abdominal surgery”. They also complained that internal services do not follow external physicians’ diagnoses, that there is no systematic psychological support (“treatment is run by social workers, not psychotherapists, on outdated programs”), and that they cannot receive a paid psychiatric visit at their own expense, adding that “there is no work on mental health.” Other issues include waiting for a doctor for several weeks, “shortage of antidepressants,” and the use of opioid-substitution therapy in a manner not medically appropriate (“buprenorphine crushed and misused”). Most of these claims are also confirmed in the Ombudsperson’s report, which points to a situation in which a prisoner was taken to the dentist only after sixteen months of submitting requests.[782] The report further notes that some scheduled examinations are not carried out because of a shortage of judicial police officers and an increased number of court hearings.[783] It also highlights the insufficient availability of healthcare services, including waiting for a medical examination, the non-implementation of physical therapy, and failures to refer prisoners to specialist examinations.[784] In addition, the report emphasizes that prisoners should be informed of their right to a specialist examination under Article 114 of the Execution of Prison Sentences Act, which provides that a prisoner may request such an examination if it has not been ordered by the prison doctor, although the prisoner have to bear the costs if the specialist determines that no illness exists or that there are no new findings regarding the illness.[785] Moreover, the healthcare system also appears to suffer from a shortage of staff.[786] The report also criticizes a practice in which, to ease the workload of nurses, medication is

[781] Croatian Ombudsman, 2025, p. 289.
[782] Croatian Ombudsman, 2025, p. 283.
[783] Croatian Ombudsman, 2025, p. 283.
[784] Croatian Ombudsman, 2025, p. 283.
[785] Croatian Ombudsman, 2025, p. 283.
[786] According to the Ombudsperson’s report, the prisoners’ healthcare department has nine systematized positions for a total of sixteen employees, yet only eleven are currently filled.

distributed only in the morning and in the evening. For prisoners who are deemed capable of managing their own therapy, the medication is kept with them, and they are expected to report in time when their supply is running low so that a new prescription can be arranged through the family doctor. If they fail to do so, they may remain without medication for several days while waiting for a refill. The Ombudsperson therefore proposed reconsidering the decision to allow certain prisoners to manage their own therapy independently, as well as improving record-keeping of examinations by the prison doctor and better tracking of medicines entering the prison system.[787] This arrangement is particularly concerning given prisoners' claims that opioid substitution therapy is prescribed too readily and can be subject to manipulation within the prison population. According to their accounts, some individuals who entered the prison system without a drug addiction leave as addicts to the substitution therapy used to treat dependence. They warned of the "creation of addicts in prison."

Prisoners also reported an inability to obtain meaningful employment, insufficient individual work with inmates, and very low wages for prison labour. They stated that "the program (PRIKUP) lasts nine months, which in comparison with the length of the sentence (20 years) is perceived as inadequate, and priority in attending is given to prisoners with the earliest release dates." They further explained that "the wage for work is between 60 and 150 euros and the work is not counted as employment history for pension purposes," so that people serving long sentences "leave without proper savings or prospects, and the state creates social cases". Inmates emphasized that the system "does not work on uncovering criminogenic factors," and that there is a "lack of educational programs and education". They also noted that there are no adequate opportunities for vocational training, that sports activities are limited and scarce, and that "some sections are scheduled at the same time, so it is possible to attend only one of them". Educational opportunities were described as sporadic or insufficient, with one inmate stating that "it was impossible for me to finish university or attend another university online, and I did not receive any response from the ministry", and another referring to the "lack of communication with the outside world and technology that can be controlled by the Judiciary". Many also stressed that, despite completing treatment programs, they are rarely transferred to a semi-open unit, adding that "despite completing treatment it is very difficult to get to a semi-open department and from there to other privileges, which is necessary for conditional release and adaptation to life in freedom". The Ombudsman's report also confirmed

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[787] Croatian Ombudsman, 2025, p. 283.

prisoners' complaints about the lack of organized leisure activities.[788] This problem is directly linked to overcrowding, since detention facilities have limited capacity to organize free-time activities and certain general programs such as courses. As a result, most common rooms in prisons have been converted into accommodation units, leaving little space for resocialisation-oriented activities.[789] In addition, the implementation of the prison sentence execution program is currently carried out by 18 officers, 13 of whom lead treatment groups, while seven positions remain unfilled.[790] The shortage of staff has a negative impact on the protection of prisoners' rights, and the Ombudsman's report stresses the need to fill the systematized positions as urgently and as fully as possible.

On communication, prisoners reported "insufficient communication," "long waiting times for responses to requests," and "poor information about their rights and status". Regarding staff conduct, they described "injustice and arrogant behaviour by some correctional officers," "lack of understanding from staff," "lack of trust in prisoners," and "unavailability of responsible officers," along with "disrespectful" behaviour and "physical violence", and a general sense that they are treated as objects rather than as individuals undergoing resocialisation. The Ombudsperson's report states that, although most judicial police officers act professionally in the current difficult working conditions, all allegations pointing to possible torture or inhuman or degrading treatment must be investigated, including claims of verbal abuse and excessive use of force.[791]

Prisoners often point to shortcomings in the post-penal system. Respondents described weak or absent reintegration support, "poor post-penal approach and lack of implementation of resocialization," and said that "there is no preparation for life after prison, dependence on family." They also reported that there is no guidance on available support services, including help with temporary or permanent housing, while employment after release is hindered by criminal-record databases and post-release assistance is insufficient, leaving them "without a job or a roof over our head." They further stated that probation services do not provide effective support.

Prisoners also complained about the poor implementation of conditional release and alternative forms of punishment, pointing to weak support in the use of suspended sentences, a lack of transparency in granting conditional release, and inconsistent access to privileges. One inmate

[788] Croatian Ombudsman, 2025, p. 283.
[789] Croatian Ombudsman, 2025, p. 283.
[790] Croatian Ombudsman, 2025, p. 283.
[791] Croatian Ombudsman, 2025, p. 283.

stated that “there is no hope that it can be obtained, so some prisoners do not even try”. Conditional release in Croatian law is regulated by the Criminal Code, in Articles 59 to 61, and by the Act on the Execution of Prison Sentences, in Articles 165 to 176. Under the Criminal Code, the court may grant conditional release if the prisoner has served at least one half of the imposed sentence, but not less than three months, if it is reasonably expected that they will not reoffend, and if they consent to conditional release. In deciding whether to grant it, the court assesses the offender’s personality, previous life and prior convictions, any other criminal proceedings pending against them, the success of the prison sentence execution programme, conduct during the prison term, any change in behaviour after the offence or the expected effect of supervision during conditional release, as well as their life circumstances and readiness to reintegrate into life in freedom. The Criminal Code also regulates the offender’s obligations, conditions for revocation, protective supervision, and special obligations. The Act on the Execution of Prison Sentences further regulates jurisdiction over conditional release decisions, initiation of proceedings, grounds for dismissal, conditional release with electronic monitoring, reasons for rejecting a proposal, appeals, service of decisions, implementation of conditional release, supervision during release, revocation, and preparation for release. According to the latest available prison-system report for 2024, county courts granted conditional release to a total of 587 prisoners during 2024, which represents a 2% decrease compared with 2023, when 599 conditional releases were granted.[792] By comparison, 737 conditional releases were granted in 2020, so the 2024 figure is about 20% lower than in 2020. The report does not explain the reason for this decline, especially in light of the increase in the number of persons in the prison system. On the other hand, there is progress in the use of conditional release with electronic monitoring. In 2024, such conditional release was granted to 24 persons, representing a 25% increase compared with 2023, when 18 conditional releases with electronic monitoring were approved.[793] The Ombudsperson also warns that the use of alternative sanctions, that is, substitutes for imprisonment, should be more strongly promoted.[794] In September 2024, the UN Human Rights Committee discussed Croatia’s implementation of the International Covenant on Civil and Political Rights and, among other things, recommended that adequate prison conditions be ensured in line with international standards and that the problem of

[792] Government of the Republic of Croatia, 2025, p. 48.
[793] Government of the Republic of Croatia, 2025, p. 48.
[794] Croatian Ombudsman, 2025, p. 283.

overcrowding be addressed, including through greater use of alternative measures to deprivation of liberty.[795]

Prisoners also expressed distrust in the system. One respondent stated that "no prison system can change a person's character," adding that prisoners in prison "band together, go through the school of crime, and upon release commit offences with greater intensity," and that "before serving my prison sentence, I was a better person than I am now." Others described feeling as though they were "just a number," and claimed that prisoners are "forced" to admit the effects of their offences, even when they do not consider themselves guilty, to obtain privileges. They also pointed to uncertainty about progress, citing "the inertia of the system, the lack of quality programmes and staff who believe in and implement them," as well as "a lack of trust in people who want to change," "insufficient opportunities to demonstrate behavioural change," and a "lack of empathy".

The respondents also noted a lack of legal aid, the use of work as a prerequisite for obtaining privileges, collective punishment for the actions of individuals, and frequent changes to the house rules that are difficult to follow. The Ombudsman's report similarly confirms that prisoners often express distrust in the effectiveness of requests for judicial protection, arguing that decisions on their merits are based solely on the opinion of the prison administration.[796] The basis for this distrust can be seen in the data from the latest prison report for 2024, according to which 135 requests for judicial protection[797] were submitted to the supervising judge, but only 7 were upheld, while the rest were rejected, dismissed, or annulled.[798] They further pointed to violations of privacy through the opening and reading of letters from lawyers and courts; on this issue, the Ombudsman referred the matter to the Supreme Court for investigation in 2023 and also drew the attention of the European Court of Human Rights in Mafalani v. Croatia, no. 3646/17, judgment of 21 May 2024, in which a violation of Article 8 of the European Convention on Human Rights was found because of unjustified interference with the applicant's right to respect for the confidentiality of correspondence with his defence counsel.[799] In addition, they reported insufficient time for contact with the outside world, limited to 30 minutes per week, and high phone-card costs. Family contact was described as especially limited, including the denial of conjugal visits and restricted communication with

[795] Croatian Ombudsman, 2025, p. 283.
[796] Croatian Ombudsman, 2025, p. 285.
[797] These requests are submitted in relation to conditions of accommodation, food, healthcare, the provision of professional legal assistance for the protection of rights, the right to contact with the outside world, and alleged violations of other rights.
[798] Government of the Republic of Croatia, 2025, p. 51.
[799] Croatian Ombudsman, 2025, p. 285.

children, with one respondent stating that "6 minutes a day is not enough to maintain communication with children". The Ombudsperson also notes that, although benefits such as conjugal visits are not prisoners' rights but rather a set of incentive measures, the criteria for granting them should be clearer.[800] The report further warns that some penal institutions interpret the conditions for registering an extramarital partner in the visit record very restrictively, for example by requiring that the partners have previously lived at the same address.[801] One respondent stated that the denial of conjugal visits, or this highly restrictive interpretation, ultimately caused the breakdown of his engagement to a fiancée outside prison.

7.3.2. Advantages of the Prison System

Besides the disadvantages, the open-ended question also explored the perceived advantages and positive aspects of prison life. Highlighting the perceived advantages of imprisonment, the respondents described prison as a place that separates dangerous individuals from the community and therefore protects society. Many respondents emphasized that prison gives them time for self-reflection, allowing them to consider the harmfulness of their actions, the consequences of their deeds, and the personal and family losses caused by crime. For some, this period was also connected with reading, self-criticism, and a deeper awareness of the value of family, friendship, and outside support. In this sense, prison was seen not only as punishment, but also as a pause for reflection and possible personal change.

The respondents also stressed that prison can help people distance themselves from criminal environments. They described it as a place where a person can step away from harmful surroundings, break contact with negative influences, and become free from alcohol or drugs. Several respondents linked this to the development of self-control, better habits, and a more structured daily routine. They also said that imprisonment can create discipline, improve order, and help a person become more aware of acceptable behaviour and the rules of social life.

However, when speaking positively about the prison system, respondents usually referred not to the institution and staff in general, but to specific individuals within it. They highlighted staff members who were understanding, empathetic, professional, and willing to help. These individuals were described as creating trust and a sense of security during the sentence, especially when they listened, gave advice, supported prisoners in matters within their competence, or organized workshops and other activities. Respondents particularly valued those who encouraged contact with children and family, because such support made prison life

[800] Croatian Ombudsman, 2025, p. 284.
[801] Croatian Ombudsman, 2025, p. 284.

for them more bearable and helped preserve important social bonds. In their accounts, these staff members played a central role in making the system more humane. The respondents also identified several practical advantages. Education was one of the most frequently mentioned, including schooling, vocational training, qualification courses, and other forms of additional education. They also referred to prison activities such as drama, music, journalism, and computer sections, which they saw as useful opportunities to learn and remain engaged. Work was another major advantage, along with treatment programmes, psychosocial support, and advice from judicial police officers. These opportunities were viewed as important because they provide structure, personal development, and in some cases the chance to save money or prepare for future employment.

Material conditions were also mentioned as advantages. Respondents referred to good food, access to the prison canteen and shop, the possibility of buying necessary items, respect for religious holidays, hygiene supplies, heating, air conditioning, a gym, sports activities, and clean accommodation. Weekend leave and other forms of temporary release, as well as privileges more generally, were also seen as important because they allow contact with the outside world, family, and the place of residence. Such measures were described as helpful in maintaining social ties and a sense of normal life. In addition, respondents said that prison can teach lessons about behaviour, laws, and acceptable ways of living, while also improving self-criticism, emotional control, and awareness of one’s own actions. Some even described it as a system that can positively affect physical and psychological well-being and create the belief that a person will not commit another offence. One respondent stated that “Prison has helped me become a better person!” while another said, “I am still discovering who I am. Prison taught me how to behave and how to keep order. It saved me from the hell of drugs. I miss my father and my loved ones”. Although these views do not erase the punitive nature of imprisonment, they show that respondents also recognized the positive side of prison as a setting where discipline, reflection, support, education, and humane treatment can together create the conditions for change.

7.3.3. Conclusion from Qualitative Data

The qualitative data from prisoners, gathered through open-ended responses, provide a rich, firsthand account of systemic deficiencies in the Croatian prison system during custodial sentence execution. These narratives are corroborated by the Ombudsperson’s 2025 report and the 2024 prison system report, which serve to validate the prisoners’ experiences and contextualize them within official monitoring frameworks, offering a fuller institutional picture without overshadowing the primary experiential data. This alignment between prisoners' lived experiences and official findings underscores the structural character of core problems such as overcrowding, substandard material conditions, inadequate healthcare, limited access to meaningful activities, weak resocialisation efforts, and poor preparation for release, while also revealing potential advantages including societal protection, time for self-reflection, separation from criminal environments, structured education and activities, and encounters with supportive staff.

A key similarity between advantages and disadvantages is their common reliance on staff conduct and the prison's structural conditions, which shape prisoner perceptions across areas such as healthcare, work, education, and daily interactions. Prisoners portray abusive or indifferent officers as fostering distrust, arrogance, and dehumanisation, while they praise empathetic and professional staff for building trust, offering security, and easing hardships.

Disadvantages appear consistently as widespread and systemic, with concrete examples such as overcrowding, poor conditions, delayed healthcare, and weak post-penal support. Advantages such as education, work opportunities, treatment programs, and supportive staff, by contrast, emerge as occasional, person-dependent, or limited rather than guaranteed rights. The coexistence of these disadvantages and advantages places the Croatian prison system in tension between punitive containment and resocialisation goals. Prisoners' criticisms of opaque conditional release and underused alternatives align with calls from the Ombudsperson and UN Human Rights Committee for decrowding, better conditions, and expanded sanctions. Positive accounts of self-reflection, education, and staff support confirm resocialisation's feasibility, but only with stable infrastructure, staffing, and funding.

7.4. Hypothesis Testing

This section examines the findings from the secondary data analysis and the primary empirical questionnaire data in relation to the four hypotheses formulated in this thesis and compares them with the existing research literature. Its purpose is twofold: first, to determine whether the secondary and empirical results support or reject the proposed hypotheses; and second, to place those results within the broader criminological and penological context. In doing so, the section brings together qualitative and quantitative findings and relates them to previous research, thereby identifying points of convergence, divergence, and possible explanations for the observed patterns.

7.4.1. Hypothesis 1

Methodological heterogeneity in recidivism definitions and data collection protocols between Croatia and selected regional comparators (Serbia, Hungary, Romania, Poland, Slovakia, Slovenia) precludes statistically valid cross-jurisdictional comparisons of recidivism data.

The question of methodology, measurement, and the definition of recidivism is one of the central issues whose importance runs throughout this thesis. As early as Chapter 2, particular emphasis is placed on defining recidivism and on the fact that, although the issue was already addressed at the Third International Congress of Criminology in 1955, a single, universally accepted definition of recidivism still has not been established. Chapter 3 further examines international recidivism research and literature, revealing general trends that remain observable across countries despite methodological differences. However, many main European comparative sources still do not systematically collect or compare recidivism data, and some existing studies conclude that comprehensive cross-national comparison of recidivism remains either impossible or highly limited.[802]

The aim of this thesis was to examine whether the situation in Central and Eastern Europe is similar, and whether Croatia can be compared to other countries in the region to any meaningful extent. Given that Croatia shares certain cultural, historical, and sociological characteristics with countries in region (Serbia, Hungary, Romania, Poland, Slovakia, and Slovenia) several factors were examined in order to assess methodological heterogeneity or homogeneity. These include: the purpose of punishment; the definition of recidivism provided in domestic legislation; the operational definition used as the basis for data collection; the available data sources; the populations for which recidivism data are collected; the indicators used to measure recidivism; and how the existence of recidivism is taken into account in sentencing practice. To provide a fuller picture, additional data on prison populations and probation systems were also included.

The conclusions drawn from secondary data support the hypothesis that methodological heterogeneity, reflected in differences in recidivism definitions and data-collection protocols between Croatia and the selected regional comparators (Serbia, Hungary, Romania, Poland, Slovakia, and Slovenia), precludes statistically valid cross-jurisdictional comparisons of recidivism data. Although these countries share certain cultural, sociological, geographical, historical, and other similarities, their recidivism statistics are not directly comparable.

[802] Fazel and Wolf, 2015; Yukhnenko, Farouki and Fazel, 2023.

The absence of a unified definition of recidivism, as well as the lack of harmonised methodological standards, continues to represent a major obstacle to meaningful cross-jurisdictional comparisons and to the overall quality of comparative research. In ideal circumstances, a shared definition and common methods of measurement in comparable criminal justice systems would make it possible to conduct valid comparisons between criminal justice systems. However, given that recidivism is not only a criminal-justice-relevant concept but also criminologically and penologically significant, it is difficult to expect complete uniformity in its conceptualisation.

Considering the different perspectives, definitions, and methodological approaches, it is especially important that research on recidivism remains transparent. Scholars, legislators, governmental agencies, and all other actors who collect, process data, or produce official reports must therefore make consistent efforts to provide detailed methodological information, including clear definitions of recidivism, the time frames used, the populations covered, and the data sources employed, as well as other research-specific contextual factors. Transparency in research enables the identification of differences, allows for the comparison of comparable phenomena, and makes it possible to clearly spell out the limitations that may affect the interpretation and generalisability of findings.

7.4.2. Hypothesis 2

Individuals who were arrested before the age of 18 are more likely to reoffend.

To test the hypothesis 2, a chi-square test of independence was conducted using a 2×2 contingency table. The analysis examined the relationship between two categorical variables: whether an individual was first arrested before the age of 18 and whether the individual self-reported recidivism. The total sample consisted of 442 participants.

The results show clear differences between the two groups. Among individuals who were not first arrested before the age of 18 (N= 152), 146 individuals (96%) did not report recidivism, while 6 individuals (4%) reported recidivism. In contrast, among individuals who were first arrested before the age of 18 (N= 290), 168 individuals (58%) did not report recidivism, whereas 122 individuals (42%) reported recidivism. These descriptive results indicate a substantially higher proportion of recidivism in the group with early arrest experience.

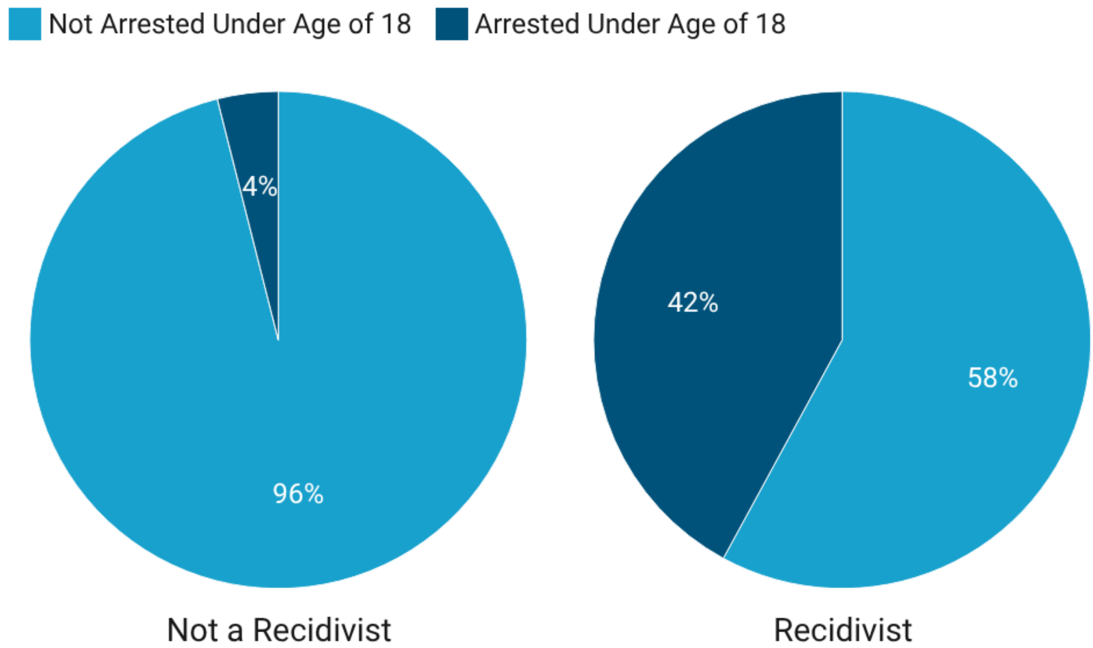

Figure 27: Recidivism by Arrest Under Age 18 among Respondents (%)

To assess whether this difference is statistically significant, a chi-square test of independence (χ^2 test) was performed. The chi-square test evaluates whether the observed frequencies in the contingency table differ significantly from the frequencies expected under the assumption of independence between variables. The analysis revealed a statistically significant association between early arrest and self-reported recidivism, χ^2 (1, N=442) = 70.45, p < .001. This indicates that the observed differences are highly unlikely to have occurred by chance and that the two variables are not independent.

The results support the research hypothesis. Individuals whose first arrest occurred before the age of 18 show a significantly higher probability of self-reported recidivism compared to those who were not arrested before age of 18. While the analysis demonstrates a strong association between the variables, it does not establish causality. Nevertheless, the findings suggest that early contact with the criminal justice system may be an important risk indicator for later offending behaviour.

7.4.3. Hypothesis 3

The frequency of drug addiction is higher among recidivists compared to non-recidivists.

Similarly to the first hypothesis, the assumption that "the frequency of drug addiction is higher among recidivists compared to non-recidivists" was also tested using a chi-square test of independence with a 2×2 contingency table. The analysis focused on the relationship between recidivism status and self-reported drug addiction in a sample of 441 participants.

Issues related to drug addiction were discussed in the context of both national and domestic research. Drug abuse was particularly highlighted as a risk factor, and for that reason it was also included as a variable in the empirical analysis. Substance abuse often leads to interaction with antisocial peers, poor social skills, and, in the case of illicit drugs, engagement in illegal behaviour. [803] This risk factor may also exacerbate other problems, such as impulsivity and aggression, thereby increasing the likelihood of reoffending. [804] Meta-analytic research has identified drug abuse and combined substance use as among the most consistent and robust predictors of general recidivism. [805] Moreover, domestic research highlights drug offenders as a distinct group whose specific needs require tailored interventions. [806] The prison report likewise warns of recidivism among persons with drug addiction. [807]

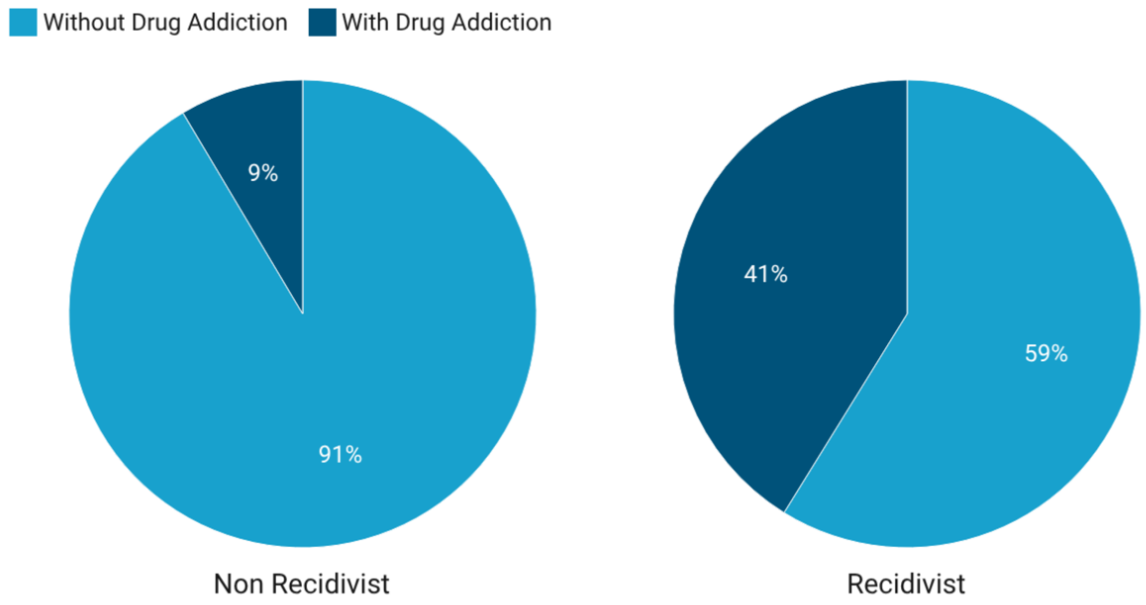

Figure 28: Drug Addiction Among Recidivists and Non-Recidivists among Respondents (%)

[803] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[804] Andrews, Bonta and Wormith, 2006; Latessa, Listwan and Koetzle, 2015, pp. 21–15.
[805] Dowden and Brown, 2002.
[806] Ćudina *et al.*, 2024.
[807] Ministry of Justice Public Administration and Digital Transformation, 2025b, p. 33.

The results presented in Figure 28 again reveal a clear difference between the two groups. Among non-recidivists (N = 152), 139 individuals (91%) did not report drug addiction, while 13 individuals (9%) did. In contrast, among recidivists (N = 289), 170 individuals (59%) did not report drug addiction, whereas 119 individuals (41%) reported drug addiction. These descriptive findings indicate that drug addiction was substantially more common among recidivists than among non-recidivists.

The chi-square test yielded a value of χ^2 (1, N = 441) = 50.55, $p < .001$, indicating a statistically significant association between recidivism and drug addiction and suggesting that the observed difference is unlikely to be due to chance. This analysis does not allow for causal conclusions; however, it supports the idea that drug addiction may be an important factor associated with repeated offending behaviour.

At the same time, the dataset includes a range of other socioeconomic and individual-level factors that could also be examined within the same analytical framework, such as alcohol addiction, mental health problems, misuse of prescription drugs, gambling addiction, family support, access to secure accommodation, residence in conditions suitable for a decent standard of life etc., all of which were captured through the questionnaire. Given the limitations of the present dissertation, only a limited number of these variables could be explored in depth. In that sense, the present analysis reinforces the argument that substance-related problems deserve particular attention in both risk assessment and correctional practice.

The result is in line with previous research suggesting that substance misuse is among the most stable dynamic risk factors associated with recidivism. This finding supports the view that drug addiction should not be understood as an isolated personal problem, but rather as part of a broader criminogenic pattern. It also indicates that further efforts are needed in this area, not only within the prison system itself, but also through probation-based measures and community support for individuals struggling with addiction. Continuity of care after release, together with access to treatment and reintegration support, remains essential for reducing the risk of reoffending and supporting long-term recovery.

7.4.4. Hypothesis 4

Prisoners perceive systemic factors (permanent job, stable housing, education/work skills, access to therapy, societal acceptance without stigma) as more important than personal factors (successful addiction treatment, family/friend support, finding a partner/starting family, accepting responsibility/willingness to change, ability to control emotions/impulsive behaviour) in preventing recidivism.

This hypothesis was examined by comparing the average ratings assigned to personal and systemic factors, both at the group level and at the individual level. First, the mean scores of personal and systemic factors were compared across the whole sample. The results did not support the hypothesis. On average, participants rated personal factors ($M = 3.28$, $SD = 0.67$) slightly higher than systemic factors ($M = 3.14$, $SD = 0.74$). The median values showed a similar pattern, with a median of 3.40 for personal factors and 3.20 for systemic factors. Importantly, both sets of factors received relatively high ratings overall, indicating that respondents considered both personal and systemic conditions to be important in preventing recidivism. At a descriptive level, these findings already suggest that the hypothesis was not supported. However, comparisons based solely on group means have limitations, as they do not account for differences within individuals and do not establish whether the observed difference is statistically significant.

To address these limitations, an additional analysis was conducted at the individual level. For each participant, average scores for personal and systemic factors were calculated and compared. The paired samples t test revealed a statistically significant difference between personal and systemic factors, $t(369) = 5.37$, $p < .001$, with personal factors receiving slightly higher ratings. Nevertheless, the magnitude of the difference was relatively small, amounting to only 0.14 points on a four point scale.

Overall, the findings indicate that respondents attributed importance to both personal and systemic factors in the prevention of recidivism. While personal factors were rated somewhat more highly, the overall pattern suggests that prisoners do not view successful reintegration as depending exclusively on either individual change or structural conditions. Rather, both dimensions appear to be perceived as relevant. The slightly higher ratings assigned to personal factors may reflect an emphasis on individual responsibility and personal change, which is often reinforced within correctional settings. However, given the modest size of the difference, the results are best interpreted as indicating a slight preference for personal factors rather than a strong prioritisation of them over systemic conditions.

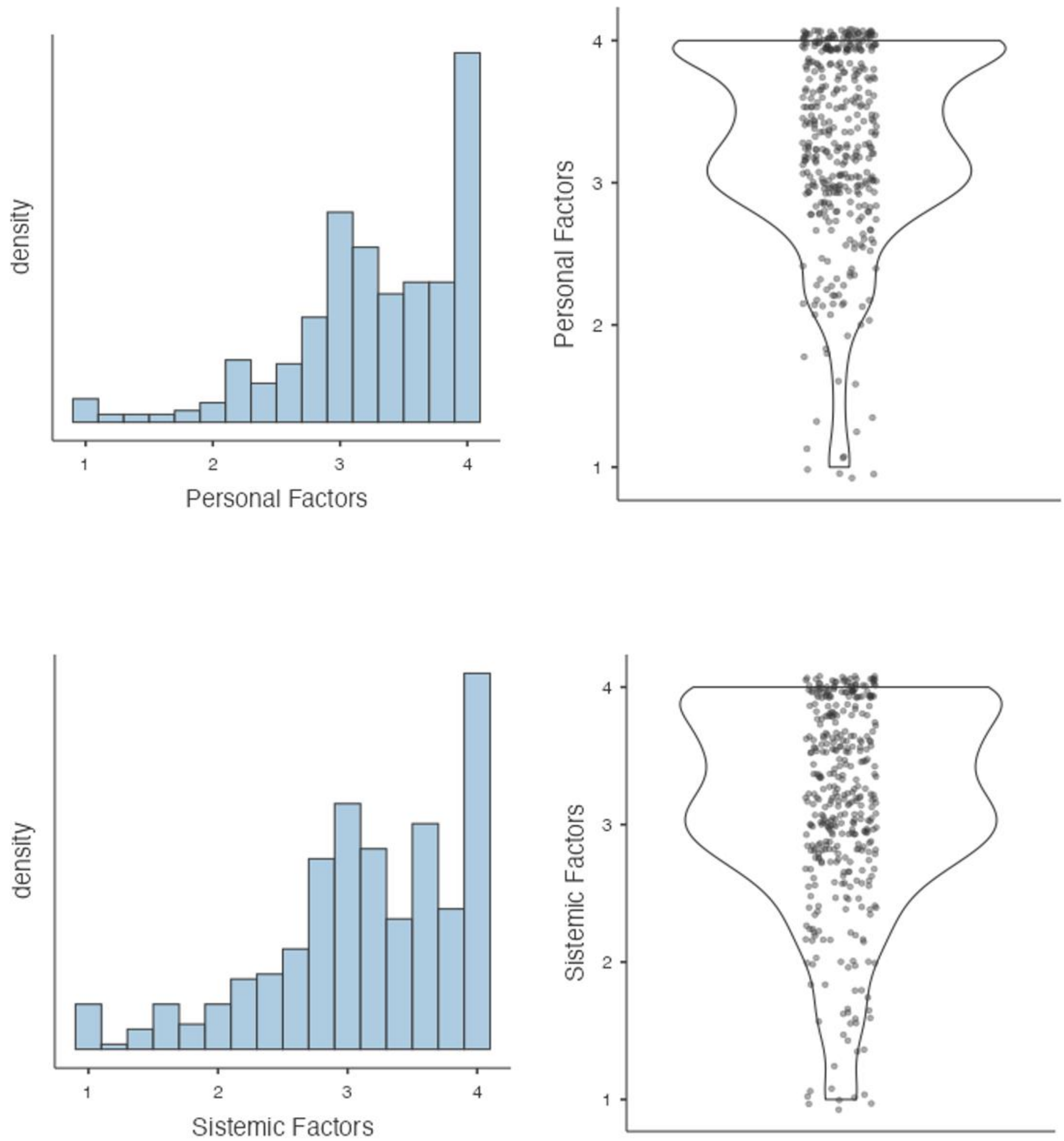

Figure 29: Distributions of Ratings for Personal and Systemic Factors

The distribution of ratings for both personal and systemic factors suggest that respondents generally attributed relatively high importance to both sets of factors in the prevention of recidivism. The histograms show that the responses are concentrated toward the upper end of the scale, which indicates that participants did not view either group of factors as unimportant. The distributions are broadly similar, although ratings for personal factors appear to be slightly more concentrated at higher values. The violin plots show substantial overlap between the two distributions, further illustrating that the differences between them are relatively modest. Overall, the graphical presentation supports the statistical findings by showing that both personal and systemic factors were perceived as important, with only a slight tendency for respondents to assign greater importance to personal factors.

8. Conclusion with Evidence-Based Policy Recommendations

8.1. Summary of Findings

8.1.1. Introduction

This chapter demonstrates that recidivism, although historically present, was not always explicitly recognised or systematically addressed within legal and criminological frameworks. In early legal systems, particularly in ancient civilisations and the Middle Ages, punishment was primarily retributive and deterrent in nature, often involving extreme sanctions such as execution, corporal punishment, or public humiliation. These approaches effectively eliminated or suppressed the possibility of reoffending rather than addressing its underlying causes, which explains the absence of recidivism as a distinct analytical concept in early legal thought.

A significant transformation occurred during the Enlightenment, when punishment began to shift towards rationality, proportionality, and humanity. Thinkers such as Beccaria and Bentham reframed punishment as a tool for deterrence and social utility, while reformers like John Howard and Elizabeth Fry introduced early ideas of rehabilitation and prison reform. This marked the beginning of a conceptual shift from eliminating offenders to managing and reforming them, thereby creating the conditions for recognising and studying recidivism.

The chapter further finds that the scientific study of recidivism emerged in the 19th century alongside the development of criminology as a discipline. Different criminological schools have since provided diverse explanations of recidivism, ranging from individual responsibility and rational choice to determinism and risk, and later to social, environmental, and structural factors. Contemporary perspectives, including cultural criminology, life-course theory, and neurocriminology, highlight the multifactorial nature of recidivism, emphasising the interaction between individual, social, and biological factors. Overall, the findings show that recidivism is a complex and evolving concept shaped by broader shifts in how crime, punishment, and human behaviour are understood.

8.1.2. Recidivism – Concepts, Approaches and Definitions

Chapter 2 opens with a conceptual examination of recidivism, with the aim of clarifying its specific role within the broader context of crime. It explains why and how efforts to prevent recidivism differ from general approaches to crime prevention, placing emphasis on the persistence of offending even after punishment. Within this framework, key questions emerge: why do some offenders continue to reoffend despite sanctions, what distinguishes them from those who desist, and how can these differences be identified and systematically integrated into criminal justice responses. Such questions have attracted sustained scholarly attention since Heacox's 1917 parole study, which redirected inquiry from the causes of crime toward understanding why punishment leads to reform in some individuals but not in others, thereby opening space for more targeted and effective interventions. In addition, this conceptual approach highlights the particular significance of recidivism in comparison to overall criminality. Its persistent character, its potential to negatively influence others, and the relatively identifiable patterns associated with repeat offenders all serve as indicators of the effectiveness of the criminal justice system, as well as the degree of trust it maintains within society.

The focus therefore shifts to the breadth of the concept and its interdisciplinary character, demonstrating how criminological, normative, and penological perspectives shape both the understanding and the definition of recidivism. The criminological approach adopts the broadest view, treating recidivism as any repeated criminal behaviour, including conduct that is neither officially detected nor recorded. In doing so, it draws attention to the dark figure of crime and underscores the limits of official statistics in capturing the true scale of reoffending. By contrast, the normative approach centres on legal definitions and formal indicators such as rearrest, reconviction, reincarceration, and recidivism rates. At the same time, it reveals the limitations of these measures, as they are shaped by institutional practices, legal interpretations, and enforcement priorities. The penological perspective introduces an additional dimension by linking recidivism to the effectiveness of punishment and resocialisation, particularly within prison systems, where repeated imprisonment is often taken as an indication that correctional measures have not achieved their intended outcomes.

It further demonstrates that recidivism can take multiple forms, including single and multiple recidivism, as well as specific and general recidivism. These distinctions raise important questions about the conceptual and temporal relationships between offences, particularly regarding the type of connection required for repeated conduct to be considered recidivism. This underscores that recidivism is not a uniform pattern of behaviour, but rather a set of related patterns that require careful differentiation and classification.

8.1.3. Recidivism Research and Literature Review

The review of international and domestic recidivism research identifies several limitations. In the international literature, these mainly relate to the selection of relevant studies and the challenge of balancing breadth and depth in the research review. Despite these limitations, three main categories of recidivism research were identified: sentencing and correctional practices, resocialisation and treatment approaches, and predictors and risk factors of reoffending. The findings show that relying on custodial sanctions alone is largely ineffective in reducing recidivism and may even increase the likelihood of reoffending. In contrast, structured non-custodial measures, evidence-based psychological interventions, and resocialisation programmes demonstrate more positive outcomes when they are properly designed and implemented. This highlights the importance of approaches that actively address behaviour rather than relying primarily on punishment.

A consistent conclusion across meta-analyses is that both static and dynamic risk factors play a crucial role in understanding and preventing recidivism. While no full consensus exists on the exact number of risk factors, there is broad agreement on a core group of eight key factors strongly linked to criminal behaviour: prior antisocial behaviour, antisocial peers, antisocial attitudes, antisocial personality traits, family and marital relations, education and employment, leisure activities, and substance abuse. These are considered central because they not only predict reoffending but also provide meaningful targets for intervention. The findings also emphasize that effective interventions must be grounded in an understanding of offenders' perspectives, since behavioural change depends on addressing the underlying causes of offending and the barriers to change. Programmes that are action-oriented and focused on current risk factors, especially behavioural and cognitive interventions, tend to produce better results than purely punitive approaches.

The analysis of international research on recidivism provides an overview of key findings while acknowledging the limitations related to study selection. The focus then shifts from international to domestic research, specifically within the Croatian context, with the aim of situating recidivism within the national scientific and criminological framework. This approach highlights context-specific characteristics, patterns, and challenges, identifies areas that scholars have recognised as particularly concerning, and enables the observation of broader trends in recidivism over time.

The Croatian recidivism literature shows a consistent but relatively limited body of research, combining empirical studies with descriptive and review-based analyses. Most studies rely on data from prison populations, minors, or specific offender groups, providing valuable but often fragmented insights. The literature demonstrates strong agreement that recidivism is closely linked to socio-economic disadvantage, weak family environments, low levels of education, and behavioural problems. Among individual predictors, impulsivity stands out as a consistent factor, while others, such as intelligence, play a more indirect role. Research also highlights the importance of context-specific factors, including institutional behaviour, social marginalisation (particularly among women), and the specific needs of vulnerable groups such as minors, drug offenders, and individuals with intellectual disabilities. At the same time, social support and active institutional engagement emerge as key protective factors.

Findings on treatment and prevention consistently indicate that control-oriented and purely punitive approaches are ineffective. Instead, more promising results are associated with educational programmes, behavioural interventions, restorative approaches, and tailored treatment measures. However, a significant gap remains between policy goals and practical implementation. Croatian studies repeatedly point to shortcomings such as insufficient programme availability, weak evaluation mechanisms, inadequate classification systems, and limited cooperation between prison and probation services, all of which hinder effective resocialisation. Broader analyses further show that recidivism in Croatia must be understood within wider social and institutional contexts, including post-transitional challenges, underdeveloped probation structures, and emerging issues such as the use of artificial intelligence in risk assessment. Recidivists are often more deeply embedded in criminal lifestyles, and reoffending remain substantial.

8.1.4. Current Penal Policy Responses to Recidivism

At the core of Chapter 4 is the relationship between prior criminal history and sentencing, addressing the central question of whether offenders should receive harsher punishment simply because they have offended before, or whether each offence should be assessed independently. To explore this issue, several sentencing models were analysed: the non-differential response reflected in the flat-rate model, which disregards prior convictions; the harsher response embodied in the recidivist sentencing premium model; the more limited approach of the progressive loss of mitigation model; and more lenient responses to recidivism in practice, such as the doctrine of continued crimes.

The flat-rate model, grounded in retributive theory and the principles of legality and proportionality, argues that sentencing should be based solely on the current offence. It emphasises equality before the law and rejects the use of criminal history as an aggravating factor, highlighting concerns about double punishment and lack of strong evidence that harsher penalties deter reoffending. In contrast, the recidivist sentencing premium model (dominant in most jurisdictions) treats repeat offending as evidence of greater culpability and risk. This model justifies harsher punishment on the grounds of deterrence, incapacitation, and moral blameworthiness. However, empirical research challenges its effectiveness, showing limited deterrent impact and revealing inconsistencies in how criminal history affects sentencing. The relationship is often curvilinear, and reliance on criminal history scores can distort assessments of culpability and undermine consistency. The Progressive Loss of Mitigation allowing mitigation for first-time offenders but limiting its availability for repeat offenders without continuously escalating penalties. This model reflects an attempt to balance fairness with recognition of prior conduct.

The chapter also analysed “three strikes” policies as a concrete expression of the recidivist model. Evidence suggests these policies have not significantly reduced crime but have contributed to increased incarceration rates, fiscal strain, and constitutional concerns. Their popularity is largely driven by political and public pressures rather than demonstrable effectiveness. On the other hand, more lenient approaches, such as the doctrine of continued crimes, demonstrate that not all repeated offending is treated as deserving harsher punishment. In certain cases, multiple offences are viewed as part of a single course of conduct, leading to a more proportionate and unified sentence.

Overall, the findings indicate that neither completely ignoring nor heavily prioritising prior convictions produces fully satisfactory outcomes. Excessive reliance on criminal history risks undermining proportionality and fairness, while ignoring it entirely conflicts with societal intuitions and institutional practices.

8.1.5. Comparative Normative Analysis of Recidivism in Croatia and in Regional Context

The analysis of recidivism in Croatia examines the Croatian criminal justice system through the lens of key legislative reforms, situating it within its demographic, geographical, and socio-economic environment, and linking these structural conditions to observable crime and sentencing trends. It further addresses issues of prison capacity and overcrowding, with particular attention to the increasing presence of foreign nationals within the prison population and considers how these pressures interact with systemic functioning. Finally, the analysis explores the organisation and operation of the prison system, focusing on its institutional structure, administrative practices, and resocialisation functions within the overall framework of crime prevention and recidivism reduction.

Croatia's criminal justice system has been significantly reformed through changes to investigation procedures, sentencing, and court structure, including shifting investigative authority to prosecutors and police, adopting a new Penal Code in 2013, and establishing the High Criminal Court in 2021. These developments are shaped by centralisation and uneven regional access to justice, as well as broader socio-economic challenges such as emigration, ageing, and below EU average employment. Recent factors, including Schengen accession and earthquake damage to prison facilities, have further strained the system, particularly by increasing pre-trial longer detention and overcrowding. Croatia's crime trends over the past 60 years show a steady decline in reported and convicted adults and juveniles, with sharp drops around 1990–1995 due to the Homeland War and 2011–2013 from Penal Code changes. Cross-nationally, Croatia clusters with Central and Eastern Europe, featuring lower recorded crime but higher incarceration than Western Europe. Croatian sentencing is dominated by suspended prison terms, while fines are used only exceptionally. A 2011 reform intended to discourage short custodial sentences instead led courts to impose longer prison terms more often. Croatia's prison system has long faced overcrowding, with the number of people held in custody often exceeding official capacity, especially in closed facilities where detainees are concentrated. Although the overall prison population places Croatia in a moderate European range, recent pressure has increased because of a growing number of foreign nationals, many of them linked to migrant smuggling and related offences. Croatia's prison system is organised under the Ministry of Justice and consists of a network of penitentiaries, prisons, juvenile institutions, and other specialised units distributed across the country. Although it performs the core functions of custody, supervision, and resocialisation, the system is under growing pressure from overcrowding, outdated infrastructure, earthquake damage, and the increasing need for additional capacity, which is why new facilities and modular units are now being planned.

Moreover, recidivism in Croatia is examined through a historical overview of the legislative framework, the current normative context, judicial approaches to recidivism, and the functioning of the prison system.

The Croatian legislator has redefined recidivism, moving from earlier rules that expressly imposed harsher penalties on repeat offenders to a modern approach in which courts take account of the offender's prior life and criminal history when determining sentence. Although repeat offending remains relevant in sentencing, it is no longer defined as a separate legal category in the Criminal Code. Croatia's normative framework on recidivism is dispersed across the Constitution, the Criminal Code, prison and probation legislation, rehabilitation rules, and relevant international human rights instruments. Together, these sources foreground humane treatment, resocialisation, and reintegration, yet the absence of a single statutory definition of recidivism renders the concept legally indeterminate and complicates both its consistent application in practice and its systematic statistical monitoring. Building on this framework, Croatian judges are still required to assess prior convictions when determining the type and severity of punishment, but their practical importance depends on the time elapsed, the number of previous convictions, and whether the earlier and current offences indicate a pattern of repeated offending. In judicial practice, prior convictions may therefore operate as aggravating circumstances, yet they do not carry equal weight in every case, and older or unrelated convictions may have little relevance. At the same time, sentencing decisions are often not explained in sufficient detail, which makes it difficult to determine how prior convictions influenced the outcome and weakens transparency, consistency, and the principle of individualized sentencing. Recidivism in the Croatian prison system is primarily addressed through the Diagnostic Centre in Zagreb, where prisoners are assessed on medical, psychological, social, pedagogical, and criminological grounds, including their prior convictions and broader criminal history, to determine classification, risk level, and the individual sentence-execution plan. Although this framework is formally designed to support individualised treatment and to separate first-time offenders from repeat offenders, its practical effect is weakened by overcrowding, staff shortages, and uneven implementation, making the prison system's response to recidivism legally structured but operationally fragile.

Recidivism in the regional context is analysed through a comparative doctrinal examination of its regulation within selected Central and Southeastern European criminal justice systems, namely Serbia, Hungary, Romania, Poland, Slovakia, and Slovenia. The analysis focuses on key normative categories, including the purpose of punishment, legal definitions of recidivism, statistical approaches to recidivism, its role as an aggravating factor, and the existence of special harsher sentencing provisions.

Normative analysis shows that definitional approaches differ sharply: Hungary, Romania, Poland, and Slovenia offer direct statutory definitions of recidivism, often detailed, as with Hungary's tiered categories or Poland's time-limited rules, while Croatia provides neither direct nor indirect legal framing, leaving it to judicial practice; Serbia and Slovakia, meanwhile, avoid the term "recidivism" altogether, addressing repetition through circumstance-specific provisions. Some countries supplement, or in Croatia's case, substitute for, these legal gaps with statistical definitions from national bureaus, using prior convictions as proxies for monitoring reoffending.

Normative findings indicate significant differences in how recidivism is conceptualised and regulated. Hungary, Romania, Poland, and Slovenia provide explicit statutory definitions of recidivism, often highly structured, such as Hungary's tiered classification system or Poland's time-bound criteria. By contrast, Croatia lacks both direct and indirect statutory definitions, leaving the concept largely to judicial interpretation. Serbia and Slovakia do not explicitly use the term "recidivism" in their legislation, instead addressing repeat offending indirectly through offence-specific provisions. In several jurisdictions, these legal frameworks are supplemented, or in Croatia's case effectively replaced, by statistical definitions developed by national statistical authorities, which rely primarily on prior convictions as indicators for measuring reoffending.

Five countries; Hungary, Poland, Slovakia, Romania, and Serbia, apply granular, automatic harsher provisions for recidivism through quantified uplifts like Poland's 50-150% maximum increases, Romania's 50% penalty additions, Slovakia's one-third to two-thirds minimum raises, Serbia's half-range minimums, and Hungary's doubled penalties with life imprisonment possible for violent repeat offenders. Croatia and Slovenia instead favour rehabilitative flexibility via judicial discretion without mandatory escalations, aligning with EU proportionality principles.

Despite their shared heritage and close ties among the examined countries the regulatory frameworks for recidivism display clear doctrinal differences in criminal law. These differences manifest in punishment rationales, definitions of recidivism, aggravating circumstances, and penalty escalations. Such variation demonstrates that criminal law remains a key domain of national sovereignty, fostering distinct approaches even among historically and culturally similar countries despite partial EU harmonization efforts. Comparative analysis of normative rules alone imposes evident limits on drawing firm conclusions. This doctrinal examination should therefore be complemented by empirical data on recidivism and prison populations, which will form the focus of subsequent chapters.

Across all examined jurisdictions, recidivism functions as an aggravating circumstance, although the degree of its legal effect varies. Serbia, Hungary, Romania, Poland, Slovakia, Slovenia, and Croatia all require courts to take prior convictions into account when determining sentence severity. In Serbia, this obligation is explicitly codified in Articles 55 and 55a as a central sentencing factor. Hungary, Poland, Slovakia, and Romania incorporate recidivism through structured or indirect mechanisms that still require sentence enhancement, while Slovenia considers factors such as the similarity of prior offences and the time elapsed since previous convictions. In Croatia, Article 47 of the Criminal Code requires courts to consider all relevant circumstances, including prior convictions and the offender's criminal history. This allows courts to consistently take recidivism into account while still keeping discretion and avoiding automatic increases in sentencing. However, a more punitive model is evident in five jurisdictions, Hungary, Poland, Slovakia, Romania, and Serbia, which apply explicit and often automatic sentencing enhancements for repeat offenders. These include structured increases such as Poland's 50 to 150 percent penalty escalation, Romania's 50 percent increase, Slovakia's one-third to two-thirds higher minimum sentences, Serbia's requirement of sentencing from the upper half of the statutory range, and Hungary's system of doubled penalties, with the possibility of life imprisonment for violent repeat offenders. In contrast, Croatia and Slovenia adopt a more flexible approach, relying on judicial discretion rather than mandatory increases.

8.1.6. Research Methodology

This methodological section builds directly on Chapters 2 and 5 by crystallising the central problem of the dissertation: recidivism is a meaningful criminological concept, but it cannot be measured in a simple or uniform way. The section makes clear that international comparisons of recidivism rates are not currently valid in a strict sense because countries define, record, and report recidivism differently. The point is not that recidivism data are useless, but that they only become analytically valuable when interpreted within the legal, institutional, and statistical framework of the country from which they come. Within that context, changes over time can still reveal important shifts in penal policy, prison practice, and offender behaviour.

The chapter further consolidates the methodological framework by presenting the study as a mixed-methods, multilevel design. This approach enables the integration of quantitative, qualitative, comparative, and documentary-analytical techniques within a single research framework. In this way, recidivism is treated not as a singular statistical indicator, but as a multidimensional phenomenon that can be examined at the individual, institutional, and systemic levels. The use of multiple methods supports a more comprehensive interpretation of the research material.

Moreover, by addressing the study's limitations, the chapter shows that the research is shaped by practical and methodological constraints, including restricted access to prison populations, concerns regarding representativeness, self-selection, self-report bias, incomplete administrative data, and the uneven quality of qualitative responses. These limitations do not invalidate the study, but they do delineate the scope within which its findings can be interpreted. Rather than obscuring these constraints, the chapter explicitly acknowledges them and explains their implications for interpretation, thereby justifying caution in generalising the results beyond the sample.

The data analysis subsection completes the methodological picture by showing how the empirical material is processed. Quantitative analysis is carried out using descriptive statistics, chi-square tests, and t-tests, which allows the dissertation to examine both distributions and relationships between key variables. The inclusion of grouped Likert-scale items and comparative interpretation of institutional indicators gives the study a stronger analytical structure.

8.1.7. Presentation of Results

Chapter 7 presents the results of the study, beginning with an analysis of secondary data on key recidivism indicators and data collection practices in the region, including prison population, probation, and recidivism measures.

Across 2013–2023, prison population trends in these countries don't point in a single clear direction but rather show a mix of national approaches and outcomes. Hungary is a good example of how expanding capacity can ease pressure, as it managed to bring very high overcrowding levels down to almost full balance by the end of the period. Poland, on the other hand, kept a large but relatively stable system with gradually declining prisoner numbers, suggesting a more controlled approach. Romania moved in the opposite direction in some respects, cutting both its prison population and capacity, yet still facing ongoing overcrowding. Serbia saw steady increases, while Croatia's pattern was less consistent, ending with overcrowding again after earlier improvements. Slovakia and Slovenia remained comparatively stable throughout. Probation population rates add an important layer to understanding how these penal systems function, especially when looked at alongside prison population rates. On their own, probation figures don't say much, since there's no clear benchmark for what a "normal" level should be, but comparing them with imprisonment rates helps reveal broader policy choices. In this region, countries follow quite different paths. Serbia and Croatia, for example, have relatively low use of probation while keeping prison rates high, which suggests a stronger reliance on incarceration. Slovenia takes a different approach, with higher probation use and lower imprisonment, pointing to a greater emphasis on community-based sanctions. Slovakia and Poland stand out for using both probation and imprisonment extensively, reflecting larger and more complex penal systems rather than a clear preference for one over the other. Each country balances custodial and non-custodial measures in its own way, reflecting differences in legal traditions, policy priorities, and broader social context.

Recidivism data across the region reveal substantial methodological differences that make direct comparisons between countries unreliable. Not only do legal definitions vary, but the way data are collected and classified differs significantly, with some countries relying on conviction-based measures, others on prison-based indicators, and some on police-detected offences. These datasets also diverge in terms of population scope, age coverage, and institutional sources, meaning that even basic figures such as total perpetrators or recidivists are not measuring the same underlying phenomena. As a result, the only broadly derivable measure, the share of recidivists, remains limited in value and can only be interpreted within each national context. Observed trends, such as declines in Croatia, Romania, and Slovakia or increases in Poland, do not necessarily reflect real changes in reoffending, but may instead be influenced by shifts in legislation, criminal justice practices, or external factors such as the COVID-19 pandemic. Overall, while the data allow for the identification of domestic trends over time, they do not support cross-country evaluation, and any attempt to rank or compare systems would risk drawing misleading conclusions without deeper contextual analysis.

Following the analysis of secondary data, the focus shifts to the quantitative and qualitative analysis of primary data collected through questionnaires administered to incarcerated individuals. The descriptive analysis covers a range of variables, including age, sex, sentence length, education, employment and income, pre-incarceration residence and post-release accommodation, marital status and children, experiences of victimisation and family abuse, levels of family support, risk of poverty, addiction and mental health issues, acceptance of responsibility, age at first arrest, self-reported prior offences and convictions, type of punishment, time elapsed since the last conviction, participation in and access to prison treatment programmes, perceived usefulness of these interventions, and the perceived importance of preventive factors.

The age distribution of the sample shows a concentration in middle adulthood, with a median age of 40 years and a mean of 42.4 years, indicating a balanced structure without significant skew toward either younger or older inmates. The sample is overwhelmingly male (99%), which reflects both the structure of the included prisons and the generally low proportion of women in the prison population in Croatia. Sentence length is mainly concentrated in the medium categories, with 3–5 years (28%), 5–10 years (22%), and 1–3 years (20%) being the most common, while shorter sentences are less represented compared to official prison statistics due to the sample being drawn mainly from penitentiary institutions. Education is mostly at secondary level (49%) and bachelor level (25%), followed by primary education (21%), while no schooling (4%) and higher degrees (2%) are rare. Before imprisonment, most respondents were employed full-time (56%), while the rest reported occasional or no work, and income was fairly evenly distributed across low, medium, and higher categories, with most describing their income as average compared to peers (46%). Most respondents reported stable housing before imprisonment (90%), with the vast majority also considering their accommodation suitable for a decent life (93%) and expecting to have secure housing after release (88%). Most respondents were either single (30%) or married/cohabiting (29%), followed by divorced (21%), widowed (10%), and in a relationship (9%), while 61% reported having children, with an average of 1.46 children per respondent (or 2.33 among those who are parents). Most respondents reported no criminal victimisation (57%), while 43% did, and 29% reported experiencing violence or neglect in their family of origin. Most respondents reported stable and supportive family situations both in childhood (61%) and currently (65%), although the share of those reporting unstable family conditions slightly increased over time (from 12% to 15%). About half of the respondents (51%) reported some experience of poverty risk, while 49% stated they had never faced such a situation. Across the sample, self-reported addiction and mental health problems are relatively common, particularly mental health problems (36%) and drug addiction (29%), while alcohol addiction (20%), prescription drug problems (20%), and gambling problems (13%) are less frequently reported. In all categories, most respondents did not report experiencing these issues, although the proportions of drug and alcohol addiction are notably higher than those reported in official prison statistics, suggesting a stronger presence of substance-related problems within the study sample compared to administrative data. Almost half of the respondents (47%) reported accepting responsibility for their current offence, while 41% did not and 12% were unsure. About 29% of respondents reported having been arrested before the age of 18, while 71% stated they had not experienced an arrest in adolescence. Recidivism was assessed using self-reported information on prior offences, previous convictions, and the number of convictions, with results showing that 66% of respondents met the criteria for recidivism, while 34% did not. Among those with previous convictions, most reported property and violent offences, and imprisonment was the most common form of sanction, often combined with suspended sentences or other penalties, indicating that recidivism in the sample is closely linked to prior custodial experience and repeated engagement with the criminal justice system. The distribution of time since the last conviction shows that 17% of respondents reoffended within one year, 32% within one to three years, and 51% after more than three years, indicating that the majority of cases fall into a longer time interval than is typically expected in standard recidivism research. Around half of the respondents reported being aware of available treatment programmes (53%), informed about participation opportunities (59%), and actually offered some form of treatment during imprisonment (57%), indicating moderate but not universal coverage of prison interventions. Among those who participated in treatment, most assessed it positively, with the majority reporting that it was at least partly helpful in supporting personal change. All preventive factors were rated positively, with mean scores above 3.0, showing general agreement that they help prevent reoffending. Family support was assessed as the most important factor, followed by emotional control, responsibility and readiness to change.

Moreover, the qualitative data analysis explores both the disadvantages and advantages of the prison system as perceived by inmates. On the negative side, respondents most frequently point to overcrowding, poor living conditions, limited healthcare, insufficient resocialisation opportunities, weak post-release support, and problems in communication and treatment by staff. In contrast, the advantages are mainly linked to opportunities for self-reflection, removal from criminogenic environments, increased discipline, and access to certain educational, work, and treatment programmes, as well as supportive interactions with individual staff members.

8.2. Conclusion

8.2.1. Introduction

The historical and theoretical analysis presented in this chapter confirms that recidivism cannot be understood in isolation from the broader evolution of punishment and criminological thought. Early punitive systems prioritised social order and deterrence through severity, effectively bypassing the need to address repeat offending as a separate issue. It was only with the emergence of more humane and rational approaches to punishment that recidivism became visible as a social and legal problem requiring systematic attention. The development of criminological theories further demonstrates that no single explanatory framework is sufficient to account for recidivism. Instead, the phenomenon should be understood as the result of a dynamic interplay between individual characteristics, social environments, structural inequalities, and, increasingly, biological factors. This theoretical pluralism highlights the limitations of purely punitive approaches and underscores the importance of integrated strategies that combine legal, social, and resocialisation interventions.

Ultimately, the chapter establishes that contemporary approaches to recidivism should be grounded in interdisciplinary understanding. Effective responses to reoffending depend not only on legal reforms but also on addressing broader social conditions, supporting reintegration, and incorporating evidence-based insights from multiple fields. This provides the conceptual foundation for the subsequent analysis in the thesis.

8.2.2. Recidivism – Concepts, Approaches and Definitions

Chapter 2 examines recidivism as a complex and multidimensional concept that cannot be reduced to a single definition. It presents recidivism as a broad and evolving notion rather than a fixed legal label, demonstrating that no universal definition exists, since its meaning varies depending on disciplinary perspective, legal framework, and research purpose. The challenge of defining recidivism is not new. It has been discussed extensively in the literature and was already a central topic at the Third International Congress of Criminology in 1955. Despite these longstanding efforts, no consensus has been reached, and proposing a universal definition would be both overly ambitious and unrealistic. Instead, the aim is to clarify the scope of the concept, explain why definitions differ, and emphasize the importance of transparency in how recidivism is defined and operationalised within empirical research, including the approaches and methodologies applied. For this reason, any rigorous analysis of recidivism needs to begin with a clear explanation of what is being measured and why.

Each approach offers specific advantages and limitations, whether in terms of sample selection, data collection, or interpretation. The chapter also draws attention to terminology that is often used interchangeably (and sometimes inconsistently), which can create confusion within an already complex field. This is addressed through a careful examination of key terms such as recidivism, reoffending, and reconviction, along with related concepts (like rearrest, reimprisonment, etc.). Particular attention is given to the notion of recidivism rates, which are commonly understood as indicators of the frequency with which individuals with prior criminal histories reoffend. However, such measures depend on the criteria used to construct them, and different studies may report “recidivism rates” that in fact refer to distinct parameters, such as the proportion of recidivists in total sample. The chapter therefore calls for greater precision and clarity in the use of these terms, while also highlighting the limitations of direct comparisons (issues that are further explored in the methodological section).

Finally, the chapter emphasizes that recidivism can be seen as a indicator in evaluating crime prevention. Continued reoffending despite punishment suggests that interventions have not been fully effective and that broader social, economic, individual, and institutional factors may still be driving criminal behaviour. In this way, the chapter establishes the theoretical foundation for the subsequent empirical analysis by demonstrating why recidivism matters, how it should be conceptualised, and why its measurement must remain transparent, context-specific, and methodologically rigorous.

8.2.3. Recidivism Research and Literature Review

The review of international and domestic recidivism research highlights a clear convergence of findings despite methodological and contextual differences. International literature, while limited by selection and scope, consistently demonstrates that custodial sanctions alone are insufficient in reducing recidivism and may in some cases contribute to higher reoffending rates. In contrast, structured non-custodial measures, evidence-based psychological interventions, and resocialisation programmes show significantly better outcomes when properly implemented. Across studies, both static and dynamic risk factors are recognised as central to understanding recidivism, with a broadly accepted set of key predictors including antisocial behaviour, peer influence, attitudes, personality traits, family environment, education and employment, leisure activities, and substance use. These findings underline that effective interventions should move beyond punishment and focus on addressing the behavioural and cognitive drivers of offending. The shift from international to Croatian research further demonstrates how recidivism is shaped by national context. Although the Croatian literature is relatively limited and fragmented, it consistently identifies socio-economic disadvantage, weak family structures, low education, and behavioural problems as key risk factors, while also emphasising the protective role of social support and institutional engagement. At the same time, it reveals persistent gaps between policy objectives and practical implementation, particularly in programme availability, evaluation, and cooperation between correctional institutions and probation services. Broader contextual analyses further confirm that recidivism in Croatia cannot be understood outside wider social, institutional, and transitional conditions. Both international and Croatian evidence point to the same overarching insight: recidivism is a multidimensional phenomenon driven by a combination of structural, social, and individual factors, and its effective reduction depends on evidence-based, targeted, and well-implemented interventions rather than punitive approaches alone.

8.1.4. Current Penal Policy Responses to Recidivism

The analysis shows that the role of prior convictions in sentencing cannot be settled through rigid or overly simplified approaches. Although the flat-rate model is grounded in ideas of proportionality and equality, it tends to ignore how prior offending actually matters in legal practice and in public understanding of justice. On the other hand, the recidivist sentencing premium, while common in many systems, raises its own problems. It lacks strong empirical support, suffers from conceptual inconsistencies, and often shifts attention away from the offence itself toward the offender’s history.

Policies such as “three strikes” laws highlight the dangers of adopting harsh and overly simplified responses to repeat offending. Even though they are politically popular, they do not significantly reduce crime, and they create high social, economic, and legal costs.

What is needed instead is a more balanced approach. Prior convictions should not be ignored, but their role must be carefully limited to ensure that sentencing remains proportionate, consistent, and fair. Approaches like progressive loss of mitigation offer a more nuanced way forward, even if they are not without their own challenges. Sentencing policy should move beyond automatic punitive escalation and focus more on what actually reduces reoffending. This means placing greater emphasis on resocialisation, reintegration, and addressing the broader structural causes of crime.

8.1.5. Comparative Normative Analysis of Recidivism in Croatia and in Regional Context

The analysis shows that recidivism in Croatia is shaped by legal reforms, judicial practice, and wider social and institutional conditions. Although the criminal justice system has been modernised in several areas, it still operates under pressures such as demographic change, socio-economic challenges, and prison overcrowding, especially in recent years. Crime rates have generally decreased over time, but sentencing practices and prison conditions continue to reflect structural difficulties. Croatia’s approach to recidivism is formally focused on resocialisation and individual assessment, but its practical effectiveness is reduced by institutional and resource constraints. This shows a gap between legal intentions and how the system works in reality, which is why empirical data is crucial for a full understanding of recidivism.

After examining the Croatian system, the analysis is extended to selected countries in the region to identify similarities and differences in the regulation of recidivism. Despite shared historical and legal traditions among the examined states, the regulation of recidivism shows clear doctrinal differences in criminal law. These differences appear in the underlying approaches to punishment, how recidivism is defined, the way it is treated as an aggravating factor, and the severity of sentencing outcomes. This variation suggests that criminal law continues to reflect national sovereignty, leading to different legal responses even among countries with similar regional and cultural backgrounds, despite partial harmonisation efforts within the European Union. At the same time, the limits of a purely normative comparison should be recognised, since doctrinal analysis alone cannot fully explain how these rules work in practice. For a more complete picture, these findings need to be read alongside empirical data on recidivism rates and prison populations, which are discussed in the following chapters.

8.1.6. Research Methodology

The chapter lays the groundwork for the empirical analysis by showing that methodological rigour does not depend on perfect data, but on clear definitions, transparent procedures, and careful interpretation. It demonstrates that, even within the constraints of prison research, the study can still produce relevant findings when its scope and limitations are explicitly acknowledged. It also reinforces the central logic of the dissertation: recidivism should be understood within the legal and institutional context in which it is measured. Rather than treating numerical indicators as universally comparable, the chapter positions them as context-bound evidence that gains meaning only when read alongside the structures that produced them. It provides the analytical bridge to the empirical part of the dissertation. It explains how the data were collected, organised, and analysed, and it justifies the choice of statistical procedures in relation to the research questions and hypotheses. In this way, it connects the conceptual discussion of recidivism with the practical requirements of empirical research and prepares the ground for the presentation and interpretation of the findings that follow.

8.1.7. Presentation of Results

Results of the thesis shows that prison populations and penal responses across the selected countries developed in diverse and uneven ways between 2013 and 2023, rather than following one common regional pattern. The comparison of prison capacity, prisoner numbers, occupancy rates, and prison population rates demonstrates that some states responded to overcrowding mainly through expansion of capacity, others through gradual stabilisation or reduction of imprisonment, while several continued to face persistent pressure in their prison systems. At the same time, the probation indicators suggest that custodial and non-custodial measures are balanced differently across countries, reflecting distinct legal traditions, policy priorities, and broader social conditions. Moreover, the findings confirm Hypothesis 1, showing that significant methodological differences in the definition and measurement of recidivism across Croatia and the selected regional countries prevent any statistically valid cross-country comparison. Variations in legal definitions, data sources, populations observed, and indicators used mean that recidivism data reflect fundamentally different phenomena rather than comparable outcomes. As a result, although general trends can be observed within individual countries, these figures cannot be reliably used for regional benchmarking or evaluation of penal effectiveness. The analysis therefore underscores the importance of methodological transparency and highlights the need for more harmonised approaches if meaningful comparative research on recidivism is to be achieved in the future.

The primary data add an important micro-level perspective by showing who the respondents are, what their social and criminal backgrounds look like, and how they perceive the factors linked to reoffending and reintegration. The sample consisted mainly of middle-aged male prisoners with varied educational and employment backgrounds, as well as prior criminal involvement, substance use, mental health problems, and unstable family or economic circumstances. At the same time, many respondents reported relatively stable housing, family support, and some level of personal responsibility, which shows that the prison population cannot be reduced to one uniform profile. The findings suggest that recidivism is linked to a combination of individual risk factors and broader life conditions, rather than to a single cause.

The results confirm Hypothesis 2, showing a strong and statistically significant association between arrest before the age of 18 and later recidivism. Individuals with early arrest experience are substantially more likely to report repeated offending compared to those who were not arrested. Although this relationship does not imply causality, it suggests that early contact with the criminal justice system may represent an important risk factor for continued criminal behaviour.

The results confirm Hypothesis 3, showing a strong and statistically significant association between recidivism and drug addiction. Recidivists report substantially higher levels of drug addiction compared to non-recidivists, indicating that substance abuse is closely linked to repeated offending. Although causality cannot be established, the findings support existing research that identifies drug addiction as a key risk factor for recidivism and highlight the importance of targeted treatment and support both during imprisonment and after release.

Hypothesis 4 was not supported by the results. Although the study assumed that prisoners would consider systemic factors more important than personal ones in preventing recidivism, the findings showed the opposite pattern: personal factors were rated slightly higher than systemic factors, and this difference was statistically significant, even if the effect size was small. This means that respondents did not dismiss structural conditions such as employment, housing, education, or access to therapy, but they still placed somewhat greater emphasis on individual change, responsibility, and self-control. Taken together, the results suggest that both sets of factors matter in prisoners' perceptions, yet personal factors appear to carry greater weight, which points to a stronger belief in individual agency than in structural support as the main path to desistance.

The qualitative findings complement the quantitative results by showing that prisoners view resocialisation as dependent on both personal change and the quality of institutional support. While treatment programmes were not universally available, those who had access generally perceived them as useful, and the strongest preventive factor was family support, followed by emotional control, responsibility, and readiness to change. At the same time, the negative aspects of prison life point to clear structural weaknesses, especially overcrowding, poor living conditions, limited healthcare, weak post-release support, and strained communication with staff. In contrast, the positive aspects suggest that imprisonment can still have a corrective function when it creates distance from criminogenic environments and provides opportunities for reflection, discipline, work, education, and treatment. The findings indicate that effective prevention of reoffending depends on a combination of internal motivation and external conditions, and that the prison system can support desistance only when it offers more than custody alone.

8.3. Policy Recommendations

The findings of this study point to the need for a set of interconnected reforms in the Croatian prison system, with the most urgent priority being the expansion of prison capacity. Both primary and secondary data clearly indicate the problem of overcrowding, while additional concern stems from the fact that some prison facilities were damaged by the earthquake, which further complicates the safe and effective functioning of the system. In this context, it is especially important that the Ministry of Justice, Public Administration and Digital Transformation has already responded by launching projects aimed at expanding correctional capacity through the construction of modular prison units providing an additional 300 places. Such investments are highly significant because there has been no serious investment in prison infrastructure in Croatia since the 1980s, and it is therefore essential that the planned expansion does not remain only a political promise, but is implemented consistently and effectively.

Alongside the issue of capacity, there is a clear need to improve transparency and clarity in sentencing practice and prison reporting. Judicial decisions on punishment should be explained more clearly, especially in the part referring to previous convictions, as this would contribute to greater consistency and comprehensibility of sentencing policy. It is also necessary to improve the quality and clarity of prison reports, particularly in relation to recidivism rates, occupancy by individual units, the classification of adult and juvenile prisoners, and the number of prisoners eligible to participate in specific treatment programmes. Greater transparency in these areas would allow for more accurate monitoring of the prison system and a better assessment of the effectiveness of existing measures.

Another important area of reform concerns the expansion of access to prison programmes. It is necessary to ensure that all prisoners are informed in a timely manner about available treatment options and that they are genuinely given the opportunity to participate in rehabilitation and resocialisation programmes. Particular attention should be paid to integrated addiction treatment, as well as to strengthening mental health services, including a greater number of qualified professionals, shorter waiting times, and continuous access to therapy and medication. Given the prevalence of these problems among the prison population, investment in psychological and psychiatric support is not only a health measure, but also an important crime prevention tool.

In addition, education and vocational training within prisons must be strengthened. Greater access to formal education, skills training, and certified programmes aligned with labour market needs can significantly improve prisoners' prospects for employment after release. At the same time, the number of staff in the prison system should be increased, especially professional staff, and investment should be made in their training. Staff education should include communication skills, a rehabilitation-oriented approach, human rights standards, and work with prisoners in sensitive situations, because the quality of the relationship between staff and prisoners directly affects the functioning of the prison institution.

Special attention should also be paid to prisoners' family and social ties. In the context of prisoners' privileges and rights, it is important to allow more frequent contact with family members, especially with minor children, and to introduce more modern forms of communication such as video calls. Maintaining family relationships is important not only for emotional support, but also for successful reintegration after release. In addition, other forms of social support should be strengthened, since returning to stable relationships and a supportive environment can reduce the risk of reoffending.

Further strengthening of the probation system and broader use of alternative sanctions are also necessary. Probation should be more than a formal supervisory mechanism; it must include real support, supervision, and reintegration planning. This would reduce pressure on the prison system while also allowing for a more individualised approach to offenders who do not necessarily require a custodial sentence. It is particularly important to ensure fair and transparent conditional release procedures, with clearer criteria and greater consistency in decision making. In this regard, broader use of electronic monitoring could also contribute to a safer and more effective transition from prison to the community.

Finally, post-release support should be ensured after prisoners leave custody. This includes access to stable housing, employment assistance, and social and health services immediately upon release. Without such support, reintegration remains fragile and often insufficiently successful. It is therefore necessary to develop a coordinated approach that connects the prison system, probation, social welfare, healthcare institutions, and the local community. Only such an integrated model can contribute in the long term to reducing recidivism and strengthening the effectiveness of the criminal justice system in Croatia.

8.4. Future Research Directions

Although a substantial part of this dissertation highlights differences in the measurement and definition of recidivism, this topic still requires further research. A further question is whether it would be possible to develop a harmonised recidivism measurement framework. Since this thesis has shown that definitions, indicators, and follow-up periods differ across countries, the key issue is whether these differences could be reduced through standardisation. If there were genuine willingness to cooperate at the European or even international level, could a common set of definitions and indicators be established in order to improve cross-national comparability? What would be the main obstacles to such harmonisation, and which elements would need to be defined for it to work in practice?

Another important direction concerns the role of early criminal justice contact. Further research is needed to examine more closely how early arrest, juvenile intervention, or first contact with the justice system shape later offending trajectories. This is particularly relevant for understanding whether early system involvement operates as a risk factor, a turning point, or both, depending on the broader social and institutional context. Related to this is the need to study chronic offenders in more detail, including how they differ from other offenders in terms of criminal careers, personal characteristics, social circumstances, and responses to interventions. Such research could also contribute to the difficult question of whether there are offenders for whom existing penal and resocialisation measures have limited effect, and how this group should be approached in a way that is both effective and ethically acceptable.

Future research should also pay greater attention to prison conditions and their possible influence on recidivism. Overcrowding, staff shortages, programme availability, and overall institutional climate may all affect the extent to which imprisonment supports or undermines desistance. In the same context, prison-based treatment programmes should be evaluated more systematically. It is important not only to know whether such programmes exist, but also whether they are accessible, what kind of content they offer, how prisoners experience them, and whether they have any long-term effect after release. The effectiveness of prison interventions should therefore be studied together with post-release reintegration processes, especially the role of housing, employment, family support, and social services in sustaining lawful behaviour over time.

Another promising direction is the study of post-release turning points. Research should examine which life events or changes, such as stable employment, relationships, housing, or family responsibility, help individuals move away from offending. At the same time, future work should consider how prisoners with repeated convictions differ from those who desist after one or two offences, and whether their pathways require different types of intervention. This also connects to the need for more detailed ethical standards in work with vulnerable groups such as prisoners, especially when research or practice involves coercion, dependency, or limited autonomy.

Further qualitative research would also be valuable. In-depth studies of prisoners' perspectives could provide a better understanding of how imprisonment, resocialisation, stigma, and reintegration are experienced from the inside.

Another important issue for future research concerns regional collaboration. Despite methodological differences, could more coordinated research efforts across Central and Eastern Europe improve knowledge exchange and gradually strengthen comparability? To what extent would joint research frameworks, shared indicators, and coordinated data collection help overcome the current fragmentation of recidivism research in the region?

Finally, future research should explore cooperation between institutions in Croatia, especially between the prison system, probation services, and civil society organisations. A more integrated approach may improve reintegration outcomes and reduce fragmentation in post-release support. In addition, it would be useful to examine how developments in criminological science, including neurocriminology, may affect judicial decision-making and sentencing practice. Since these developments raise both practical and ethical questions, they should be studied carefully before being introduced into legal practice. Taken together, these directions point to the need for more comparative, longitudinal, qualitative, and interdisciplinary research that can move the field beyond simple description toward deeper explanation and more effective policy design.

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Appendix

Ethical Note

Dear Participants,

We thank you for agreeing to take part in this research.

The data collected through this questionnaire will not be shared with or processed by the prison system. It will be used exclusively for scientific purposes and handled in accordance with the highest ethical standards.

The aim of this research is to better understand prison conditions, the challenges you face during and after serving a sentence, as well as the factors that may influence a return to criminal behaviour after release from prison. This questionnaire is designed to give you the opportunity to express your personal perspective on the prison conditions in which you are currently living, as well as the challenges you encounter during and after serving a sentence/deprivation of liberty.

We would like to emphasize that this questionnaire is completely anonymous. We do not collect any personal data that could lead to your identification. All collected data will be used solely for scientific analysis and will be processed at an aggregate level, with no possibility of linking responses to any individual.

Your participation and responses carry no legal or other responsibility. We therefore kindly ask you to respond as honestly as possible. There are no "right" or "wrong" answers, we are interested in your real experiences, opinions, and attitudes. Only honest responses can contribute to the quality of the research and help inform recommendations for improving the prison system.

Participation in this study is voluntary, and you have the right to withdraw from completing the questionnaire at any time without any consequences.

Once again, we thank you for your time and for the contribution you are making to this important research.

Your voice is valuable and can help bring about change.

Questionnaire

1. How old are you? ______
2. Sex? ☐ Male ☐ Female ☐ Other ☐ Prefer not to say
3. You are currently: ☐ Serving a prison sentence imposed in criminal proceedings ☐ Serving a prison sentence imposed in misdemeanour or other court proceedings, or a prison sentence imposed in lieu of a fine
4. If you are currently serving a prison sentence imposed in criminal proceedings: For which criminal offence, are you currently convicted? ________________ What is the length of the sentence you are currently serving? [___ years ____ months]
5. Highest formal education? ☐ No schooling ☐ Primary school ☐ Secondary school ☐ Bachelor's or professional study ☐ Master's ☐ Doctorate
6. Were you employed before being deprived of liberty? ☐ Yes, full-time ☐ Yes, occasionally/undeclared work ☐ No
7. What was your monthly income before imprisonment? ☐ Up to €900 ☐ €901 – €1,700 ☐ Over €1,700
8. How would you describe your income before imprisonment compared to your peers? ☐ Below average ☐ About average ☐ Above average
9. Did you have a permanent place of residence before imprisonment? ☐ Yes ☐ No ☐ Temporary (with friends/family)
10. Was your place of residence outside prison suitable for a decent life? ☐ Yes ☐ No
11. Do you have secure accommodation upon release? ☐ Yes ☐ No ☐ Not sure
12. Marital status? ☐ Single ☐ In a relationship ☐ Married or cohabiting ☐ Divorced ☐ Widowed
13. Do you have children? ☐ Yes ☐ No If yes, how many children? ___________
14. Have you ever been a victim of a criminal offence? ☐ Yes ☐ No
15. Did you experience violence or neglect in the family you grew up in? ☐ Yes ☐ No
16. How would you generally describe your family situation in the family you grew up in?

☐ Very stable and supportive ☐ Partly stable, occasionally problematic ☐ Unstable, with many problems

17. What is your current family situation? ☐ Very stable and supportive ☐ Partly stable, occasionally problematic ☐ Unstable, with many problems
18. Have you ever been or are you currently at risk of poverty (lack of money for basic needs)? ☐ Yes, before imprisonment ☐ Yes, currently (while in prison) ☐ Yes, both before and now ☐ No, never in such a situation
19. Have you ever had problems with drug addiction? ☐ Yes ☐ No
20. Have you ever had problems with alcohol addiction? ☐ Yes ☐ No
21. Have you ever had difficulties with mental health (e.g. depression, PTSD, bipolar disorder)? ☐ Yes ☐ No
22. If yes, did you receive medication? ☐ Yes ☐ No
23. Have you ever had problems with prescription drug addiction? ☐ Yes ☐ No
24. Have you ever had problems with gambling addiction? ☐ Yes ☐ No
25. Do you consider yourself responsible for the criminal offence for which you are currently deprived of liberty? ☐ Yes ☐ No ☐ Don't know
26. Were you arrested before the age of 18? ☐ Yes ☐ No
27. Before the current imprisonment, did you ever commit another criminal offence (regardless of whether you were punished for it)? ☐ Yes ☐ No
    If yes, how many times? [___] (enter number)
28. Have you ever been wrongfully convicted of a criminal offence? ☐ Yes ☐ No
    If yes, how many times? [___] (enter number)
29. Do you have previous convictions for criminal offences? ☐ Yes ☐ No
    If yes, how many? [___] (enter number)
    If yes, for which criminal offences were you convicted: ☐ Property offences ☐ Violent offences ☐ Traffic offences ☐ Economic crime ☐ Other
    If yes, what were the penalties for your previous convictions? ☐ Unconditional imprisonment ☐ Suspended sentence ☐ Fine ☐ Community service ☐ Ban on performing certain activities or professions ☐ Security measures ☐ Other: ________________

If yes, how much time passed between your last conviction and reoffending? ☐ Less than one year ☐ 1 to 3 years ☐ More than 3 years

30. How many years in total have you spent in prison so far (including this sentence)? [___] (enter number of years)
31. Do you know what types of treatment programmes exist in prison? ☐ Yes ☐ No ☐ Not sure
32. Were you informed about the possibilities of participating in treatment programmes? ☐ Yes ☐ No
33. During your stay in prison, were you offered any form of treatment programme? ☐ Yes ☐ No

Please answer the following questions only if you have previous prison experience:
35. Did you attend any of the treatment programmes offered? ☐ Yes ☐ No
36. Did you have the opportunity to complete the treatment programme you attended? ☐ Yes, I successfully completed it ☐ No, still ongoing ☐ No, it was interrupted
If yes, which treatment programme? ________________
37. To what extent do you believe that the treatment, together with your personal effort and willingness to change, has helped you in your personal development or in changing your behaviour? ☐ Greatly ☐ Partly ☐ Did not notice any change ☐ It did not help me

Please rate how important you consider each factor for preventing reoffending.

	Strongly disagree	**Disagree**	**Agree**	**Strongly agree**
Having a permanent job is a key factor in preventing reoffending.	☐	☐	☐	☐
Secure and stable housing is a key factor in preventing reoffending.	☐	☐	☐	☐
Gaining further education and specific work skills are key factors in preventing reoffending.	☐	☐	☐	☐
Support from family and friends is a key factor in preventing reoffending.	☐	☐	☐	☐

	Strongly disagree	Disagree	Agree	Strongly agree
Successful addiction treatment is a key factor in preventing reoffending.	☐	☐	☐	☐
Access to therapy and mental health care are key factors in preventing reoffending.	☐	☐	☐	☐
Acceptance by society without stigma is a key factor in preventing reoffending.	☐	☐	☐	☐
Finding a partner and starting a family are key factors in preventing reoffending.	☐	☐	☐	☐
Accepting responsibility for the offence and willingness to change are key factors in preventing reoffending.	☐	☐	☐	☐
Ability to control emotions and impulsive behaviour are key factors in preventing reoffending.	☐	☐	☐	☐

38. What do you consider to be the main shortcomings and advantages of the prison system? (open-ended question)

List of Tables and Figures

Author's Scientific Publications Related to the Dissertation Topic

Getoš Kalac, A.-M., Feuerbach, L. (2023) "On (Measuring) Recidivism, Penal Populism and the Future of Recidivism Research: Neuropenology," *Godišnjak Akademije pravnih znanosti Hrvatske*, 14(1), 1–28. DOI: 10.32984/gapzh.14.1.1

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Getoš Kalac, A.-M., & Feuerbach, L. (forthcoming) "Sentencing and Imprisonment in Croatia," *In Mapping the Penological Landscape of the Balkans*. Springer Nature.

Feuerbach, L. (forthcoming 2026) "A Case Study of Penal Populism in Croatia", Law, Identity and Values.

Statement

In accordance with the provisions of the Regulation on the Use of Artificial Intelligence of University of Miskolc and the Guidelines for the Use of Artificial Intelligence of the Deák Ferenc Doctoral School of Law, I, undersigned Lea Feuerbach, declare that I have used artificial intelligence in my doctoral dissertation and thesis booklets.

In the case of the use of artificial intelligence (hereinafter: AI), I declare the following:

a. Grammarly Grammar Check

1. The name of the AI tool used: Grammarly Grammar Check
2. The URL and version of the AI tool used: https://www.grammarly.com/grammar-check
3. The exact date of production of the generated content (year, month, day): 2025–2026
4. The purpose and extent of use: Used exclusively for language proofreading, grammar correction, stylistic polishing, and spell-checking throughout the dissertation. No substantive legal analysis, research findings, conclusions, hypotheses, or original scientific content were generated by the tool.

b. Perplexity

1. The name of the AI tool used: Perplexity
2. The URL and version of the AI tool used: Perplexity (current version as of 2026), https://www.perplexity.ai/
3. The exact date of production of the generated content (year, month, day): 2025–2026
4. The purpose and extent of use: The AI assistant Perplexity was used solely as a supplementary language and research-support tool. Its use was limited to: (i) the translation of legal literature, legislation, official documents, historically relevant articles, and other academic materials not available in English; and (ii) language refinement including grammar correction. All legal analysis, comparative assessments, interpretations, conclusions, arguments, hypotheses, and scientific findings presented in this dissertation are the independent work of the author.

I acknowledge that according to the Guidelines for the Use of Artificial Intelligence of the Deák Ferenc Doctoral School of Law, *„The use of AI is prohibited for the formulation of theses, research results, conclusions, inferences and analyses. Any thesis or paper prepared in this way is not admissible.”*

Miskolc, 2026. 08. 27.

Lea Feuerbach

....

Signature

Supervisor's Evaluation of the Doctoral Dissertation

I have had the privilege of mentoring Ms Lea Feuerbach for almost five years, beginning with her work on her Master's thesis at the Faculty of Law, University of Zagreb, and continuing throughout her doctoral studies at the Deák Ferenc Doctoral School of Law, University of Miskolc. This continuous mentoring relationship, both academic and personal, has allowed me to follow closely not only the development of the present dissertation, but also Ms Feuerbach's development as a researcher—from the first formulation of her scientific interests to her emergence as an increasingly independent, methodologically conscious and internationally engaged early-career scholar and colleague. Her doctoral dissertation, *Criminological Analysis of Recidivism: On the Etiology, Phenomenology and Potential Prevention of Reoffending*, represents the culmination of this sustained academic development and of her academic journey into criminology and penology, which I have been fortunate enough to accompany.

The intellectual origins of the dissertation reach back to Ms Feuerbach's Master's thesis, which I supervised at the University of Zagreb and which she successfully completed in 2022. What began at that stage as a serious interest in one of the enduring questions of criminology subsequently developed into a considerably broader and more ambitious research programme. This continuity is important. Ms Feuerbach did not simply select a doctoral topic and work on it for the formal duration of a PhD programme. Rather, she has engaged persistently with recidivism over several years, gradually expanding her original inquiry through extensive further reading, comparative research, methodological reflection, publication, scientific discussion and, ultimately, original empirical fieldwork, acquiring data that are rarely available to comparable PhD projects. This progression is also visible in our joint 2023 article on measuring recidivism, penal populism and the future of recidivism research, and in the substantial body of further research Ms Feuerbach has since published independently and collaboratively on imprisonment, sentencing, rehabilitation, resocialisation, reintegration and recidivism prevention.

The resulting dissertation addresses a topic that is simultaneously classical and remarkably unresolved. Recidivism has occupied criminology, criminal law and penology for generations, yet even its basic definition, measurement and interpretation remain contested. The present thesis is therefore particularly successful because it does not evade this complexity by adopting one apparently straightforward definition or indicator. Instead, it makes the complexity of recidivism itself part of the scientific inquiry by examining recidivism as a criminological, normative and penological phenomenon and connecting conceptual analysis with criminal-law responses, comparative research, secondary statistical data and original empirical evidence. This is an ambitious undertaking and, in my assessment, one of the principal strengths of Ms Feuerbach's outstanding scientific work.

The dissertation is accordingly broad in scope but governed by a coherent research logic. Beginning with the historical development of punishment and the major traditions of criminological thought, Ms Feuerbach demonstrates why repeated offending cannot be understood independently of changing ideas about responsibility, deterrence, punishment, rehabilitation and resocialisation. She then undertakes a detailed conceptual analysis of recidivism, distinguishing criminological, normative and penological approaches and examining the terminology through which repeated offending is operationalised: reoffending, rearrest, reconviction, reincarceration and related recidivism indicators. This conceptual chapter is a particularly strong part of the dissertation. It demonstrates a level of scientific maturity reflected precisely in recognising that apparent terminological clarity may conceal important methodological complexities and often-overlooked nuances. Ms Feuerbach convincingly shows that the meaning of a reported "recidivism rate" cannot be separated from the definition, population, follow-up period, institutional practices and data-generating processes on which it is based.

This conceptual precision becomes especially valuable in the comparative part of the dissertation, where the inquiry focuses on Croatia alongside Serbia, Hungary, Romania, Poland, Slovakia and Slovenia, thereby placing Croatian recidivism research within a Central and Southeast European regional context that remains insufficiently represented in the European and international scientific literature. The comparison reveals significant differences in the legal construction of recidivism, the role attributed to previous convictions, sentencing responses, purposes of punishment, statistical definitions and institutional data-collection practices. Rather than forcing these heterogeneous systems into an artificial comparative ranking, Ms Feuerbach reaches the scientifically more appropriate conclusion that seemingly comparable recidivism indicators may in fact measure different phenomena. Her demonstration that methodological heterogeneity currently precludes statistically valid cross-jurisdictional comparison of the available recidivism data is therefore one of the most valuable findings of her comparative analysis. It identifies precisely why simplistic cross-national comparison is methodologically unsound and what would have to change before credible comparative recidivism research becomes possible. For Croatian criminology in particular, this regional contextualisation constitutes a significant and original scientific contribution.

The empirical component gives the dissertation an additional scientific dimension and substantially strengthens its criminological originality and authority. Prison research is demanding under any circumstances, both methodologically and operationally, and access to incarcerated populations presents particular practical and ethical challenges. Ms Feuerbach nevertheless succeeded in obtaining the necessary institutional approval and implementing original research in five Croatian correctional institutions, which in itself is a major success and evidence of exemplary commitment. A total of 1,200 questionnaires were distributed, producing a substantial dataset of responses from incarcerated individuals. The research addresses demographic and socio-economic characteristics, criminal histories, prior contact with the criminal justice system, addiction and mental-health issues, family and social circumstances, experiences of treatment and imprisonment, and respondents' own perceptions of factors capable of preventing future offending. In addition, open-ended questions provide a qualitative dimension, bringing prisoners' lived experiences into an analysis that would otherwise depend almost exclusively on formal legal and administrative sources.

I consider this combination particularly valuable and unique within both Croatian and regional criminological-penological research, especially as an example of methodologically robust and credible original research. Ms Feuerbach does not romanticise lived experience, nor does she treat official statistics as self-explanatory. Rather, she brings different types of evidence into relation while remaining transparent about, and cautious regarding, their respective limitations. Official and regional data are interpreted against the legal and institutional frameworks that produce them, survey findings are expressly limited by sampling, accessibility, self-selection and self-report considerations, and qualitative responses are used to illuminate experiences and perceptions without being presented as statistically representative of the entire Croatian prison population. This mature and methodologically sound interpretive stance is an important mark of her scientific development as an empirical researcher.

The testing of the dissertation's hypotheses likewise demonstrates scientific seriousness. The empirical research identifies statistically significant associations between early arrest and later self-reported recidivism and between drug addiction and recidivism, while refraining from presenting these associations as proof of causation. Equally importantly, the data did not support Ms Feuerbach's expectation that prisoners would attribute greater importance to systemic than to personal factors in preventing recidivism. Rather than attempting to reinterpret the results in order to preserve the initial hypothesis, the dissertation reports this finding openly and examines its implications. Respondents placed slightly greater emphasis on personal factors while nevertheless attributing high importance to systemic conditions as well. The readiness to reject one's own hypothesis when the evidence requires it is fundamental to good science, but it should not be taken for granted. In Ms Feuerbach's work, it reflects the methodological discipline and intellectual independence that I have seen grow and flourish over the course of our mentoring relationship.

The dissertation consequently succeeds in connecting several levels of analysis that are too frequently examined separately. It shows why recidivism cannot be reduced either to the characteristics of individual offenders or to an abstract failure of "the system". Its findings instead point towards interactions among personal agency, criminal careers, substance use, family support, employment, housing, institutional treatment, prison conditions and opportunities for reintegration. The qualitative findings are particularly useful in demonstrating the ambivalent role of imprisonment itself. Respondents identify serious deficiencies—including overcrowding, inadequate healthcare, insufficient resocialisation opportunities and weak post-release support—but also describe circumstances in which prison can create opportunities for reflection, treatment, education, discipline and separation from criminogenic environments. Ms Feuerbach thereby avoids both an uncritical faith in imprisonment and a one-dimensional depiction of it as incapable of supporting change.

The same evidence-based approach informs the dissertation's policy recommendations. These concern, inter alia, the transparency of recidivism data and sentencing practice, prison overcrowding and infrastructure, access to treatment programmes, addiction and mental-health services, education and vocational training, professional staffing, family contact, probation and alternative sanctions, conditional release and post-release support. Importantly, her recommendations are not appended to the dissertation as abstract normative preferences. They emerge from the conceptual, comparative and empirical findings developed throughout the thesis. This connection between scientific analysis and responsible policy relevance is one of the qualities I particularly value in Ms Feuerbach's work, as it represents one of the finest examples of how research can enable evidence-based changes and improvements in crime policy.

My assessment of the dissertation is inseparable from the academic development I have observed during the years in which I have mentored Ms Feuerbach. Her progress has been substantial. Over time, I have witnessed a marked increase in the breadth and depth of her reading, the precision of her scientific writing, her methodological awareness, her ability to structure increasingly complex arguments and, importantly, her independence in identifying and resolving research problems. She has been consistently diligent and reliable in implementing her research project, while progressively becoming less dependent on supervisory guidance. She has also demonstrated an ability to respond constructively to demanding academic criticism. Successive versions of the dissertation have benefited visibly from discussions at doctoral workshops and from comments by scholars with different disciplinary and methodological perspectives. Ms Feuerbach has used such criticism in the most commendable manner, reconsidering, refining and strengthening her work.

This development has taken place alongside an exceptionally active early academic career. During her doctoral studies, Ms Feuerbach has established a coherent publication record around recidivism and related criminal-justice questions, including work on the measurement of recidivism, Croatian recidivism trends, imprisonment and resocialisation in the Balkans, rehabilitation and reintegration, sentencing and prior convictions, artificial intelligence in recidivism prediction and penal populism. She has presented her research at European Society of Criminology conferences, doctoral schools, international postgraduate courses, scientific conferences and specialised workshops, and has participated in academic mobility and international research activities across a number of European jurisdictions. Her work as a Scientific Researcher at the Central European Academy has further exposed her to comparative research, international scholarly cooperation, academic publishing and the everyday demands of professional scientific work. Taken together, these activities demonstrate that the dissertation has developed within a much broader process of scholarly formation, deeply embedded in the scientific community.

Having supervised Ms Feuerbach from her Master's thesis through the completion of her doctoral dissertation, I have been unusually well placed to observe that development over time. What I consider especially commendable is not simply the amount of work she has completed, although that is considerable, but the qualitative progression in her scholarly capacity. The researcher completing this dissertation is substantially more independent, methodologically reflective and scientifically confident than the student with whom I began working almost five years ago. That development is precisely what doctoral education should achieve, and the dissertation at hand is a textbook example of it.

In my assessment, *Criminological Analysis of Recidivism: On the Etiology, Phenomenology and Potential Prevention of Reoffending* is a substantial and original doctoral dissertation of extremely high scientific value. It makes an important and unique contribution to Croatian and European criminology and penology, provides a much-needed regional comparative perspective, and adds original empirical knowledge concerning incarcerated persons and recidivism prevention. It demonstrates Ms Feuerbach's capacity to integrate criminological theory, criminal law, penology, comparative analysis and empirical methodology within one coherent research undertaking and, equally importantly, her outstanding ability to recognise the limits of the evidence with which she works.

I therefore strongly recommend Ms Lea Feuerbach's doctoral dissertation without reservation and with the greatest confidence. I consider the thesis fully deserving of the award of the doctoral degree and regard Ms Feuerbach as a highly capable, dedicated and now demonstrably independent scholar with excellent potential for further outstanding academic development. It has been both a particular privilege and a great personal honour to accompany her scholarly development from her first sustained research on recidivism at the Master's level to the completion of this ambitious and uniquely valuable doctoral research project, and I am very pleased to recommend, without any reservations, both the outstanding dissertation and its brilliant author.

Zagreb, 1 September 2026

Prof. Dr. Anna-Maria Getoš Kalac
Supervisor