

FORMS OF SOCIAL RESPONSE TO CRIME THROUGHOUT HISTORY

Marjan GABEROV

ABSTRACT

The issue of responding to crime has existed since the earliest stages of human society and has accompanied humanity throughout its entire existence. Historical development shows that people have always sought to understand why criminal behavior occurs, namely, the causes of such behavior, as well as the measures that should and could be undertaken to prevent it in the future. Explanations for the occurrence of criminal behavior in practice can be found in criminological research and theories, whereas answers regarding how to prevent the recurrence of such behavior in the future are provided by penological research and theories.

This paper focuses in particular on the analysis of the forms of social response to crime throughout history, with the aim of gaining insight into the ways in which societies have reacted to criminal behavior.

Keywords: crime, criminal behavior, social response, society, crime prevention.

**Assoc. Prof. Dr.sc
Marjan GABEROV**

*Faculty of Law,
European University,
Skopje*

e-mail:

marjan.gaberoV@eurm.ed
u.mk

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INTRODUCTION

Crime is a collective term encompassing various forms and degrees of criminal, antisocial, asocial, and delinquent behaviors of individuals and groups that are prohibited and sanctioned by society because they represent a violation or threat to legal norms. Through such violations, within an established legal order, protected and guaranteed individual and social goods and values, as well as rights and freedoms, are attacked and endangered (Arnaudovski, 1991: 117).

The concept of crime is used to describe all actions committed by individuals and legal entities that violate the social and moral norms of a given society, particularly when such actions breach legal norms enforced by the state through its authority to impose criminal sanctions. Persons who commit such criminal acts are known as criminals. When discussing the term “crime,” it should be emphasized that there is no single universally accepted definition due to its complexity. Nevertheless, the academic literature contains numerous attempts to define crime as a socially negative phenomenon.

Crime can also be analyzed and examined as a legal category, that is, as a category declared and defined by law. The legal declaration of crime does not imply its approval; rather, it serves to clearly and precisely define the acts that are characterized as criminal offenses and which, as such, constitute the essence of crime. The declaration of criminal offenses included within the general concept of crime is primarily grounded in the criminal law provisions of substantive legislation of a given country, such as criminal codes, as well as other legal regulations that prescribe criminal offenses.

Some authors, when defining the concept of crime, choose to emphasize the fundamental indicators through which the essence of crime as a socially negative phenomenon can be identified. These indicators point to the fact that the conduct in question possesses all the characteristics of a criminal offense, that is, it constitutes an incrimination or violation of the law. The main indicators of crime include its social and societal conditionality, its dynamic and changeable nature within a historical context, the existence of actions that may be qualified as criminal offenses or incriminations, the systemic character of crime in terms of its legal regulation, and, finally, the existence of grounds for its sanctioning by the state (Malkova, 2006: 32–34).

Particular interest is drawn to the manner, methods, and mechanisms of responding to crime throughout different stages of historical development.

Socia Response to Crime in Primitive Communities

Social response, in its general meaning, represents a means of providing protection against delinquent, unlawful, and criminal behavior committed by individuals and groups. It functions as a system of preventive and repressive measures and activities, as well as therapeutic responses aimed at suppressing and preventing crime and other forms of prohibited behavior. Forms of social response may be formal or informal in nature. Formal forms include the application of punishment and repression, prevention, and re-education. Informal forms, on the other hand, include customary norms, social condemnation, contempt, isolation, and similar reactions.

Various forms of response to crime and prohibited acts can also be observed in primitive communities. Primitive communities were based on unwritten rules—customs—whose violation resulted in condemnation by the entire community. Individuals who violated generally accepted rules

in any manner were subject to severe punishment. In certain cases, not only the offender but also members of their family, and even the entire tribe, suffered consequences.

This period may be described as a phase of private response to crime. The period of private response is characterized by a high level of readiness within the community to react to delinquent behavior and to undertake concrete measures. It should be noted that offenses were always met with a reaction. Private response to crime emerged in primitive communities lacking a developed social structure. It primarily resulted from the need to take action against a specific individual who committed prohibited conduct against injured or endangered persons.

Punishment during the period of private response to crime was carried out through three distinct forms:

- expulsion from the community,
- revenge,
- composition.

Expulsion from the community was considered a severe and harsh punishment and was applied within tribes, groups, or families. This sanction was imposed for so-called tribal crimes, such as betrayal or the murder of a tribal leader. In some cases, expulsion from the community was replaced by the death penalty. The purpose of this punishment was to isolate the individual who had violated and endangered the rules of the community. The expelled person was left without assistance, exposed to nature, and often became a victim of other tribes, starvation, or wild animals.

Expulsion from the community, as a primitive form of social reaction to certain types of unlawful and antisocial behavior, was later replaced by eliminatory punishments, particularly deportation—removal of the convicted individual from the state in which the criminal offense was committed. In this way, the individual was prevented from committing further crimes in that state, thereby protecting common goods and values. The extensive application of deportation began after the great geographical discoveries of the 15th century, when Spain and Portugal transported convicted persons by ship to coastal regions and newly discovered continents. Subsequently, deportation as an effective punishment was widely applied in Italy, the Netherlands, and Great Britain. In this manner, deportation evolved into lifelong exile, which over time acquired the character of forced colonization.

Revenge as a form of punishment aimed at blood vengeance, known as the principle of talion—the right to retaliation. The principle of talion refers to retaliation based on equal measure. The essence of this form of punishment is most clearly reflected in passages of the Old Testament, which state that if death occurs, life shall be taken; eye for eye, tooth for tooth, hand for hand, bruise for bruise. Certain forms of this practice still exist today in some tribes in Asia, Africa, Australia, and South America, where individuals take justice into their own hands. However, regardless of the severity of the harm suffered by victims, through acts of revenge these individuals become similar to those who harmed or endangered them. The primary purpose of revenge was to inflict the greatest possible harm on the offender and their relatives and to cause pain equivalent to that experienced by the victim. This punishment was applied to offenses such as murder and theft and was imposed only on adults outside the family. Revenge was transmitted to descendants and gradually transformed into a regulated sanction. With the formation of the state, the

injured family exercised its rights through state mechanisms, as the state, through law, assumed the right of revenge and retaliation. Historically, this form of punishment can be found in the Code of Hammurabi and Dušan's Code.

The system of composition refers to compensation for damage, whereby a ransom or indemnity was paid to the injured family in order to settle the conflict. This system represented an alternative to revenge through the provision of agreed-upon material values. From composition later developed the monetary fine. During the period in which composition was applied as a form of social response, it acquired the character of a collective measure and was no longer impulsive in nature.

The death penalty, expulsion from the community, deportation, and relegation are classified as eliminatory punishments. Property punishments derive from composition as a system of damage compensation. Two types of property punishments are recognized: confiscation and monetary fines. Confiscation as a sanction consists of the deprivation of movable or immovable property without compensation, while a monetary fine consists of an obligation imposed on the convicted person to pay a specified sum of money.

Social Response to Crime in Organized Society

The period of state public response to crime can best be understood by separately analyzing and presenting three distinct phases:

- The period of suffering and deterrence,
- The humanistic period,
- The period of individualization.

Each of these periods has its own characteristics, which is why they require separate presentation and analysis.

Slavery and feudalism were characterized by extreme cruelty and brutality in the execution of punishments, which began with stoning, the first tool and weapon taken into human hands. The spectrum of executions was vast, ranging from stoning, crucifixion, guillotine, hanging, use of silk cords, shootings, electric chairs, and lethal injections. Among the many punishments applied during this period, the death penalty stands out as the most brutal, as it involves taking the life of an individual. The death penalty consists of the deprivation of the offender's life. For a long time, it was the most frequently applied punishment for the most serious criminal offenses and was carried out publicly, in town squares and before churches, often on days of fairs or markets. Sometimes executions were preceded by torture and corporal punishment to inflict maximum suffering, pain, humiliation, and torment. This form of capital punishment was called qualified death. The death penalty remained a central part of the penal system in many states for a long time. Today, it is carried out in ways that aim to avoid suffering, applying humane methods in the countries where it still exists. In the past, the death penalty applied to a wide range of criminal offenses (Jovasevic, 2012: 17–18).

The primary aim of punishment during this period was to cause suffering to the perpetrator, based on the religious idea of talion. High levels of physical punishment, including the death penalty, were characteristic. The philosophy of deterrence prevailed until the end of the 18th century, rooted in the belief that the most important goal was to instill fear in the offender and cause suffering.

The humanistic period of punishment can be traced to the period preceding the French Revolution, as well as the movements of the 18th

century when the Classical School emerged, advocating for humane treatment of offenders. The French Revolution of 1789 had a profound historical influence in establishing a penal system based on humanistic principles. Kambovski emphasizes that the Declaration of the Rights of Man and of the Citizen, adopted during the French bourgeois revolution of 1789, represented a philosophical and political program for revolutionary changes in that era. The Declaration was the first modern constitutional document that translated human rights into political-legal principles as natural, inalienable, and imprescriptible rights belonging to individuals prior to the existence of any society or state, whose protection is the aim of every political association. Humans are born and remain free and equal in rights. Fundamental principles with penal significance include personal freedom, protection against arbitrary arrest and prosecution, presumption of innocence, and equality before the law. Of particular importance for the later development of criminal law is the principle stating that only punishments strictly necessary and clearly defined by law may be imposed; no one may be punished except based on a law enacted and promulgated before the criminal act and applied according to legal procedures. Kambovski also analyzes the Classical School and highlights its significance in establishing a rational, legally grounded system of punishment. Based on the ideas of rationalism and idealist philosophy of the late 18th and early 19th centuries, the Classical School developed, credited with forming the doctrinal-legal framework of modern criminal law science. Its theoretical foundation combines Beccaria's ideas on the social utility of punishment with Bentham's principles regarding necessity, proportionality, and deterrence as a general preventive purpose. The founder of this school is the German theorist Feuerbach. According to Feuerbach, preventing crime is the duty of the state, which uses punishment as a means of psychological coercion.

Punishments and criminal acts must be fixed by law, informing everyone of the consequences of criminal conduct. The principles of general prevention and legality form the cornerstone of criminal law (Kambovski, 2006: 58–62).

The earliest application of individualization in observing offenders relative to the severity and type of criminal act is seen in examining the offender as an individual, enabling tailored treatment. Clearly defined goals of penal policy facilitate the individualization of punishment. When the aims of punishment are explicitly defined in law or are unequivocally derived from the criminal legal system, judges are better able to choose the type and measure of punishment. In penological literature, the term “individualization of treatment” refers to adapting procedures to different categories of offenders in the execution of prison sentences or other liberty-depriving sanctions. In criminal law, individualization of punishment means that the offender receives a sentence deemed by the court to best achieve the objectives of the criminal sanction. To individualize a punishment is to concretize the legally prescribed sentence, whose basis is the abstract social danger of the offense in relation to the concrete social risk posed by the committed act. The close connection between individualization and the achievement of penal objectives demonstrates that it is a fundamental principle of crime control policy. Both scientific evidence and practical experience indicate that the primary goal of punishment is more effectively achieved when the sentence is tailored to the offender’s personality and the severity of the criminal act, i.e., the degree of criminal responsibility (Jovanov, 2023: 1–15).

Social Response to Crime during Feudalism

Even during the feudal period, a social response to crime can be observed. The ideas characteristic of the early feudal period were largely forgotten, primarily because no written laws from that time regarding the establishment of a system for societal reaction to crime have been found.

In the late feudal period, however, scholarly discussions and treatises addressing the issue of social response to crime began to emerge. In Germany, Karpazov emphasized the need for applying empirical methods within criminal law. In France, Ayro advocated for the creation of conditions conducive to the unhindered development of procedural law. In the Netherlands, Mateus supported the use of legally synthetic methods within criminal law. In Italy, attention must be drawn to the critiques of the “glossators.”

Feudalism lacked codified criminal legislation, a situation that persisted into the modern era and lasted until the 18th century. Written sources were incomplete and often contradictory. These legal technical deficiencies contributed to arbitrariness and judicial discretion in defining crimes and imposing punishments. As a result, punishments were often harsh and inhumane toward offenders.

During this period, the concept of deterrence remained prominent, aiming to instill fear in the general public through the brutal execution of various sanctions. Public executions and corporal punishments served as a clear warning to society not to engage in criminal behavior. Punishments, including torture and the death penalty, were typically carried out in town squares, with the procedure depending on the severity of the crime and the status of the victim. It is important to note that torture often began not only

during the execution of the sentence but also at the very start of legal proceedings.

The principles of the inquisitorial procedure began to penetrate courts as early as the 14th century. The main goal of this procedure was to obtain a confession from the accused. The inquisitorial process consisted of two stages: investigation and sentencing. The investigation was conducted by an official called the inquirer, who initiated proceedings upon learning that a crime had been committed; false accusations did not result in liability for the accuser. The court, without participation from the inquirer, issued its judgment solely based on written records. The guiding principle was: “What is not in the records does not exist.”

Key principles of this procedure included:

- Written procedure – No actions were taken orally; the judgment was based entirely on investigation records.
- Secrecy of the procedure – Only authorized personnel could participate in the procedural actions.
- Indirect evaluation of evidence – Evidence was assessed based on written records without direct contact with the accused or other participants.
- Non-contradictory nature – The accused had no status as a party and could not oppose the prosecutor; the accused was treated as an object before the court without the right to defense.
- Absence of lay participation – No jury was present; only professional judges presided.

From this, it is evident that in this type of criminal procedure, the priority was procedural efficiency, often at the expense of respecting and

protecting the rights of the accused. The pursuit of effective justice was so dominant that torture was legally applied to the accused. Even criminal codes from this period contained guidelines for methods of torture intended to extract the truth, with the ability to withstand torture depending on the physical constitution rather than the guilt of the accused. (Matovski et al., 2011: 25–26)

Social Response to Crime in the Ancient and Medieval Periods✂

During this period, the social reaction to crime was closely connected with the formation of state legislation. It should be emphasized that very harsh punishments were applied during this time. Arnaudovski and Gruevska–Drakulevski point out that, in this historical period, the socio-economic and political foundations of the system and the position of individuals within it determined both the nature of punishments and the system of penalties. The most commonly applied and typical punishments of this period were: death penalty, corporal punishments, social degradation, fines, exile, and deportation (Arnaudovski, Gruevska–Drakulevski, 2013: 128–133).

Below are some of the criminal sanctions used in the ancient and medieval periods, aimed at creating a system of social reaction to crime.

From the earliest times to the present, the death penalty has been considered the most severe punishment, as it deprives a person of life—something that cannot be restored, something through which a person exists. It arose from the need to permanently remove irreparable offenders from society, to allow society to exact revenge in the harshest possible manner, and to intimidate others through the execution process. This punishment strongly embodies the two fundamental elements of

punishment in this period: revenge and deterrence. These elements were ensured by continually developing more brutal and cruel methods of execution. The death penalty is based on the understanding that the state, as the representative of society and protector of its interests, can, in the name of protecting the public good, take the life of a criminal. This punishment incorporates several elements:

1. Achieving revenge that is adequate or, if necessary, harsher;
2. Permanently eliminating dangerous offenders from society;
3. Intimidating other potential offenders through the method of execution.

The last point is based on the belief that the psychological effect of deterrence in this punishment is very significant.

Maiming was one of the most commonly applied punishments during the medieval period. The application of this punishment had symbolic meaning, as it aimed to inflict harm comparable to that suffered by the victim. Public mutilation and cutting off body parts occurred in front of large audiences. For instance, abducting a woman from her social class could be punished by cutting off both hands and the nose.

Corporal punishment, most commonly in the form of flogging, was a frequent sanction in this period. Flogging was carried out publicly, with slight differences based on the gender of the punished person (women were flogged on the buttocks, while men were flogged across the whole body). Historically, flogging is one of the oldest known punishments. The person subjected to this punishment, accompanied by officials, would be paraded through towns or villages and exposed to public contempt. Flogging was not only applied as a criminal sanction but also widely used for offenders of minor offenses.

Blinding was another punishment applied either independently or in combination with flogging. After the blinding process, the individuals were often publicly hanged.

Castration as a criminal sanction was accompanied by a specific ritual. It was most often applied to those who violated moral norms, particularly individuals convicted of sexual crimes. Its purpose was to prevent the offender from having descendants. In some countries, castration served both as a punishment and as a requirement for employment in royal service.

Humiliation was also used as a criminal sanction in this period. As a form of punishment, humiliation took various forms, including public shaming, sale into slavery, or placement on the pillory. Public humiliation was particularly applied to women accused of adultery. They were dressed in inappropriate or ridiculous clothing, had their hair cut, and it was filled with hay or feathers, after which they were paraded through the streets to be publicly shamed.

Since ancient times, first slaves and later prisoners of war were visibly marked to distinguish them from free, full citizens. This marking was done in various ways, most often through branding—burning a hot iron with a mark on visible body parts such as the head, face, forehead, or neck. Branding communicated to the public that these individuals were present among them. Later, branding was applied to criminal offenders as well.

Branding in this period had specific objectives:

1. To morally degrade and shame the person for committing a crime, as the public viewed branded individuals with contempt;
2. To send a message to the public that the branded individual committed a crime and should be treated cautiously in the future;

3. To instill fear among potential offenders.

For crimes related to corruption, punishments included flaying and execution using animals. Animals were sometimes used to kill offenders as part of the general penal policy. Examples include:

- Arenas in cities where condemned individuals were released alongside animals;
- In Spain, bullfighting is considered a remnant of such barbaric sentences;
- Execution by trampling by elephants;
- Using bees to kill offenders, as recorded in German law, where the condemned person was stripped, smeared with honey, tied to a high post, and left to be eaten alive by bees.

As can be seen, a wide range of punishments was used in the ancient and medieval periods to establish a system of social reaction to crime. Punishments can be categorized as:

- Eliminatory punishments: death penalty, exile, deportation, sending to galleys;
- Corporal punishments: maiming, flogging;
- Property punishments: confiscation, fines;
- Social degradation punishments: branding, placement on the pillory;
- Punishments involving hard labor: rowing as a galley slave, forced labor.

All these punishments had specific characteristics distinguishing them from each other. They were reserved for different types of crimes, and

some were also applied to minor offenses. A common feature of all these criminal sanctions is that they aimed to avenge the offender while also serving as a method to intimidate potential offenders. These were severe and harsh sanctions, both in terms of their execution and the consequences for the individuals subjected to them.

Social Response to Crime in the Modern Era

In the period of the 17th century and the beginning of the 18th century, reforms in the field of social response to crime began. Retribution and intimidation remained characteristics of criminal sanctions, but for the first time, some novelties were introduced into the criminal sanction system: the punishment of deportation (forcible removal or relocation of individuals from areas where they lived) and imprisonment. The prison sentence became the most universal and widespread sanction for serious crimes.

This period is associated with the significant influence of the classical school from the late 18th and early 19th centuries, along with theoretical reflections on the purpose of punishment. Punishment during this period was arbitrary and largely retributive, characterized by severe penalties and often corporal punishment. The criminal justice system had considerable discretionary power, which in some cases could even result in impunity for individuals who were indeed perpetrators of crimes. The fundamental postulates of this classical school were:

- Crime must be legally defined,
- Punishment must be proportional to the severity of the committed offense,

- Individuals commit crimes with free will, and the purpose of punishment arises from understanding the motivation for criminal behavior,
- Criminal law should function to deter, i.e., prevent crime,
- Application of fair trial rights and general limitation of discretion within the criminal justice system.

Budžakovski highlights several characteristics of modern punishment and criminal sanctions. According to him, in order to meet the level of today's European culture and civilization, punishment must satisfy certain universally accepted conditions, which represent its defining features (Budžakovski, 2014: 277-278):

- The sanction must have a public-legal character, meaning that only the state, through its institutions, can impose it,
- Equal for all, regardless of class, social, racial, religious, or national affiliation of the offender,
- Legal and proportionate, meaning that only penalties prescribed by law are imposed, through an impartial legal procedure, proportionate to the assessed degree of harm for each specific offense,
- Divisible, allowing for individualization of punishment according to the degree of guilt and the severity of consequences,
- Personal, relating directly to the offender and not to their family or close associates (except in cases where legal entities are punished, affecting employees),
- Humane and moral, devoid of elements of torture and humiliation, respecting the dignity of the convicted person, and supporting rehabilitation,

- Reversible, correctable, and replaceable, so that in cases of unlawful decisions, misuse, or judicial error, the consequences can be remedied or substituted with a milder penalty.

Marjanović emphasizes that the primary sanction in modern criminal law is the penalty. He notes that punishment as a social response to crime is not a modern invention—it has existed as long as humanity has. Over its long evolution, it has undergone significant changes. The fact that justification for punishment lies in social utilitarianism does not imply adherence to the Machiavellian maxim “the ends justify the means.” In today’s level of societal development and civilization, legislators cannot employ any means to protect society while still claiming to legislate in a civilized country. The death penalty exemplifies this: while it is the most secure method to prevent a criminal from threatening society, abolitionist movements are increasingly strong, and constitutional bans, such as in North Macedonia, align with this principle, regardless of calls for its reinstatement (Marjanović, 2003: 270-274).

Punishments, as a form of criminal sanction within society, ensure the smooth functioning of general and special prevention processes. They protect important societal and individual goods from criminal threats. Punishments can be analyzed formally and materially: formally, as a measure to deprive or restrict a right belonging to the offender, imposed by a court under legal conditions; materially, as a means to protect society, prevent future crimes, and support rehabilitation while educating the broader public (Gaberov, 2022: 7-8).

Alternative measures also form part of social responses to crime. These are not new to modern times—they have historically supplemented or replaced imprisonment. Their historical introduction reflects a shift from retributive to restorative justice concepts. In the 19th century, some legal

systems introduced alternatives to imprisonment for minor offenses, including short-term prison sentences. The sociological school emphasized that crime is a mass phenomenon, not merely individual, and short-term imprisonment alone cannot achieve the goals of justice and punishment (Arnaudovski & Gruevska–Drakulevski, 2013: 139).

Rehabilitation, the primary goal of modern punishment, relies on alternative measures, which are essential worldwide and in North Macedonia as less severe means to achieve the goals of sentencing (Doko, 2023: 1). In North Macedonia, alternative measures were codified in 2004 amendments to the Criminal Code, expanding the system beyond conditional sentences and judicial warnings to include conditional sentences with protective supervision, conditional suspension of criminal proceedings, community service, and house arrest, forming a comprehensive framework (Kambovski & Krstanoski, 2013: 334-336).

Conditional sentences, including those with protective supervision, allow for postponement or substitution of imprisonment and focus on rehabilitation. Protective supervision entails monitoring and support to influence the offender positively, similar to probation (Saltirova, 2017: 2). Conditional suspension of criminal proceedings serves as a judicial alternative to conducting full proceedings and targets minor offenses, requiring offender compliance during the probationary period (Kambovski, 2014: 738).

Community service emphasizes active community involvement, historically emerging in 16th-17th century England for petty crimes as a replacement for fines, serving preventive and rehabilitative purposes (Budžakovski, 2014: 337). Judicial warnings serve as a societal caution to prevent future offenses, mainly for minor crimes. House arrest provides

an alternative to imprisonment, limiting freedom while applying to minor offenses punishable by fines or short-term imprisonment.

Restorative justice is especially significant for juvenile offenders. It focuses on the interests of victims, the community, and the child, aiming to restore harmony, repair harm, and teach empathy and responsibility. Its principles include understanding crime as a disruption of relationships, prioritizing reconciliation over punishment, and involving victims and the community in justice processes (Lažetić, Nanev & Koševliska, 2016: 1-24).

Restorative justice for children emphasizes care and support rather than punishment, promoting rehabilitation and reintegration while addressing the harm caused, allowing victims to identify and receive appropriate redress (Gaberov, 2023: 105).

CONCLUSION

The historical development of societal responses to crime reflects the evolution of society and the civilizational progress of humanity. The way a society reacts to criminal behavior has always been conditioned by its dominant values, the level of legal culture, and the structural power relations within a given historical context. Therefore, the reaction to crime is not merely a legal phenomenon but a complex social process that mirrors the internal dynamics of society.

From repressive and retaliatory models, through punishments aimed at maintaining order and demonstrating authority, to modern humanistic and rehabilitative approaches, societal responses to crime have undergone a long process of transformation. This development demonstrates the

gradual replacement of violence with law, instinct with reason, and fear with justice as the fundamental principle of social functioning.

Contemporary theories of punishment and criminal policy emphasize the need to balance the protection of society with respect for individual human rights. Punishment should not serve solely as a deterrent or a tool of retribution, but as a process that enables rehabilitation, reintegration, and the prevention of future deviant behavior. This approach strengthens the connection between justice and social responsibility, transforming penal policy from an instrument of repression into a mechanism of social integration.

In this sense, societal responses to crime today should be understood as a dynamic and ethical process aimed at protecting both social values and human dignity. History shows that societies that base their justice system on humanity, fairness, and education create more secure and stable communities.

Thus, the true measure of civilizational development does not lie in the severity of punishments but in a society's ability to understand, prevent, and overcome criminal behavior through integration, education, and respect for human values. Only such an approach allows the construction of a just and sustainable system of social response, where the law functions not as a tool of fear but as a guarantee of human dignity and social harmony.

In this regard, alternative sanctions have particular significance. They represent a modern, humane, and effective response to minor offenses, allowing offenders to take responsibility for their actions without necessarily being isolated from the community. Examples include community service, probation, victim-offender mediation, conditional sentences, or referral to rehabilitation programs. Such measures contribute

to resocialization, reduced recidivism, and alleviation of prison overcrowding, while maintaining the preventive and educational function of punishment.

Furthermore, the concept of restorative justice is increasingly emerging as a new ethical and legal paradigm in the treatment of crime. Rather than focusing solely on the offender and their punishment, restorative justice places the victim and the community at the center, aiming through dialogue, mediation, and voluntary compensation to repair the harm done and restore the disrupted balance. It complements, rather than replaces, classical justice by integrating values such as empathy, responsibility, and reconciliation, thereby fostering a more inclusive and equitable system of societal response. Restorative justice is particularly reserved for children, the most vulnerable members of society.

Through the implementation of alternative measures and restorative justice principles, modern society takes a step forward in creating a criminal policy based on humanity, effectiveness, and social responsibility. These approaches demonstrate that the true strength of justice is not measured by the severity of sanctions, but by the capacity to create a fairer, safer, and more cohesive social order, in which law serves as a tool for restoration rather than revenge.

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