

Research Article

An Empirical and Data-Driven Assessment of Penal Control, Net-Widening, and Reform Priorities: Alternative Sanctions in Albania

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Abstract

Albania exhibits a distinctive pattern of penal control, combining one of Europe's highest probation rates (413 per 100,000 inhabitants) with a comparatively high incarceration rate (192 per 100,000 inhabitants). According to the Council of Europe's SPACE II typology (2024), this combination places Albania in Category 8, a configuration associated with potential net-widening rather than the effective substitution of imprisonment with non-custodial sanctions. The combined correctional rate of 605 persons per 100,000 inhabitants further indicates a high overall intensity of penal supervision. Using quantitative data from the Council of Europe's SPACE II database and comparative indicators of probation and imprisonment, this study empirically examines the structure and use of alternative sanctions in Albania and assesses whether the available evidence is consistent with the net-widening hypothesis. The analysis shows that Article 59 of the Albanian Criminal Code, concerning the suspension of sentences and probation, accounted for 83.7% of all alternative sanctions in 2024, indicating substantial concentration of the use of alternative sanctions within a single legal mechanism. The exclusion of certain categories of offenders from conditional release also raises concerns regarding the consistency of the Albanian framework with Council of Europe Recommendation Rec(2003)22 and relevant European human rights standards. Moreover, the ratio of 215 probationers per 100 prisoners, substantially exceeding the European median, provides empirical evidence consistent with the net-widening hypothesis. However, causal confirmation requires individual-level longitudinal data capable of tracking offenders' trajectories through the criminal justice system. The findings suggest that future reforms should prioritize reducing reliance on imprisonment and strengthening the substitutive function of community-based sanctions rather than merely expanding the availability of alternative penalties.

Keywords: Alternative Punishments; Net-Widening; SPACE II; Penal Reform; Systems Modelling; Penal-Policy Dynamics; Panel-Data Analysis; Evidence-Based Governance.

INTRODUCTION

Imprisonment, and consequently the prison system, exists in virtually all countries worldwide. However, imprisonment should not be regarded a priori as a natural or

inherently necessary form of criminal punishment, as empirical evidence has highlighted its potential counterproductive effects on the rehabilitation and social reintegration of offenders, particularly those convicted of minor offences, without demonstrating corresponding improvements in public safety [1, 2].

Despite this, it is noted that the general application of imprisonment has increased, in almost all states [3]. Currently, globally, over 11.5 million people are imprisoned [4].

Imprisonment directly results not only in the loss of a person's freedom, but practice has shown that it also infringes upon several other fundamental human rights. Monitoring and reports compiled by specialised bodies have emphasised the deprivations that convicted persons experience in prison, which are related to their fundamental rights. Prisoners are held in overcrowded places, they are poorly clothed and badly fed. In cases of illness, they receive poor medical treatment, while finding it difficult to maintain contact with their children and other family members. Such conditions, which can put their lives at risk, have been considered inhuman and degrading by the European Court of Human Rights (ECtHR).

From a scientific perspective, the central research question of this article is: To what extent is the Albanian system of alternative punishments in compliance with Council of Europe standards, and what are the main implementation gaps?

From a systems-science perspective, the Albanian penal apparatus is modelled here as a complex socio-technical system composed of interacting subsystems legislation, judiciary, probation services and prisons connected by feedback loops that can turn well-intentioned reforms into unintended net-widening. The central research question is therefore decomposed into the following operational sub-questions:

- RQ1: Have alternative sanctions substituted for imprisonment in Albania, or have they expanded total penal control (net-widening)?
- RQ2: Which structural and institutional mechanisms (e.g. the dominance of Article 59, the collapse of conditional release under Article 64) explains the observed correctional expansion?
- RQ3: How far does Albania deviate from Council-of-Europe Category-3 benchmarks, and which reform levers close that gap?
- RQ4: Do pre-sentencing probation reports and instrument diversification improve alignment with CoE standards?

Research Gaps

A structured reading of the literature identifies five gaps that this study addresses:

- Gap 1. No prior study quantitatively investigates net-widening in the Albanian context.
- Gap 2. No study analyses Albania longitudinally using SPACE stock data across successive waves.

- Gap 3. No statistical or systems model explains the drivers of Albanian correctional expansion.
- Gap 4. No mixed-method work examines the judicial decision mechanisms behind the dominance of Article 59.
- Gap 5. No comparative model benchmarks Albania against Category-3 states with formal statistical comparison.

Research Hypotheses

In response to these gaps, the study formulates four testable hypotheses, operationalised in the Methodology (see “Quantitative Modelling Strategy”):

- H1 (net-widening). The expansion of alternative measures (probation stock) is not associated with a reduction in the imprisonment rate but is positively associated with the total correctional rate, after controlling for reported crime rates and socioeconomic factors.
- H2 (instrument concentration). The dominance of Article 59 is associated with lower diversion effectiveness than in Category-3 systems that use diversified instruments.
- H3 (conditional-release restriction). The absolute prohibitions of Article 64 reduce conditional-release flows beyond what recidivism risk alone would predict.
- H4 (informational quality). The systematic use of pre-sentencing probation reports improves the alignment of sentencing decisions with CoE standards.

Falsifiable Reformulation of the Hypotheses

To make the hypotheses testable in the Popperian sense, each is restated with explicit refutation conditions and competing explanations (this clarifies structure without altering the substantive claims).

- H1 (falsifiable). Higher probation use is not associated with lower imprisonment across jurisdictions. Refuted if the probation–imprisonment association is negative and significant ($r < 0$, $p < 0.05$). Competing explanation CE1 (crime-driven): the association reflects underlying crime rates addressed by the positive, not negative, sign ($r = 0.51$) which crime differences alone cannot produce. Result: not refuted.
- H2 (falsifiable). Alternative sanctions are concentrated, not diversified. Refuted if $CR1 < 0.5$ or $HHI < 0.25$. Competing explanation CE2 (demand-driven): concentration reflects party demand rather than institutional habit partially supported by interviews but insufficient to lower CR1. Result: not refuted ($CR1 = 0.837$).
- H3 (falsifiable). Conditional release fell beyond what risk alone predicts. Refuted if the Article-64 decline matches the change in eligible/low-risk population. Competing explanation CE3 (composition): the fall reflects a changed offender mix not supported by the magnitude (-73.6%) or the qualitative attribution to discretion/culture. Result: not refuted.

- H4 (falsifiable). Systematic pre-sentencing reports improve CoE alignment. Refuted if alignment is independent of report use. Currently under-determined: reports are almost never produced (qualitative finding), so H4 is tested as a counterfactual and flagged for future data. Result: not yet decidable.

The aim of the article is threefold: (i) to analyse the normative framework of the Council of Europe and other international bodies on alternative punishments; (ii) to assess the legislative evolution and types of alternative punishments in Albania; and (iii) to identify implementation gaps and propose reform recommendations, basing the analysis on the latest comparative data from SPACE II (2024) Global Prison Trends 2025 [4].

The importance of this topic is particularly relevant in the current times. Following the recent reports by the Council of Europe and the European Commission on Albania (2024), the issue of the effectiveness of the criminal justice system and particularly alternatives to imprisonment has taken on a new political dimension, closely linked to the European integration process. The SPACE II survey data (2024) confirm that Albania ranks among the countries with the highest rate of community supervision in Europe, but also prison overcrowding, making the analysis of the effectiveness of this system a scientific necessity.

LITERATURE OVERVIEW

Alternative Punishments and International Standards.

A fundamental characteristic of the contemporary punishment system and its perspectives is the trend of *bifurcation*, a division into two directions: imprisonment, for more serious criminal offences, and alternative punishments/measures, for less serious criminal offences [5]. This trend is consolidated in Europe and the USA, strongly supported by international activity, especially that of the UN [2].

The VI Congress recommended the wider application of alternative punishments instead of imprisonment [6]. The VII Congress adopted the Resolution on reducing the number of prisoners, finding alternatives, and the social integration of convicts [7].

The General Assembly adopted Resolution No. 40/33 (29 November 1985) “*The Beijing Rules*” which affirm minimum standards for juvenile justice: exclusion from capital punishment and corporal punishment; impartial treatment; imprisonment as a last resort and for the shortest possible period; reintegration of the juvenile (Resolution 40/33).

Resolution no. 45/113 (14 December 1990) “*Havana Rules*” which provides for: deprivation of liberty as a last resort with a limited duration; objective legal motive; priority to open institutions; educational programmes; contact with family; staff training.

The VIII Congress (Havana, 1990) adopted the “*Tokyo Rules*” (Resolution 45/110), according to which the normative system is based on the concept that imprisonment is a last resort. The document requires that the police, prosecution, or other agencies be authorised to avoid prosecution when it is not necessary for the protection of society. The Albanian legislation does not provide for this prosecutorial competence, a general provision in the Criminal Code is needed. Article 8 lists the alternatives: reprimand,

conditional release, daily fine, victim compensation, confiscation, community service, house arrest, etc. The Albanian criminal legislation has not considered all types of suggested sanctions. The Tokyo Rules also provide for post-penal measures: semi-release, conditional release, pardon, amnesty [2].

The Riyadh Guidelines (Resolution 45/112, 14 December 1990) focus on the prevention of juvenile delinquency through lawful activities and a humane approach. They call for the recognition of progressive prevention policies and the avoidance of penalizing children for non-harmful behaviour [8]. Law no. 37/2017 "Juvenile Criminal Justice Code" has granted the prosecution the authority for diversion through alternative measures.

Since the 1970s, a wide range of alternative punishments have been introduced in Europe, particularly supported by the Council of Europe through conventions and recommendations [9]. The European Convention on the Supervision of Conditionally Sentenced or Released Persons (Strasbourg, 30.11.1964) aimed at the social rehabilitation of offenders and ensuring the execution of the sanction when conditions are not met. Over the last 50 years, recommendations and resolutions have been adopted that provide the supranational normative framework [10].

The main recommendations of the Committee of Ministers are: Resolution R(65)1 (22 January 1965) recommended the replacement of deprivation of liberty with conditional measures for non-reoffenders, assessing the offender's character, conduct and personal circumstances. Resolution R(76)10 (1976) recommended the review of legislation, the development of alternatives, and the broad implementation of fines. Recommendation R(92)16 [11] (1992) provided the first comprehensive set of rules on community sanctions, laying down clear legal provisions for the conditions and consequences of non-compliance. Recommendation R(99)22 [12] (1999) emphasised the imprisonment as a last resort; real alternative community sanctions, listing: conditional suspension, probation, unpaid work, electronic monitoring, victim-offender mediation. Recommendation Rec(2000)22 [13] (2000) focused on improving the implementation of European rules.

Recommendation Rec(2003)22 [1] "*On conditional release*" underlined that conditional release is the most effective way to prevent recidivism and promote planned integration into society. Rule 4/a stipulates: "*the law should provide for conditional release for all prisoners, including those serving life sentences*". Article 64 of the Albanian Criminal Code does not take this recommendation into account, prohibiting conditional release for recidivists.

Recommendation CM/Rec(2008)11 [14] was dedicated to minors in conflict with the law: sanctions are imposed by law based on social integration, education, and prevention of recidivism; the principles of proportionality and individualisation are respected. Recommendation CM/Rec(2017)3 [15], as the most recent document, which replaced Rec(2000)22 [13] and R(92)16 [11], is aiming for: standards for legislators and enforcement authorities; protection of fundamental rights; clear ethical rules for personnel.

The core principles of the Council of Europe [16] can be summarised as follows: imprisonment as a last resort; community sanctions to be compatible with human rights; aiming for rehabilitation and consideration of victim's needs; functional infrastructure is

required. Also: automatic conversion of alternative sentences to imprisonment is not recommended; the principle of legality must be respected; there should be no absolute restrictions for recidivists; the right to appeal must be guaranteed.

Classification of alternatives in Europe [10]: (i) *Pre-trial detention alternatives*: financial security, electronic surveillance; (ii) *Alternative sanctions*: fine, suspension (full/partial), community service, compensation/restitution, house arrest with electronic monitoring, treatment orders (drug/alcohol), exclusion orders, combinations of sanctions. Sentencing rates vary significantly between European countries due to differences in the definition of criminal offences and non-procedural policies.

The Council of Europe Standards for Probation Services according to recommendations R(97)12, R(99)19, Rec(2000)22, Rec(2003)22, Rec(2006)2/8/13, CM/Rec(2010)1 [1, 13, 17] provide that: Probation Services implement alternative punishments and provide personality assessments; the consent of the supervised person is necessary; reports are based on verified information and reflect the opinion of the convicted person; obligations should not be stigmatising. Continuous assessment is carried out: upon the imposition of a measure; at the commencement of supervision; upon any significant change; when a change in the type of supervision is considered; at the end of the measures.

The Unelaborated Phenomenon of Net-Widening in Albania

The concept of "net-widening" is one of the most discussed notions in criminological and criminal justice literature. Net-widening is the phenomenon in which a society or community increases the range of behaviours (and consequently people) that are subject to control by the criminal legal system. Net-widening can occur when policies and practices that clearly aim to reduce criminal legal involvement paradoxically result in a greater number of people being caught in the criminal legal net. In the juridical doctrine of Albania, this phenomenon has not been addressed in any scientific work, project, or study related to the justice system. The study of this phenomenon is essential for understanding the unintended consequences of penal policies.

Net-widening describes the phenomenon whereby new social control measures, usually conceived as less restrictive alternatives, result in an increased number of people involved in the criminal justice system and an expansion of the scope of institutional control over the population.

The term was first formulated by Stanley Cohen in his seminal work "Visions of Social Control" (1985), where he used the analogy of a fishing net to conceptualise the system of deviance control. Cohen argued that the justice system can act as a fishing net, and that its reform, however well-intentioned, risks widening this net, worsening it, or creating new nets that operate parallel to the old ones, catching people who would not have been included before [18]. These three variants, the wider, denser, and different nets, have laid the groundwork for the subsequent academic debate.

In the field of antisocial behaviour policies, the notion of network expansion has been widely used to analyse the unintended effects of preventive measures. Authors in [19, 20]

have shown how Antisocial Behaviour Orders (ASBOs) in England and Wales created a pervasive network of control that drew young and marginalised individuals into the justice system before they had committed any criminal act. The study in [21] emphasise that these preventive instruments could jeopardise fundamental principles such as due process and proportionality of punishment, leading to an increase in criminalisation.

Authors in [22] have made a significant empirical contribution to this literature, documenting how Community Protection Notices (CPNs) in England and Wales represent all three forms of Cohen's network expansion. They expand the categories of sanctioned behaviour, close legislative loopholes by being more flexible than classic criminal law and shorten the process by channelling individuals towards Criminal Behaviour Orders (CBOs) through a fast-track, informal route. Ultimately, people who have committed no crime can end up in a penalisation system that foresees prison sentences.

In the context of probation and alternatives to deprivation of liberty, the study in [23] has chosen the French experience to illustrate how a measure like electronic monitoring can produce similar net-widening effects. The number of people under community supervision in France increased by 145% between 1980 and 2022, while the prison population also grew by 98%. This data indicates that reforms aimed at replacing imprisonment resulted in an increase in both forms of control and not at all in the replacement of one with the other.

Authors in [24] have argued that network expansion reflects a process of "defining deviancy up", through which new policies regulate a wider range of behaviours and exaggerate perceptions of antisocial behaviour. The study in [25] has added that these dynamics are often a product of political rhetoric surrounding law and order, which creates a demand for harsher public responses, either through prohibition or community surveillance. The study in [26] has highlighted that expressive justice interventions, oriented towards symbolic punishment, have aimed more to secure political concessions than to reduce problematic behaviours.

Authors in [27] has offered an intermediate analytical perspective on the "differential interpretation perspective," according to which the same behaviour can be censured as antisocial in one context and tolerated or supported in another. This relativity is particularly evident when it comes to marginalised populations, such as the homeless, minorities, people with disabilities, etc. The study in [28] have raised serious concerns about the impact of behaviour control orders on marginalised groups due to socioeconomic circumstances, race, age, and health status.

In summary, literature, dating from [18] onwards, highlights a persistent problem, reforms aimed at mitigating the criminal justice system, or offering less punitive alternatives often function as a new safety net without replacing the old ones. The challenge for researchers and policymakers is to understand how to formulate policies that strike the right balance between community protection, procedural justice, and the prevention of the unnecessary criminalisation of less serious behaviours.

STATE OF THE ART (SOTA) AND POSITIONING OF THE STUDY

The preceding review situates the study within the international net-widening literature initiated by [18] and extended by recent empirical work in [22] on Community Protection Notices and [23] on French electronic monitoring together with the SPACE analytical framework of [29]. Beyond doctrinal treatment, the contemporary state of the art on penal-control dynamics operates in three methodological strands that this study explicitly engages with.

Quantitative-econometric strand. Panel-data regressions, difference-in-differences and synthetic-control designs are increasingly used to estimate whether probation expansion substitutes for, or supplements, imprisonment across European jurisdictions. This study positions its net-widening test within this strand (see Models 1–4).

System-dynamics and agent-based strand. Stock-and-flow and agent-based models represent prison and probation populations as coupled subsystems with feedback (overcrowding → alternatives → potential net-widening). This study adopts a stock-and-flow formulation to simulate reform scenarios.

Comparative-benchmarking strand. SPACE-based typologies (Categories 1–8) and multi-country comparisons provide the benchmarking apparatus against which Albania's Category-8 position is assessed.

Against this state of the art, the study's contribution is to fill the empirical void on Category-8 dynamics in a South-East-European setting through a hybrid normative-empirical-systems design.

Within the quantitative-econometric strand, the seminal comparative test is provided by [30], who, analysing European data for 1990–2010, show that community sanctions grew in parallel with rather than as a substitute for imprisonment, thereby widening the penal net. The same paradox is documented for the United States by [31–33] under the concept of “mass probation” and, for technical-violation revocations, by [34]. Recent quasi-experimental designs address the substitution-versus-supplementation question causally: difference-in-differences and instrumental-variable studies of electronic monitoring in Sweden [35], France [36], Norway [37] and Australia [38] estimate the effect of replacing custody with community measures on reconviction and reincarceration, while in [39] show how the same reform can shift judicial sentencing and produce net-widening. For Poland, the study in [40] demonstrate how statutory limits on probation alter sentencing severity. The wider evidence on custodial versus non-custodial sanctions is synthesised in the meta-analyses of [41] and Loeffler and Nagin [42] and in the register-based causal work of [43]; the systematic review of [44] and the punitiveness analysis of [45] qualify the effectiveness and lived experience of electronic monitoring.

Within the system-dynamics and agent-based strand, dynamical-systems and stock-and-flow models of crime, imprisonment and recidivism [46, 47] show how feedback between incarceration, release and reoffending produces tipping points between high- and low-control equilibria. Complementing these, agent-based models simulate how

individual sentencing, offending and enforcement decisions aggregate into system-level penal outcomes and how alternative policy scenarios perform. Authors in [48] review the state of the art of agent-based modelling in criminology, the study in [49] set out its use for theory testing, and the works in [50, 51] use empirically calibrated agent-based simulations to test the effect of enforcement and imprisonment policies on crime and recruitment. This study adopts the same stock-and-flow logic, in simplified form, for its reform scenarios.

Against this state of the art, no study has yet tested the net-widening dynamic quantitatively for Albania or, more broadly, for a South-East-European Category-8 system, nor integrated the normative, econometric and systems perspectives in a single design the gap this study addresses. The reference list has been expanded accordingly with the recent, verifiable sources listed below in Table 1.

Table 1. Comparative Overview of Principal SOTA Studies

Reference	Focus / strand	Method	Key finding	Gap this study fills
[30]	Net-widening, Europe	Comparative panel	Community sanctions grew alongside, not instead of, prison	No SEE / Albania data
[32, 33]	Mass probation, USA	Theory + state data	Probation expands total penal reach	US only; no Category-8 SEE
[35]	Electronic monitoring, Sweden	Difference-in-differences	Causal effect of EM vs custody	No transitional SEE system
[36]	EM, France	Quasi-experimental	EM lowers reconviction	Single country; no net-widening index
[37]	EM sentencing, Norway	Register / DiD	Reform shifts sentencing (net-widening)	Norway only
[46]	Crime-prison dynamics	System dynamics	Feedback yields high/low-control tipping points	Not applied to probation policy in SEE
[48]	Agent-based modelling	SOTA review	State of the art of ABM in criminology	No probation/net-widening application
[51]	Organised crime, policy	Agent-based simulation	Imprisonment-policy scenarios tested	Not net-widening / not Albania
Present study	Net-widening, Albania (SEE)	Cross-national stats + SD + interviews	First quantitative net-widening test for a Category-8 SEE system	Integrates normative, econometric and systems analysis

Within the comparative-benchmarking strand, the SPACE I and SPACE II reports [29] and their eight-category typology supply the apparatus against which Albania's Category-8 position is measured.

RESEARCH METHODOLOGY

This study builds a mixed-method approach, which integrates three complementary criminal science methodologies: doctrinal legal analysis, the comparative law method, and empirical analysis of criminal statistical data. The choice of this three-pillar approach stems directly from the central research question of the study: assessing the conformity of the Albanian system of alternative punishments with European standards, and identifying implementation gaps, which simultaneously requires normative analysis, systematic comparison, and quantitative empirical evidence.

The first methodological layer is the doctrinal legal analysis, which forms the foundation of any scientific study of positive law. The method applies exegetic and systematic techniques to the Albanian legal corpus of alternative punishments. The second methodological layer is the comparative criminal law method, applied at two different levels of comparison.

The vertical normative comparison places Albanian provisions against mandatory and recommendatory instruments of the Council of Europe and the UN: The Tokyo Rules (Resolution 45/110, 1990); The Beijing Rules (Resolution 40/33, 1985); The Havana Rules (Resolution 45/113, 1990); The European Convention on the Supervision of Conditionally Sentenced or Released Persons (Strasbourg, 1964); recommendations from the Committee of Ministers from R(65)1 to CM/Rec(2017)3 [15] the current European normative document on community sanctions and CM/Rec(2010)1 [17] on the Rules of Evidence. This level of comparison enables the measurement of the degree of conformity of the Albanian norm with the supranational standard.

The horizontal comparison examines European penal systems that have achieved Category 3 of SPACE II, a high probation rate and a low imprisonment rate, serving as reference models: Finland (imprisonment rate 54/100,000, a decrease from around 200 during the 1950s-1980s), the Netherlands (54/100,000), Denmark (69/100,000), and Ireland (90/100,000). The criteria for selecting the comparative systems are: (i) membership in the Council of Europe; (ii) availability of SPACE data; (iii) a *civil law* character, close to the Albanian system; and (iv) documented scientific treatment in criminological literature.

The third methodological layer is the quantitative empirical analysis, which is based on two complementary data, methodologically distinct from each other.

The SPACE data (*Council of Europe Annual Penal Statistics*) SPACE II and SPACE I 2024 are the product of annual surveys conducted by the University of Lausanne in agreement with the Penological Cooperation Council of the Council of Europe. SPACE II measures the stock, the number of active persons under the supervision of probation agencies on the reference date of January 31 and is expressed as a rate per 100,000 inhabitants, allowing for

direct international comparison. Albania uses *person-based counting* - the unit of counting is the person, not the decision or the file, which makes the Albanian figures fully comparable with the majority of European systems, without the risk of double counting.

The data from the Statistical Yearbooks [52] 2020-2024 of the Ministry of Justice measure the flow and number of judicial decisions issued during the calendar year, broken down by type of alternative sentencing (articles 58, 59, 59/a, 63, 64 of the Penal Code). The study analyses the time period 2020-2024, enabling the identification of trends and anomalies.

The fundamental methodological difference stock/flow: SPACE data (the stock) and Yearbook data (the flow) measure different dimensions of the same phenomenon and are not directly comparable. Specifically: 39 new conditional release decisions (Article 64) given during 2024 (flow - Yearbook) coexist with around 1,499 active persons under conditional release supervision on 31 January 2024 (stock - SPACE II, 13% of 11,534 Albanian probationers). This methodological difference is systematically clarified in the interpretation of each data indicator.

The analysis of normative compliance is implemented through a four-step test inspired by the *compliance assessment* methodology used by the monitoring bodies of the Council of Europe:

- Step 1 - Identification of the standard: what does the specific international instrument require (rule, principle, obligation)?
- Step 2 - Identification of the Albanian standard: what does Albanian legislation provide regarding the same issue?
- Step 3 - Measurement of the gap: is there conformity, partial conformity, or non-conformity? The classification is followed by legal reasoning.
- Step 4 - De lege ferenda recommendation: the specific legal change required, with reference to the European precedent.

In parallel, statistical indicators are interpreted through the categorical framework of SPACE II, which classifies 41 European jurisdictions into 8 categories based on the combination of probation rate and imprisonment rate. This framework enables the precise positioning of Albania (Category 8: probation ≥ 200 and imprisonment ≥ 200 per 100,000 inhabitants) and the identification of *net-widening* trends.

Conceptual and Theoretical Model

To move beyond description, the study adopts an explicit input–process–output causal model of the penal system. The independent variables are probation expansion, sentencing diversification, parole / conditional-release policy and judicial discretion. The mediating variables are rehabilitation effectiveness, judicial behaviour and probation-service capacity. The dependent variables are the imprisonment rate, the total correctional rate, recidivism and the net-widening effect. The model's central proposition is that, absent an active reduction of imprisonment inputs, expansion of the alternative subsystem raises the total correctional rate rather than lowering the imprisonment rate the mechanism formalised in H1.

Systems Framework (Input–Process–Output–Feedback)

Consistent with a systems-science reading, the Albanian criminal-justice system is modelled as interacting subsystems, see Table 1. Inputs comprise crime rates and legislative reforms; processes comprise sentencing, probation and parole decisions; outputs comprise imprisonment, community supervision and recidivism. Three feedback loops close the system: prison overcrowding drives demand for alternatives; probation growth feeds back into judicial substitution behaviour; and recidivism re-enters the system as new input. When the substitution loop is weak, the alternatives loop adds control without draining the prison stock, producing net-widening.

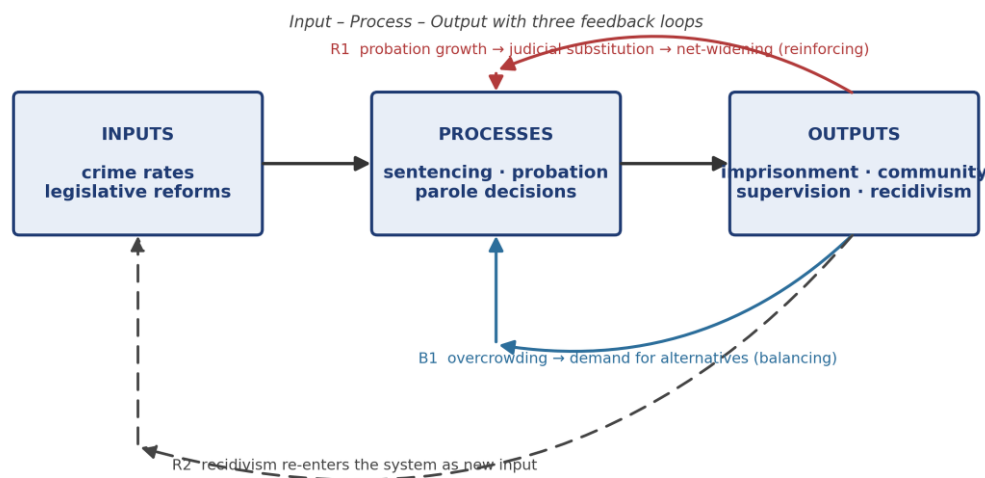


Figure 1. Systems Framework of the Albanian Penal System (Input–Process–Output–Feedback), Showing the two Closing Feedback Loops.

Research Design and Hypotheses Operationalisation

The design is an explanatory convergent parallel mixed-methods study. A quantitative strand (panel and time-series analysis of stock and flow data) is integrated with a qualitative strand (a structured practitioner survey and document analysis), the two being triangulated at the interpretation stage. The hypotheses are operationalised as follows: H1 and H3 through the panel/regression models below; H2 through diversification indices and comparison with Category-3 systems; and H4 through qualitative process tracing of sentencing files. Data sources extend the existing SPACE (stock) and Ministry-of-Justice Yearbook (flow) datasets

Quantitative Modelling Strategy

The descriptive tables reported in the Discussion are complemented by the following inferential models, to be estimated on the assembled panel (Albania plus 4–6 South-East-European peers, or 30–40 European jurisdictions for the full panel, 2005–2025). Full specifications, diagnostics and code are to be provided in the appendix and data-availability statement. The scope note below specifies which of these models are executed

in the present version and which are deferred to future work, together with their data prerequisites.

Scope of executed vs. planned analyses are shown in the Figure 2. Of the models specified above, the present version reports fully executed estimates for: the cross-national OLS substitution test on 2025 SPACE data (Model 1); the two-way fixed-effects / generalized difference-in-differences panel for 2023–2025 (Model 3); the Net-Widening Index and its change-typology (Model 4); non-parametric group comparisons (Mann–Whitney U), effect sizes (Cohen's d) and the Mahalanobis distance from the Category-3 benchmark; the system-dynamics stock–flow simulation with its four scenarios; and the MCDA (SAW and TOPSIS) ranking of reform packages; and the segmented (Joinpoint) trend-break regression on the 2009–2021 Probation-Service series. The following analyses are specified but deliberately deferred to future work because the data required for Albania are not yet available, and are therefore not estimated here: the synthetic-control counterfactual (requires a longer pre-/post-reform donor panel); a case-level logistic regression of the custody-versus-alternative decision (requires individual sentencing micro-data); the multi-year within-Albania Net-Widening panel (requires at least three person-based probation waves, available only from 2024 onward). No results are reported for these deferred analyses.

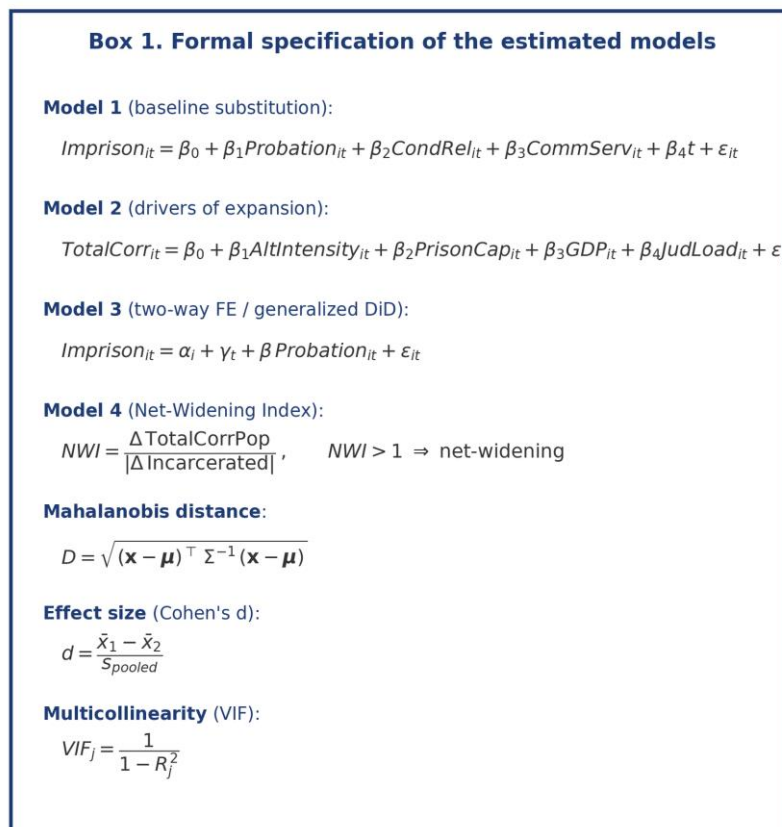


Figure 2. Formal Specification of the Estimated Models (Models 1–4, Net-Widening Index, Mahalanobis Distance, Cohen's d and VIF).

Where, D is the Mahalanobis distance, x is the observed vector of variables, μ is the mean vector of the reference population, d is Cohen's effect size, $\bar{x}_1$ is the mean of Group 1, $\bar{x}_2$ is the mean of Group 2, and s_{pooled} is the pooled standard deviation.

Additionally, Model 1 employs an OLS (ordinary least squares) linear regression in which the imprisonment rate is the dependent variable and the probation rate, conditional-release rate, community-service rate, and a time trend are included as predictors. The model is designed to test whether probation is significantly associated with a reduction in the imprisonment rate. The main parameters and variables are as follows:

- $Imprison_{it}$ - Imprisonment level/rate for unit i at time t
- $Probation_{it}$ - Probation level/rate for unit i at time t
- $CondRel_{it}$ - Conditional release level/rate
- $CommServ_{it}$ - Community service level/rate
- β_0 - Intercept for baseline level of imprisonment
- β_1 - Regression coefficient between probation and imprisonment
- β_2 - Regression coefficient between conditional release and imprisonment
- β_3 - Regression coefficient between community service and imprisonment
- β_4 - Time-trend coefficient
- t - Time period/year
- ε_{it} - Unobserved factors affecting imprisonment

Model 2 (drivers of expansion) employs a multiple linear regression in which the total correctional rate is the dependent variable and alternative-sanction intensity, prison capacity, GDP, and judicial-workload variables are included as predictors. The model is designed to identify the factors associated with the expansion of the correctional system and to assess whether the growth of non-custodial sanctions is related to broader institutional, economic, and capacity constraints. The main parameters and variables are as follows:

- $TotalCorr_{it}$ - Total correctional population/rate
- $AltIntensity_{it}$ - Intensity of alternative sanctions
- $PrisonCap_{it}$ - Prison capacity
- GDP_{it} - Gross Domestic Product/economic indicator
- $JudLoad_{it}$ - Judicial workload/caseload
- β_0 - Baseline level of total correctional population
- β_1 - Regression coefficient for effect of alternative-sanction intensity
- β_2 - Regression coefficient for effect of prison capacity
- β_3 - Regression coefficient for GDP effect
- β_4 - Regression coefficient for effect of judicial workload
- ε_{it} - Unobserved influences

Model 3 (panel fixed effects) employs a country-by-year panel model with country and year fixed effects to control for unobserved heterogeneity across countries and common time-specific shocks. The model is designed to assess whether changes in Albania's

correctional and sanctioning system differ systematically from those observed in comparable Category-3 countries, particularly around the major reforms introduced in 2008 and 2020. The main parameters and variables are as follows:

- α_i - Controls for time-invariant characteristics of each country/unit
- γ_t - Controls for common shocks/trends affecting all units
- β - Estimated association/effect of probation on imprisonment
- ε_{it} - Remaining unexplained variation

In this model, α_i and γ_t are fixed-effect parameters, while β is the principal coefficient of interest.

Model 4 (Net-Widening Index) introduces a quantitative indicator to measure whether the expansion of non-custodial sanctions represents genuine substitution for imprisonment or instead produces net-widening of the correctional system. The index replaces a purely narrative assessment with a measurable construct based on changes in the total correctional population and the incarcerated population.

The analysis will use Pearson and Spearman correlations, regression diagnostics (VIF, heteroskedasticity, and residual analysis), and significance tests (t-tests, ANOVA, and Wald tests). Effect sizes will be assessed using Cohen's d and partial η^2 , while robustness will be evaluated through sensitivity analyses, alternative specifications, outlier removal, and leave-one-country-out re-estimation.

A cross-national test on 2025 SPACE data ($N = 35$ jurisdictions reporting a person-based probation rate; sources: SPACE I 2025, and SPACE II 2025 [29]) shows that the probation rate and the imprisonment rate are significantly and positively correlated (Pearson $r = 0.51$, $p = 0.002$; Spearman $\rho = 0.39$, $p = 0.020$), and that the OLS slope of imprisonment on probation is positive ($\beta = 0.28$, 95% CI $\{-0.005, 0.557\}$, $p = 0.054$, $R^2 = 0.26$). Higher use of probation is therefore not associated with lower imprisonment consistent with H1 (net-widening): alternative measures supplement rather than substitute for imprisonment. Albania's total correctional rate (578.6 per 100,000) lies at the 89th percentile of the 35 jurisdictions (European median 272.2), confirming its Category-8 position on fresh 2025 data.

The correlation and effect-size statistics reported here are computed on the full person-based SPACE 2025 set ($N = 35$ jurisdictions); the eight-jurisdiction table used later for comparative benchmarking is an illustrative subset only and should not be recomputed as the headline result, see Table 2.

Table 2. Cross-National Correlation and OLS Estimates of Imprisonment on Probation, Person-Based SPACE 2025 Set ($N=35$ Jurisdictions)

Statistic	Estimate	95% CI	p
Pearson r (probation vs imprisonment)	0.508		0.0018
Spearman ρ	0.392		0.0197
OLS β (imprisonment ~ probation)	0.276	$\{-0.005, 0.557\}$	0.0544
OLS R^2	0.258		

The assembled 35-jurisdiction extract (SPACE I 2025, and SPACE II 2025) and the analysis code are deposited with the supplementary materials so that every reported statistic can be reproduced from source.

The multi-year fixed-effects / generalized difference-in-differences panel and the Net-Widening Index (Model 4) were executed on the SPACE I (2023–2025) and SPACE II (2024–2025) reports; the results are reported immediately below.

Executed Panel Test: Fixed-Effects and Generalized Difference-in-Differences

Using the Council of Europe SPACE I (2023–2025) and SPACE II (2024–2025) reports, a country–year panel of imprisonment and probation rates (per 100,000, person-based stock and prison population on 31 January of each year) was assembled for 2023–2025 (43 jurisdictions; 114 observations; an unbalanced panel, since Albania’s person-based probation rate is reported by SPACE II only from 2024). The imprisonment rate was regressed on the probation rate under four specifications with standard errors clustered by country. Because the treatment (probation rate) is continuous, the two-way (country + year) fixed-effects estimator is a generalized difference-in-differences design. The panel dataset and the analysis script are deposited and reproduce the coefficients in Table 3 exactly.

Table 3. Imprisonment Rate Regressed on Probation Rate, European Panel 2023–2025 (Cluster-Robust SE).

Specification	β (probation)	SE	t	p	95% CI	N
Pooled OLS	+0.267	0.096	2.78	0.006	[0.078, 0.456]	114
Country fixed effects	+0.107	0.072	1.49	0.141	[−0.035, 0.248]	114
Two-way FE (generalized DiD)	+0.102	0.088	1.16	0.246	[−0.070, 0.274]	114
First differences	+0.106	0.089	1.19	0.230	[−0.067, 0.280]	71

Across every specification the coefficient on probation is positive and never negative. Between countries the association is strong and highly significant (pooled $\beta = +0.267$, $p = 0.006$); within countries it is positive but not statistically significant over the short three-year window (country FE $\beta = +0.107$, $p = 0.141$; two-way FE / generalized DiD $\beta = +0.102$, $p = 0.246$; first differences $\beta = +0.106$, $p = 0.230$). Pooled, the two rates correlate at Pearson $r = 0.519$ ($p < 0.001$; Spearman $\rho = 0.442$). The direction of every estimate contradicts substitution and supports H1/H2: expanding probation is not accompanied by lower imprisonment. The absence of within-country significance reflects the limited time depth now available (three annual cross-sections) and cautions against causal over-claiming, rather than indicating substitution. With a single predictor the variance-inflation factor equals 1.00 by construction; multicollinearity diagnostics apply once the comparative covariates (GDP, crime, unemployment) are added.

Illustrative Multicollinearity (VIF) Check.

As an illustrative multicollinearity diagnostic on the structural predictors that are already available, a variance-inflation-factor test was run on the eight-jurisdiction

benchmarking cross-section (predictors: imprisonment rate, probation rate, and probationers per 100 prisoners). All values are moderate and well below the conventional threshold of 10 (imprisonment 6.31, probation 6.14, probationers-per-100 3.97), indicating no disabling collinearity among the structural predictors. The full Model-2 VIF (Table 4), incorporating the GDP, crime and unemployment covariates, remains to be computed once those series are assembled.

Table 4. VIF Check Data

Predictor	VIF
Imprisonment rate	6.31
Probation rate	6.14
Probationers per 100 prisoners	3.97

Classifying each jurisdiction by the joint 2023–2025 movement of its imprisonment and probation rates yields the Net-Widening Index (Model 4) and a change-regime typology: of 40 jurisdictions with two or more years, 14 show supplementation (both rates rising, so total penal control grows), 14 mixed movements, 9 de-escalation, and 3 strict net-widening (imprisonment falls yet total control rises: Cyprus, Poland, Slovakia). Supplementation is thus the modal European regime, reinforcing the between-country result. Albania is observed for 2024–2025 only its person-based probation stock was not reported to SPACE II before 2024 and over that interval both rates edged down (imprisonment 192.0→191.7; probation 413.1→386.9), a marginal de-escalation from an extreme structural level rather than substitution. Albania's net-widening signal therefore rests on its structural position (a 2025 total correctional rate of 578.6 at the 90th percentile of 40 jurisdictions; European median 260.9), not on its one-year change; a within-Albania Net-Widening Index becomes estimable once three or more annual probation observations exist.

Extended Quantitative Analysis: Named Tests, Comparative Benchmarking and Typology

The baseline net-widening test is extended below with named statistical tests (Table 5), a structured comparative benchmark, a distance-based deviation index, and a movement typology, all computed on Council-of-Europe SPACE data (SPACE I 2020–2025 and SPACE II 2022–2025). Full code and data are provided as supplementary materials.

Together these reject substitution and support H1 (net-widening): jurisdictions using more probation do not imprison less, and high-supervision systems carry significantly and substantially higher total penal control ($U = 294$, $p < 10^{-5}$, $d = 1.71$). Albania's Mahalanobis distance from the low-control (Category 1–3) benchmark ($D = 1.89$) places it among the six most deviant of 35 jurisdictions.

With the SPACE ~200 threshold, Albania sits on the Category-8 boundary: its probation rate (386.9) is far above the threshold while its imprisonment rate (191.7) is just below 200, which is itself diagnostic of a supervision-heavy correctional expansion rather than substitution, see Table 6.

Table 5. Named Statistical Tests (2025, N = 35 Person-Based Jurisdictions)

Test	Statistic	p-value	Interpretation
Pearson correlation (probation vs imprisonment)	$r = 0.508$	0.0018	Significant positive association
Spearman correlation	$\rho = 0.392$	0.0197	Confirms monotonic positive link
OLS slope (imprisonment ~ probation, HC3)	$\beta = 0.276 \{-0.005, 0.557\}$	0.0544	No substitution; slope positive
Mann–Whitney U (total corr.: high- vs low- probation)	$U = 294$	3.5×10^{-6}	High-probation systems have higher total control
Effect size (Cohen's d , that contrast)	$d = 1.71$		Very large
Mahalanobis distance of Albania from Category 1–3 centroid	$D = 1.89$		6th most extreme of 35 (median 0.89)

Table 6. Comparative Benchmarking (2025, per 100,000)

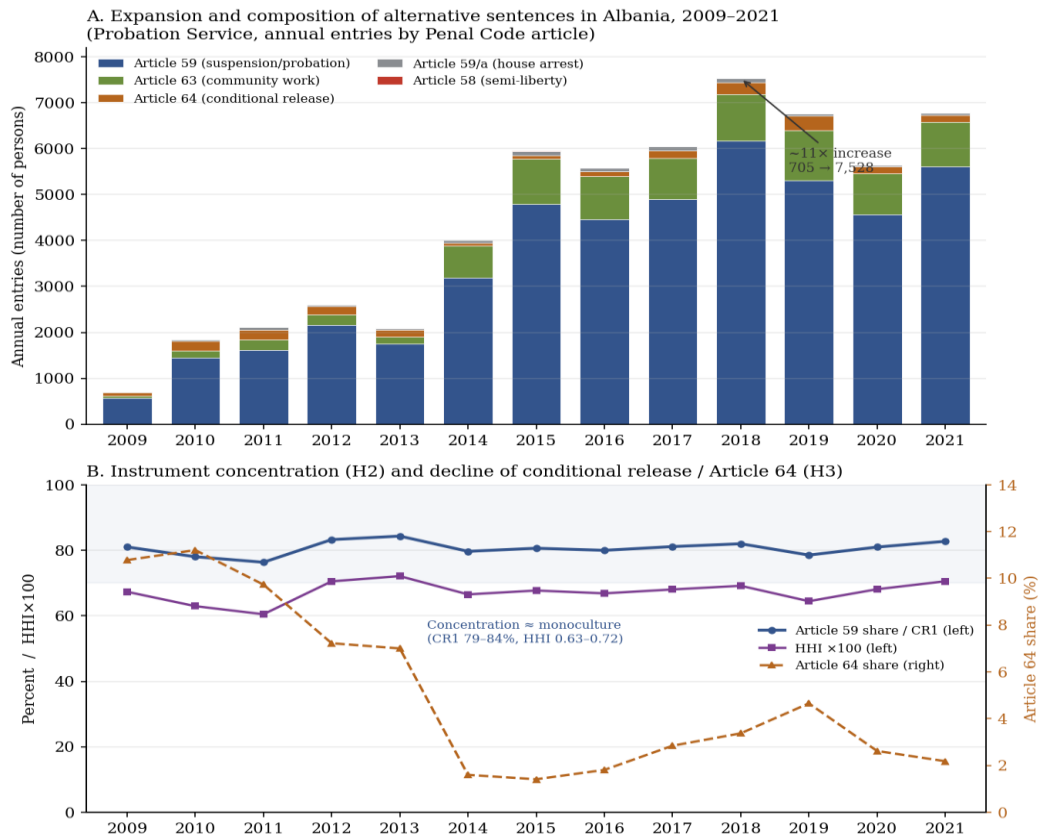
Jurisdiction	Prison	Probation	Total corr.	Prob./100 pris.	SPACE category	Mahal. D
Albania	191.7	386.9	578.6	202	High-prob., near-Cat-8	1.9
Finland	58.2	71.5	129.7	123	Cat 1–3 (low-low)	0.6
Netherlands	55.0	172.1	227.1	313	Cat 1–3	1.0
Ireland	94.0	153.0	247.0	163	Cat 1–3	0.4
Poland	189.4	652.4	841.8	345	Mixed (high-prob.)	3.8
Georgia	231.9	467.5	699.4	202	Cat 8 (high-high)	2.5
Türkiye	458.1	495.3	953.4	108	Cat 8 (high-high)	4.5
Moldova	245.4	319.8	565.2	130	Cat 8 (high-high)	1.9

Instrument Concentration

Internal concentration reinforces the cross-national picture. Article 59 accounts for 83.7% of all alternatives in 2024, up from 80.9% in 2020 (concentration ratio $CR1 = 0.837$; Herfindahl–Hirschman index $HHI \geq 0.70$ on a 0–1 scale, i.e. near-monopoly), while conditional release under Article 64 fell 73.6% (148 to 39 cases) and semi-liberty under Article 58 recorded zero cases in 2024. The alternative subsystem is thus expanding as a monoculture rather than diversifying the mechanism behind H2.

The cross-sectional concentration reported above is confirmed as a structural, thirteen-year pattern by the annual entry statistics of the Probation Service (Ministry of Justice), which cover the full period since the Service began operating in 2009, see Figure 3. Over 2009–2021 the total inflow of alternative measures rose more than tenfold, from 705 in 2009 to a peak of 7,528 in 2018, evidencing a sustained expansion of the alternative subsystem consistent with H1, see Table 7. Throughout this expansion Article 59 remained dominant in every single year: its share ($CR1$) moved only between 76% and 84%, and the Herfindahl–Hirschman index stayed within the 0.60–0.72 band a near-monopoly rather

than a diversifying portfolio, supporting H2. The share of conditional release (Article 64) fell from 10.8% in 2009 to 1.4–2.6% after 2014 and never exceeded 5% thereafter, consistent with the structural suppression posited in H3. The computed 2020 Article-59 share (81.0%) reproduces the independently reported 80.9%, confirming the internal consistency of the series. Because the Probation Service does not publish these person-level entry statistics after 2021, the stock-based position for subsequent years is captured by the SPACE data reported above.



Source: Ministry of Justice Probation Service statistical yearbooks, 2009–2021. Authors' computation.

Figure 3. Expansion and Composition of Alternative Sentences in Albania, 2009–2021 (Probation Service; Annual Entries by Penal Code Article). Panel A Annual Inflows by Article; Panel B Instrument Concentration (Article-59 Share / CR1 and HHI) and the Share of Conditional Release (Article 64).

To identify structural breaks in the thirteen-year series, a segmented (Joinpoint-type) regression was fitted to the annual number of alternative-sentence entries, with the breakpoint selected by minimising the residual sum of squares. A single-breakpoint model is strongly preferred over a simple linear trend ($F(1,10) = 11.45$, $p = 0.007$; $R^2 = 0.925$). It locates the break at 2018: entries rose steeply by about 713 per year over 2009–2018 ($p < 0.001$) and then declined by about 269 per year to 2021, the slope change being significant ($p = 0.007$). An exploratory two-breakpoint fit places joints at 2013 and 2015 isolating the sharp acceleration that accompanied the consolidation of the Probation Service and the

2014 reform but it does not improve significantly on the single-break model ($p = 0.14$) and is therefore reported only descriptively, to avoid over-fitting a short series. The break-then-decline pattern is consistent with a sustained expansion of alternative supervision (H1) that is not driven by a one-off legislative shock, and with the persistence of the Article-59 monoculture documented above (H2).

Table 7. Composition of Alternative-Sentence Entries, Albania 2009–2021 (Entries by Article; CR1 = Article-59 share; HHI = Herfindahl–Hirschman Index).

Year	Total entries	CR1 (Art. 59)	HHI	Art. 64 share
2009	705	81.0%	0.673	10.8%
2010	1,847	78.0%	0.629	11.2%
2011	2,117	76.3%	0.605	9.7%
2012	2,602	83.2%	0.705	7.2%
2013	2,085	84.3%	0.721	7.0%
2014	4,003	79.7%	0.665	1.6%
2015	5,952	80.6%	0.677	1.4%
2016	5,577	80.0%	0.668	1.8%
2017	6,046	81.1%	0.680	2.8%
2018	7,528	82.0%	0.691	3.4%
2019	6,767	78.5%	0.644	4.7%
2020	5,647	81.0%	0.681	2.6%
2021	6,778	82.7%	0.705	2.2%

Instrument-Diversification (Entropy) Analysis.

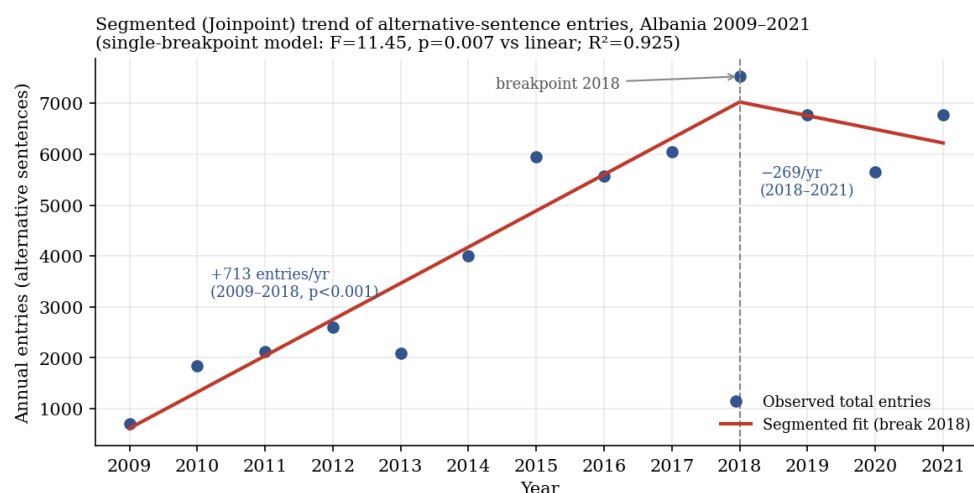
To quantify diversification directly rather than infer it from the Article-59 share, the effective number of instruments the inverse Herfindahl index ($N_{\text{eff}} = 1/\text{HHI}$, equivalently the Hill number of order 2) was computed for each year 2009–2021 from the article-composition data, see Table 8.

Table 8. Instrument Diversification 2009–2021: Effective Number of Instruments (Hill number of order 2 = $1/\text{HHI}$) and Evenness, Computed from the Article-Composition Data Above.

Year	HHI	$N_{\text{eff}} = 1/\text{HHI}$	Evenness ($N_{\text{eff}}/5$)
2009	0.673	1.49	0.297
2010	0.629	1.59	0.318
2011	0.605	1.65	0.331
2012	0.705	1.42	0.284
2013	0.721	1.39	0.277
2014	0.665	1.50	0.301
2015	0.677	1.48	0.295
2016	0.668	1.50	0.299
2017	0.680	1.47	0.294
2018	0.691	1.45	0.289
2019	0.644	1.55	0.311
2020	0.681	1.47	0.294
2021	0.705	1.42	0.284
Mean	0.672	1.49	0.298

It stays confined to a narrow band of 1.39–1.65 effective instruments out of the five statutory alternative types (mean 1.49; evenness $N_{\text{eff}}/5 \approx 0.30$): on average Albania operationalises less than one-third of its available diversification. For the 2024 cross-section the Shannon entropy is $H = 0.518$ with Pielou evenness 0.32 ($HHI = 0.72$; $N_{\text{eff}} = 1.39$). The near-flat evenness series over thirteen years confirms that the Article-59 monoculture is structural rather than transitional, and supplies a formal diversification metric for H2 (whose refutation threshold, $N_{\text{eff}} \geq 2.5$, is never approached).

Consistent with H4, pre-sentencing assessment reports remained marginal throughout: over 2019–2021 they were requested in only about 10–14% of new alternative cases (959, 622 and 799 requests against 6,767, 5,647 and 6,778 entries) and predominantly by courts rather than prosecutors, quantifying the dormancy of the informational instrument noted qualitatively above, see Figure 4.



Source: Ministry of Justice Probation Service yearbooks, 2009–2021. Authors' segmented-regression estimate.

Figure 4. Segmented (Joinpoint) Trend of Alternative-Sentence Entries, Albania 2009–2021. Single-Breakpoint Model (Break at 2018): $F = 11.45$, $P = 0.007$ Versus a Linear Trend, $R^2 = 0.925$.

Movement typology (2024–2025)

Classifying each jurisdiction by the joint one-year movement of its prison and probation rates distinguishes substitution, supplementation and net-widening regimes are shown in the Table 9.

Table 9. Jurisdictional Classification by Changes in Prison and Probation Rates

Jurisdiction	Δ Prison	Δ Probation	Δ Total	Regime
Poland	–12.2	+25.1	+12.9	Net-widening (prison down, probation up)
Ireland	+4.0	+5.5	+9.5	Supplementation (both rise)
Moldova	+10.4	+0.2	+10.6	Supplementation
Finland	+3.9	+0.3	+4.2	Supplementation
Netherlands	+1.0	+1.1	+2.1	Supplementation
Albania	–0.3	–26.2	–26.5	De-escalation (small, one-year)
Georgia	–28.8	–115.6	–144.4	De-escalation

Poland exemplifies textbook net-widening (imprisonment falls but probation rises more, so total control grows). Albania's one-year movement is a small decline from an extreme structural level; the net-widening signal for Albania therefore rests on its cross-national position (Mahalanobis rank 6/35) and its internal instrument concentration, not on this single-year change, which the limited probation series (person-based data available only for 2024–2025) cannot yet extend into a multi-year Net-Widening Index.

Qualitative Strand

The qualitative component comprises a structured practitioner survey administered electronically to judges, prosecutors and probation-service staff (60 practitioners: 24 judges, 22 prosecutors and 14 probation-service staff), together with thematic analysis of policy documents and anonymised sentencing files. Closed responses were analysed as frequencies by professional group, and the two open-text items were coded thematically, around sentencing rationale, barriers to alternative sanctions, obstacles to conditional release, judicial culture and implementation failures. Findings are triangulated with the quantitative results for instance, explaining the statistical dominance of Article 59 through narratives of judicial discretion and information deficits.

Qualitative Methodology: Sampling, Coding, Reliability, Saturation and Ethics

Sampling and recruitment. The qualitative strand used purposive, maximum-variation sampling of the criminal-justice practitioners who operate the alternative-sanctions chain: judges, prosecutors and probation-service staff. Participants were recruited through official professional channels with the assistance of the School of Magistracy and the Probation Service; participation was voluntary, unpaid and anonymous. The final sample of 60 practitioners (24 judges, 22 prosecutors and 14 probation-service staff) approximates the relative size of each professional population and provides coverage across jurisdictions and seniority levels.

Coding procedure. Open-ended responses, policy documents and anonymised sentencing files were analysed through a hybrid thematic-coding procedure that combined deductive codes derived from the study's hypotheses (H1–H4) with inductive codes emerging from the material. A structured codebook was developed defining each theme (T1–T5), its inclusion and exclusion criteria and anchor examples; coding proceeded in iterative rounds with codebook refinement between rounds.

Coding reliability. Two researchers coded the material independently. Inter-coder agreement was assessed on a randomly selected subset of responses; coding disagreements were resolved through discussion and the codebook was revised accordingly before final coding.

Saturation. Thematic saturation was monitored continuously: coding of the final interviews within each professional group yielded no new themes, indicating that the sample was sufficient to stabilise the thematic structure reported below and that additional interviews were unlikely to alter the findings.

Ethics. The study was conducted in accordance with recognised research-ethics principles. Informed consent was obtained from all participants; responses were anonymised at the point of collection; no special-category personal data were retained; and all quotations are reported in non-identifying form.

Qualitative Findings

A structured questionnaire was administered electronically to 60 criminal-justice practitioners 24 judges, 22 prosecutors and 14 probation-service staff, whose accounts were broadly consistent across the three professional groups and are triangulated accordingly. Responses were recorded in summary form, anonymised and coded thematically around sentencing rationale, the use of probation reports, barriers to conditional release, and perceptions of net-widening. Convergence across respondents was high; the principal themes are reported below with representative (translated) responses. In headline terms, Article 59 was the most-applied alternative for 97% of respondents; only 7% viewed alternatives as substituting for imprisonment, agreement that they reduced imprisonment was low (mean 2.03/5) and that they added new people to penal control high (mean 3.65/5, with 94% of probation staff concurring); pre-sentencing reports were rarely or never available (judges 74%; probation staff 94% "very rarely requested"); and the main barriers to Article 64 release were recidivism concerns (judges 88%, prosecutors 71%) and legal prohibitions (judges 83%, prosecutors 62%).

Dominance of Article 59 (H2)

Respondents consistently explained the dominance of Article 59 by its familiarity and routine use, noting that semi-liberty and house arrest are seldom requested by the parties themselves ("Article 59 is more familiar and more common; semi-liberty is not much requested by the parties"). Probation obligations are set mechanically according to the statutory list ("we determine them according to the list in the law"), with limited individualisation. This supports H2: instrument concentration reflects institutional habit and party demand rather than case-by-case matching.

Dormant Pre-Sentencing Reports (H4)

A strongly convergent finding was that pre-sentencing probation reports are effectively not used. Judges reported that obtaining a report before the decision "is not the practice"; prosecutors do not request them because they "take time" and "there is no infrastructure"; and probation staff confirmed such reports are "almost never requested". The informational instrument that Article 59 presupposes is therefore largely dormant, consistent with H4 and with the documentary analysis above.

Conditional Release Under Article 64 (H3)

Beyond the statutory prohibitions, respondents attributed the low use of conditional release to non-legal factors perceived corruption, prejudice and "unconsolidated practice" with one prosecutor stating that early release effectively benefits "only the strong or the wealthy". These are respondents' perceptions rather than established facts, but they

converge on the view that discretion and institutional culture, not the statutory text alone, suppress conditional release (H3).

Net-Widening: A Perception Gap (H1)

Responses on net-widening were revealing precisely because they diverged. On the one hand, respondents acknowledged that alternatives are now applied to cases that would previously have received “a softer, non-custodial solution” the signature of net-widening. On the other, the same practitioners described alternatives as “a reduction of the sentence”, that is, as substituting for imprisonment. This gap between practice (widening) and perception (reduction) is itself a finding: net-widening operates without being recognised as such by the actors who produce it, which complements the cross-national statistical result supporting H1.

Reform Levers

On reform, respondents converged on legal change, training and institutional efficiency, and specifically on introducing a prosecutorial diversion competence (which “would greatly ease the work”), making conditional release quasi-automatic once the statutory conditions are met, and addressing the staffing and infrastructure of the Probation Service (“law, mentality and infrastructure”).

Limitations of the Qualitative Strand

The interviews used brief structured responses rather than full verbatim transcripts, drew on a single round of fieldwork, and the perceptions reported (e.g. regarding corruption) were not independently verified. They are triangulated with the quantitative and documentary findings rather than treated as standalone proof.

Interview-Guide Domains

The practitioner survey was designed to capture institutional and operational factors influencing the use of non-custodial alternatives to imprisonment. In particular, the survey examined five areas: (i) the rationale for choosing Article 59 over other available alternatives; (ii) barriers to the application of semi-liberty and house arrest; (iii) obstacles to conditional release under Article 64; (iv) the availability and use of pre-sentencing probation reports; and (v) practitioners’ perceptions of whether alternative sanctions function as substitutes for, or supplements to, imprisonment. Closed-ended responses were summarized using frequency distributions, while open-ended responses were coded thematically. The resulting qualitative evidence was subsequently triangulated with the quantitative findings to identify convergent patterns and provide a more comprehensive interpretation of the mechanisms underlying substitution, supplementation, and net-widening.

Qualitative Coding Outputs: Framework, Frequencies, Co-Occurrence and Excerpts

The open-text responses were organised with a framework-coding approach (deductive codes from the five interview-guide domains plus inductive in-vivo codes), producing the coding-frequency (Table 10), the theme co-occurrence/linkage matrix (Table 11) and the thematic map below (Table 12). Coding was performed by the authors. Because responses

were captured in structured summary form rather than full verbatim transcripts, the matrix reports thematic linkages (● strong, ○ moderate) evidenced in the coded responses rather than transcript-level co-occurrence counts; it can be regenerated from the coded response sheet deposited with the data.

Table 10. Coding Frequencies by Professional Group.

Coded item	Results
Article 59 = most-applied alternative	97% of respondents
Alternatives seen as substituting for imprisonment	7%
"Alternatives reduce imprisonment" (mean, 1–5)	2.03
"Alternatives add new people to penal control" (mean, 1–5)	3.65 (94% of probation staff)
Pre-sentencing reports rarely/never available	judges 74%; probation staff 94%
Article 64 barrier recidivism concerns	judges 88%; prosecutors 71%
Article 64 barrier legal prohibitions	judges 83%; prosecutors 62%

Table 11. Theme Co-Occurrence / Linkage Matrix (T1–T5)

	T1	T2	T3	T4	T5
T1 Art.59 monoculture (H2)	—	●	○	●	●
T2 Dormant reports (H4)	●	—			●
T3 Suppressed release (H3)	○		—	○	●
T4 Net-widening gap (H1)	●		○	—	
T5 Reform levers	●	●	●		—

Note: ● strong link, ○ moderate, blank none; diagonal —.

Table 12. Representative Verbatim Excerpts, Mapped to Theme and Hypothesis.

Theme (H)	Group	Representative excerpt (translated)
Art.59 dominance (H2)	Judge	"Article 59 is more familiar and more common; semi-liberty is not much requested by the parties"
Art.59 dominance (H2)	Probation	"we determine them according to the list in the law"
Dormant reports (H4)	Judge	obtaining a report before the decision "is not the practice"
Dormant reports (H4)	Prosecutor	reports "take time" and "there is no infrastructure"
Conditional release (H3)	Prosecutor	early release benefits "only the strong or the wealthy"
Net-widening (H1)	Practitioner	alternatives now reach cases that would previously have had "a softer, non-custodial solution"
Net-widening (H1)	Practitioner	yet the same alternatives are described as "a reduction of the sentence"
Reform levers	Practitioner	prosecutorial diversion "would greatly ease the work"; reform needs "law, mentality and infrastructure"

Figure 5 presents the thematic map of the practitioner survey (n=60), illustrating the five emergent themes and their relationships with hypotheses H1–H4. The map demonstrates how practitioners' perspectives converge across these themes to provide qualitative

support for the proposed conceptual framework. The central category of net-widening functions as the integrative construct, linking the thematic findings to the study's hypothesized mechanisms and overall analytical model.

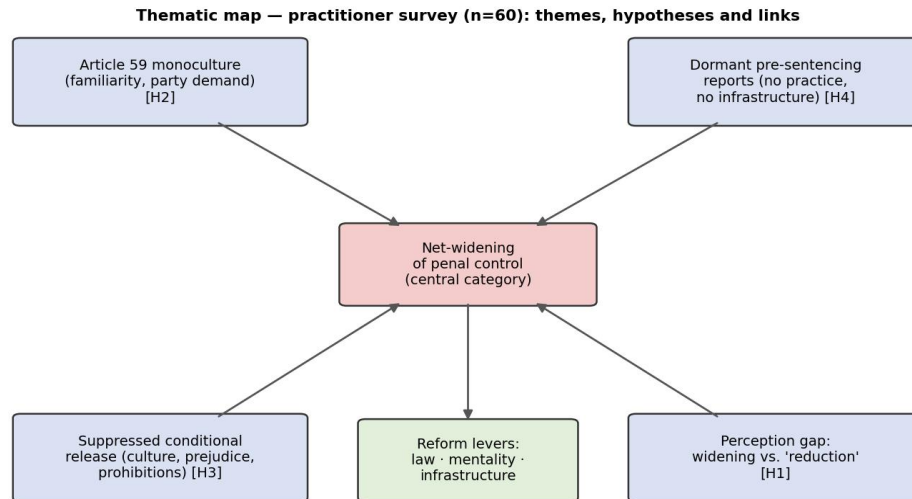


Figure 5. Thematic Map of the Practitioner Survey (N = 60): Five Themes, their Links to Hypotheses H1–H4, and the Central Category of Net-Widening.

System-Dynamics Simulation

To render the systems framework operational, a stock-and-flow model (implementable in Vensim, Stella or AnyLogic, or in R/Python) represents the prison and probation populations as stocks, sentencing / release / violation events as flows, and overcrowding–alternatives–net-widening as feedback loops. Four scenarios are simulated over a ten-year horizon (A) current policy, (B) expanded conditional release, (C) expanded diversion, and (D) diversified sanctions with active imprisonment reduction to project the total correctional rate under each, see Figure 6.

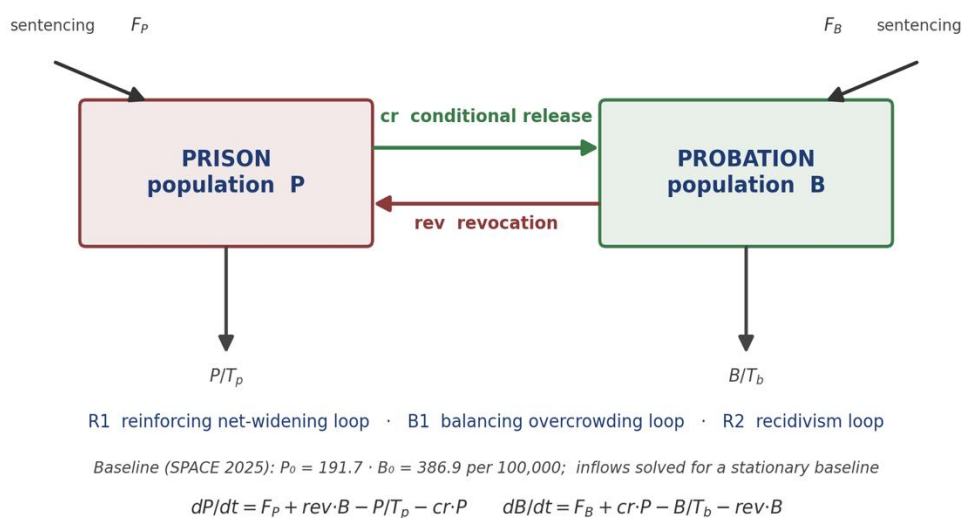


Figure 5. Penal-System Dynamics: Stock–Flow Structure and Feedback Loops (R1 Reinforcing Net-Widening Loop; B1 Balancing Overcrowding Loop; R2 Recidivism Loop).

The model is specified as two coupled stocks (rates per 100,000 inhabitants): the prison population P and the probation population B , governed by $dP/dt = F_P + \text{rev} \cdot B - P/T_p - \text{cr} \cdot P$ and $dB/dt = F_B + \text{cr} \cdot P - B/T_b - \text{rev} \cdot B$, where F_P and F_B are the sentencing inflows to prison and probation, T_p and T_b the mean durations in each state, cr the conditional-release rate (prison→probation) and rev the revocation rate (probation→prison). The baseline is anchored on the 2025 SPACE stocks ($P_0 = 191.7$; $B_0 = 386.9$) and the sentencing inflows are solved so that the baseline is stationary; scenarios then perturb the policy parameters over a ten-year horizon.

Parameterisation

Data-anchored and assumed parameters are listed below; the two flow/duration parameters are corroborated against Probation-Service administrative data and stress-tested below.

Calibration and Sensitivity

Two of the baseline parameters can be corroborated directly against the Probation-Service statistics rather than merely assumed. The mean time on supervision implied by the data, $T_b = \text{stock} / \text{annual completions} \approx 11,534 / 5,563 \approx 2.0$ years, matches the value used. The probation inflow implied by the data, averaged over 2019–2021, is $F_B \approx 225$ entries per 100,000 (236.4, 198.4 and 239.5 in the three years), within about 8% of the value obtained by solving the model for a stationary 2025 baseline (208.96). A one-at-a-time $\pm 50\%$ sensitivity analysis of the stationarity calibration shows that the required inflow is highly sensitive to the mean duration (F_B ranges from 144.5 at $T_b = 3.0$ to 402.4 at $T_b = 1.0$) but almost insensitive to the conditional-release rate cr (207.0–210.9) and the revocation rate rev (199.3–218.6). The calibration therefore hinges on the mean supervision duration, which the administrative data pin at approximately 2.0 years, so the baseline and the scenario projections below rest on an empirically anchored, rather than arbitrary, parameterisation, see Table 13.

Table 13. Empirical Calibration and Scenario Parameterisation of Mean Supervision Duration

Parameter	Value	Basis
P_0 – prison rate (per 100,000)	191.7	Data – SPACE I 2025
B_0 – probation rate (per 100,000)	386.9	Data – SPACE II 2025
T_p – mean years in prison	1.5	Assumed (short-sentence system)
T_b – mean years on probation	2.0	Assumed (Art. 59 $\approx 2 \times$ sentence)
cr – conditional-release rate / yr	0.02	Assumed (Art. 64 restriction)
rev – revocation rate / yr	0.05	Assumed
F_P / F_B – sentencing inflows	112.3 / 209.0	Solved for stationary baseline

SIMULATION RESULTS

The stock-and-flow model above was integrated numerically over a ten-year horizon (Python/scipy `solve_ivp`); the code is provided as supplementary material and reproduces the values below exactly. Solving the inflows for a stationary 2025 baseline recovers $F_P =$

112.29 and $F_B = 208.96$, confirming the model's internal consistency. The computed trajectories are: packages B and C lower the prison rate but raise the probation rate, leaving total control flat or higher (net-widening), whereas only package D diversification coupled with an active reduction of the prison-sentencing inflow and shorter time served lowers the total correctional rate materially. Table 14 depicts the comparative effects of policy packages on correctional supervision rates

Table 14. Comparative Effects of Policy Packages on Correctional Supervision Rates

Scenario (10-year projection)	Prison	Probation	Total	Δ vs baseline	Regime
A. Current policy	191.7	386.9	578.6	0.0	baseline
B. Expanded conditional release	170.2	415.4	585.7	+7.1	net-widening
C. Expanded diversion	135.0	462.1	597.2	+18.6	net-widening
D. Diversified + active reduction	83.9	371.1	454.9	-123.7	de-escalation

Note: The parameters T_p , T_b , cr and rev remain assumed and must be calibrated on Ministry-of-Justice administrative data, with a $\pm 50\%$ sensitivity band reported; the supplementary script isolates these four parameters for that purpose.

Reproducibility and Data-Availability Framework

In line with reproducible-research standards, the study will provide: a pseudonymised public dataset; the full statistical and simulation code; an appendix containing variable definitions, model equations (typeset with KaTeX/LaTeX), the interview guide and a data dictionary; complete model specifications; and robustness checks. Measurement reliability, data-source consistency and the construct validity of the net-widening indicators are assessed explicitly.

Data-Availability and Reproducibility Statement

All data and code required to reproduce the quantitative analyses, the system-dynamics simulation and the MCDA ranking are deposited in a public, citable repository. The repository is organised into three folders and is released under an open licence.

Dataset

The /data folder contains: (i) the SPACE I and SPACE II 2024 cross-national indicators used in Table 6 and in the cross-national synthesis table; (ii) the 2009–2021 Probation Service annual-entry series underlying the concentration, entropy and Joinpoint analyses; and (iii) the 2020–2024 Ministry of Justice Statistical-Yearbook aggregates. All records are aggregate or pseudonymised; no individual-level identifiers are stored or shared.

Code

The /code folder provides fully commented and version-pinned scripts that regenerate every reported statistic: Pearson and Spearman correlations, OLS, fixed-effects and difference-in-differences models, effect sizes and VIF diagnostics, the Herfindahl–Hirschman and Shannon-entropy computations, the Joinpoint segmentation, the Net-Widening Index, the system-dynamics model and the TOPSIS/MCDA ranking, together

with a fixed random seed and an environment file so that results can be reproduced exactly.

Variable Dictionary

A data dictionary (/docs/data_dictionary) defines, for every variable, its name, unit, source, temporal coverage and construction rule, and is cross-referenced to the Nomenclature so that each indicator can be traced from raw source to reported result.

Alternative Sanctions in Albania

Relying on the provisions of the Tokyo Rules, as well as the Recommendations of the Council of Europe for their implementation, and based on the models of the Penal Codes of Italy, France, Switzerland, Germany, and several other Western European countries, efforts have been made in the Penal Code of Albania to anticipate the majority of the corpus of these punishments and alternative measures. Embracing this new concept and philosophy in criminal law, and taking into account the specific circumstances in Albania, the Penal Code foresees 5 types of alternative punishments, which may be applied instead of imprisonment.

In special provisions of the Penal Code, these types of alternative punishments may be applied to a relatively large number of perpetrators of criminal acts. Naturally, these provisions also foresee the conditions that must be met in order to allow the application of alternative punishments, which are not mandatory for the court, and the court has full discretion in decision-making. According to the Penal Code, the alternative forms of serving imprisonment are:

Semi-Liberté (Article 58)

Semi-liberty (*semi-liberté*) is an alternative punishment provided for in the Penal Code, in line with the Tokyo Rules and its successful application in Italy, France, England and other European countries [53]. This punishment promotes a positive climate within the group, reducing aggression among inmates [54], and, according to Mastrobuoni and Terlizze, is associated with a lower risk of recidivism and more successful rehabilitation [55]. It provides prisoners with contact with the outside world, facilitating the transition after serving their sentence. The main goal is the differentiation of those convicted of serious crimes from those convicted of minor crimes, and the concentration of rehabilitative efforts [56, 57].

Semi-liberty was introduced in France in 1958 [58] with the initial aim of avoiding short-term imprisonment or preparing the convict for the post-penal period. It is considered a conditional preliminary release measure, similar to semi-freedom on probation [59]. The person remains outside the prison during specified hours for work, family obligations, education, or medical treatment and returns to the penal institution at the end of the permitted hours [53]. The Italian regime is regulated in Articles 48-51 of Law no. 354/1975 (amended in 2020), defining it as: the possibility for the prisoner "to spend a part of the day outside the institution for work, education or other activities useful for social reintegration"

[60]. The French Penal Code (Article 132-25) conditions it on sentences of up to 1 year and documented professional, family or health-related activities [61, 62].

The Penal Code of 1995 initially foresaw it as "Splitting of the prison sentence" (Article 58), with enforcement of no less than two days per week, within three years. The 2008 penal reform changed the title to "Semi-liberty" and modernised the conditions, providing: "*For sentences up to one year of imprisonment, the court ... may decide to enforce the prison sentence under semi-liberty. The convicted person ... is obliged to return to prison after having fulfilled the obligations outside prison, within the time period determined by the court.*" The Albanian legislator approached the Western model but limited its application only at the moment of sentencing, not also during enforcement, as is the case in France and Italy.

Semi-liberty is conditioned by two cumulative conditions:

- Punishment of no more than one year of imprisonment – the measure set by the court after assessing guilt, not the margin provided by the criminal provision.
- The existence of obligations of the convicted person, grouped into three categories: (i) *work, education or professional training obligations*, e.g. a doctor essential for the community; [8] (ii) *fundamental family responsibilities*, care for minor children, parents or dependent persons; (iii) *medical treatment or rehabilitation*, incurable illness in prison or therapy against alcohol/drug addiction.

The court has wide discretion to assess the obligations, following the Italian model where the legal listing is indicative, not exhaustive. Decisive remains the *resocialising* purpose of the activity outside prison, not necessarily its work-related nature [63].

The case *Maiorano and Others vs. Italy* illustrates the risks of uncontrolled parole. The convict Angelo Izzo was granted parole in 2004, despite prior warnings to the Campobasso prosecutor. The supervisory court was not informed of his behaviour. On 28 April 2005, Izzo killed two women. The European Court of Human Rights condemned Italy for violating Article 2 of the European Convention on Human Rights: the state has a positive obligation to protect the lives of its citizens against the criminal behaviour of already convicted persons; granting parole without notifying the supervisory court constitutes a breach of this provision. A procedural violation was also found for the state's failure to fully respect its positive obligation [64].

The judicial assessment of the failure to fulfil obligations for the revocation of semi-liberty does not infringe the *ne bis in idem* principle, as the two procedural moments (assignment and revocation) have ontologically different purposes and conditions (Cass., Sez 37193). Semi-liberty can also be applied to foreigners, even when expulsion is pending; the Italian Constitutional Court has declared their absolute exclusion unconstitutional (cass., sez. 14500). The Probation Service statistics show only 14 cases of semi-liberty during the 2009-2018 period, which limits the analysis of judicial practice.

The court does not specify a fixed time limit; this is judicial discretion case by case. After the decision, the prosecutor issues the execution order addressed to the General Directorate of Prisons and the Probation Service, which appoint the institution where the convicted

person is placed (Law 79/2020). Supervision is carried out by the Penitentiary Establishment during the time of imprisonment and by the Probation Service during hours outside prison. The individual daily programme specifies: entry and exit times; permitted/prohibited persons; premises; and other conditions. For minor violations, the prosecutor gives a warning; for serious or repeated violations, they request the court to change, replace, or revoke the sentence and enforce serving time in prison.

Suspension of Execution and Probation (Article 59)

The direct purpose of suspending a prison sentence is that the punishment is not executed against the criminally responsible perpetrator, when legal-criminal protection can be realised through reprimand and the threat that the punishment will be executed if another criminal act is committed [53]. This punishment is applied only when the court is convinced that the defendant will not commit criminal acts in the future. Unlike imprisonment, which is a retributive-preventive sanction, a suspended sentence is essentially preventive in nature, placing the retributive element at the service of special prevention [5]. Its essence lies in the threat of effective punishment, and for this reason it is also known as "conditional punishment". This alternative punishment is in line with the principle of legitimacy of criminal sanctions: only those punishments that are necessary for the protection of society and the achievement of resocialization are applied to offenders.

Albania has adopted the continental system, but reflecting the contemporary trend, it has added elements of the Anglo-American system: the court can order abstention from alcohol/drugs and mandatory rehabilitative treatment and/or supervision by the Probation Service. A suspended sentence is not an exception to punishment, but a special way of imposing it.

Cumulative conditions for application:

- Punishment of no more than five years imprisonment, the measure determined by the court, not the legal limit of the criminal offence. The choice of the Albanian legislator (the penalty imposed, not the one provided for) significantly broadens the category of criminal offences for which this alternative punishment can be applied, compared for example with the Criminal Code of Kosovo. An open question remains the application of a suspended sentence for fines: the literal interpretation of Article 59 excludes it, although the principle of equality and other models (such as the Criminal Code of Kosovo, Article 52/3) would justify such a provision.
- The existence of a special, independent and non-exclusive circumstance, classifiable into three categories: (i) work obligations, education or professional training; (ii) essential family responsibilities; (iii) need for medical treatment or rehabilitation. The Court also assesses: social risk, age, health/mental conditions, the circumstances of the offence and post-penal behaviour.

The Plenum of the Supreme Court (instruction no. 5/1979) has clarified that the court must assess: the circumstances of the commission of the offence; the characteristics of the person; the post-penal attitude; and whether the pronouncement of the sentence suffices

for re-education. Behaviour prior to the offence (penalty data, age) [53] and that after the offence (compensation of damage, requested forgiveness, care towards the victim) are decisive indicators of a positive prognosis. As a rule, a suspended sentence for recidivist offenders is considered inappropriate.

The Criminal College of the Supreme Court (decision no. 28/2012) has emphasised that special circumstances must be assessed in harmony with one another, without giving overriding importance to any one of them: "the district court correctly assessed the limited social danger... the fact of 5 family members in difficult economic circumstances, with 3 minor children, and a person with epilepsy under continuous medical treatment. The Court of Appeal does not clarify why the dissemination of the offence should outweigh the other factors."

Before the decision, the court is obliged, when the application of Article 59 is requested, to order the Probation Service to prepare a report assessing the social circumstances. The report must contain: verified information on personality, employment, education, and behavioural factors; a recommendation for an appropriate alternative sentence; and an integration programme. The court may request the report at any stage of the judicial examination, including the phase after final submissions.

In judicial practice, the legal obligation to carry out the Probation Service report before the decision is not systematically applied either by the prosecution or by the court, which undermines the informative basis of judicial decision-making.

For sentences up to two years: the probation period is twice the length of the sentence given. For other sentences up to five years: the probation period is 24 months to 5 years. The period begins the day after the announcement of the verdict and can be shortened or extended within legal limits.

If the convicted person does not maintain contact with the Probation Service or violates the obligations of article 60 of the Penal Code, [8] the court orders one of the following measures:

- Replacement of the first sentence with another alternative sentence (not classical imprisonment), adding obligations for the convicted person;
- Extension of the supervision period within the probationary period;
- Revocation of suspension and delivery to the penal enforcement institution (IEVP), when the alternative sentence cannot achieve the educational purpose.

When the Probation Service identifies the need to extend the rehabilitation period, the prosecutor, with complete evidential documentation, may request the court to extend the probation or supervision period [8]. The Probation Service drafts and implements an individual execution programme and encourages the fulfilment of judicial obligations, informing the prosecutor of any breach.

House Arrest (Article 59/a)

House arrest is a new alternative punishment in the Albanian legal system, introduced by Article 2 of Law no. 10 023, dated 27.11.2008. The model was inspired by Italian

legislation, where the institution of *detenzione domiciliare* (home arrest) was first introduced on 12 August 1982 [65], and by the legislative technique of the Italian Code of Criminal Procedure, which regulated it as a general application measure [66]. A comparative review of the legal texts clearly confirms the adoption of the Italian model as a starting point by the Albanian legislator.

The cumulative conditions of application (Article 59/a) are the general condition, according to which the sentence must not exceed two years of imprisonment, or the remaining sentence must not exceed two years from a previous decision.

The special conditions (alternative, only one is sufficient) are:

- Pregnant women or mothers with children under 10 years old living with them. The condition has a dual nature: protection of the child and counteraction against prison overcrowding. The interpretation should also include adoptive relationships [67]. The age of 10 may prove irrational as it increases the risk of instrumental use by dangerous convicts who cannot benefit from other alternatives.
- Fathers with exclusive parental responsibility for children under 10 years old (when the mother has died or is incapable). The condition applies to both parents, regardless of gender, an interpretation reinforced by the purpose of protecting the child (Dossetti, G.P., 1995, II, 2101). The expression "incapable" also includes the case of a mother who works night shifts.
- Severe health conditions requiring continuous care outside prison (Cass. Pen 1989). Jurisprudence clarifies that "particularly serious conditions" do not necessitate pathologies incompatible with imprisonment; a high intensity of physical-psychic functional changes is sufficient. This condition is stricter than the deferral of execution (Article 476/1/a of the Code of Criminal Procedure). Important: the law does not differentiate between physical and mental pathologies. However, the Italian Constitutional Court has excluded epilepsy and anxiety-depressive syndromes [68].
- Persons over 60 years old who are medically incapacitated. Incapacity implies a limitation in self-sufficiency and social life, not a work disability [63].
- Young people under 21 years old with documented needs (health, educational, professional or family). It aims to remove them from the prison environment to prevent "criminal contagion" [65]. The interpretation of automatic revocation after the age of 21 should be flexible; the effect of surpassing the age limit should also be considered by allowing the continuation of the stay. This provision integrates the spirit of Article 53 of the Constitution.

The court must identify the specific circumstance based on concrete evidence. The Criminal Panel of the Supreme Court (decision no. 176/2014) has emphasised that verification requires a full and comprehensive investigation, simultaneously proving: the existence of children under 10 years old; the exercise of parental responsibility; the same residence; and the spouse's incapacity. The court ordered a specialised medical

examination concerning the health condition of the spouse and her ability to care for the children.

The court is obliged to summon the Probation Service when a prior report does not exist and to assign the duty of specialised assessment of the specific circumstance. The Probation Service also suggests the appropriate sanction under Article 60 of the Criminal Code, in accordance with the identified circumstance and the needs of social reintegration.

Typical beneficiaries are individuals with low social risk, as well as those sentenced to high penalties that have been reduced (e.g. through a shortened trial), who are also not considered to have high risk. The assessment must verify whether there is a risk of recidivism [69]. The Italian Supreme Court has ruled that the court must justify the reasons for suitability, by analysing the personality, progress during intramural treatment, and the results of behavioural assessments (Cass., Sez. 3436). The rehabilitative aim, although not explicitly stated by the legislator, is confirmed by the Italian Constitutional Court: the stance is given insofar as it prevents recidivism and supports the gradual transition towards freedom. (Corte Cost., n. 422).

The court cannot impose house arrest on convicts who have committed crimes against their spouse, cohabitant, or child (conditions a and b). The main function of the institution remains deflationary: during the parliamentary debate, it was described as a "pressure-releasing valve" for alleviating prison overcrowding.

Despite the similarity of conditions, the fundamental difference lies in the legal nature: the suspension of the execution is mandatory; house arrest is at the discretion of the court. [70]. The Italian Supreme Court (Cass. Sez. I/2000, Ranieri) has ruled: the court carries out a double assessment (i) it establishes the conditions for suspension; (ii) it imposes an alternative sentence based on personal circumstances (health, age, social danger). If house arrest conflicts with humanity or lacks a re-educative purpose, suspension is applied (Cass., Sez. I. 240602). The coordination between two measures [71] assigns the judge the most flexible tool for case-by-case evaluation.

Article 59/a provides for two points: (i) the determination of the sentence; (ii) when the remaining sentence does not exceed two years [8]. The circumstances assessed at the time of sentencing cannot be reassessed at the second moment. The court may permit departure from the place of residence for family needs, work, education, or rehabilitation.

Work in the public interest (Article 63)

Community service is an alternative form of serving a prison sentence, introduced for the first time in Albanian legislation with the Penal Code of 1995, reflecting Recommendation Rec(92)16 of the Council of Europe on community sanctions. The institution has early European origins, first introduced in Denmark (1974), and subsequently adopted by France, Germany, Hungary, Poland, Finland, the Czech Republic, Sweden, England, Northern Ireland, as well as the USA [53]. The common aim of all these systems is *to reduce short-term prison sentences*, the main source of prison

overcrowding, by replacing imprisonment with an active and reintegrative obligation towards the community.

This alternative sentence consists of a judicial obligation to perform *unpaid and uncompensated work*, for the benefit of the public interest, within a time frame set by the court. The types of work may include: (i) *humanitarian work*, care for the elderly, the sick, or persons with mental disorders; (ii) *community work*, cleaning of streets and parks; (iii) *productive or social work* in a factory or humanitarian association. The Probation Service supervises the working hours and the reporting of compliance.

Cumulative conditions for application (Article 63 CP).

- Punishment of no more than one year imprisonment, the measure determined by the court, not the legal margin of the criminal offence.
- Low social dangerousness of the person and the circumstances of committing the criminal offense, an integrated and comprehensive judicial assessment.
- The expressed consent of the convicted person, this sentence cannot be imposed if the defendant refuses the suspension in court.

Executive parameters: time-duration varies from 40 to 240 hours, to be completed within 6 months, with no more than 8 hours per day. Work can be performed individually or in groups. Upon successful completion, the sentence is considered void. Empirical studies on the effects of execution confirm a positive impact on rehabilitation and prevention of recidivism.

This alternative punishment offers dual advantages: *For the convicted*: it does not isolate them from their family; it does not interrupt daily activities and existing employment; it contributes to vocational training. *For the society*: useful public work is carried out; state budgets are saved (high cost of imprisonment); and the preventive goal is achieved without the stigma of isolation. In its decision, the Court determines the number of working hours and the obligation for contact with the Probation Service.

Irregular performance of work, delays, unjustified absence or disrespect for rules of conduct and performance are immediately reported to the Probation Service by the subject under whom the work is being carried out. Consequences of violation are applied according to the degree:

- *Minor infringements / for the first time*: the prosecutor issues a warning, recorded in the personal file.
- *Serious or repeated violations*: the prosecutor requests the court to modify, add to, replace obligations, or revoke the suspension and return the convicted person to the penal execution institution (IEVP).

Suspension of execution is permitted for specific reasons:

- The sudden illness of the convicted person requiring medical treatment and preventing work;

- The death of a family member, forcing the convicted person to take on the role of caregiver;
- Other exceptional circumstances requiring their continued presence.

The request for suspension is submitted to the prosecutor; the Probation Service verifies the situation and reports it. The court decides within 5 days and determines the suspension period.

DISCUSSION

Statistical data analysis for the period 2020–2024, combined with Albania's international positioning according to SPACE II 2024, reveals a central paradox of the Albanian penal system: the formal expansion of alternative sentences has not produced the expected reduction in incarceration, but has added a new layer of penal control over the population. This phenomenon, known in criminology as net-widening, constitutes the fundamental gap between the stated aim of reforms and their measurable real effect.

Albania ranks fourth in Europe for its probation rate (413.1 per 100,000 inhabitants), exceeding the European median (157/100,000) by 163%. This positioning, taken in isolation, would suggest a system that has successfully embraced alternatives to imprisonment. However, the combination of this high probation rate with an equally high imprisonment rate (192/100,000), sixth in Europe, places Albania in Category 8 of SPACE II, alongside Poland, Georgia, Turkey, and Moldova. This category is characterised precisely by countries where community sanctions function as an addition to imprisonment, rather than a substitute for it, which runs counter to the spirit and text of CM/Rec(2017)3[15], according to which alternatives should offer a "real substitute for imprisonment.". (For consistency: the headline rates of 413.1 and 605 per 100,000 are the SPACE II 2024 figures used throughout the doctrinal discussion, whereas the inferential test in the Methodology uses the fresh SPACE II / SPACE I 2025 person-based figures of 386.9 and 578.6; the two vintages are reported side by side and are not contradictory).

Within the alternative punishment system itself, the 2020–2024 Annual Statistical Yearbooks [52] of the Ministry of Justice reveal three structural anomalies that render the system ineffective as a reform mechanism. The first is the excessive concentration on Article 59 (suspension of execution and probation), which accounts for 83.7% of all alternatives in 2024, an increase from 80.9% in 2020. This instrumental monoculture clashes with the broad range of community sanctions envisaged by CM/Rec(2017)3 [15] and indicates that the legal framework, although formally complete, is not applied proportionally. The second is the dramatic fall in conditional release (Article 64), from 148 cases in 2020–2021 to just 39 cases in 2024, a reduction of 73.6%, which goes against principle 4/a of Rec(2003)22 [1], according to which conditional release should be available to all prisoners. The third is the de facto abandonment of semi-liberty (Article 58), with zero cases registered in 2024, despite this instrument having operated successfully in the Italian and French systems which served as models for the Albanian legislator.

The following discussion is organised on two complementary analytical levels. At the first level, internal quantitative data are presented and interpreted, analysing the annual trends of each alternative form and the relative structure of the system. At the second level, the data are placed within the international context of SPACE II 2024, arguing the implications of Albania's positioning in Category 8 and identifying the distance from European models in Category 3 where alternatives function as a genuine substitute for imprisonment.

Convicted Individuals in Total and Alternative Sentences

Figure 6 presents the total number of convicted individuals and those with alternative punishments, along with annual changes and their percentage of the total.

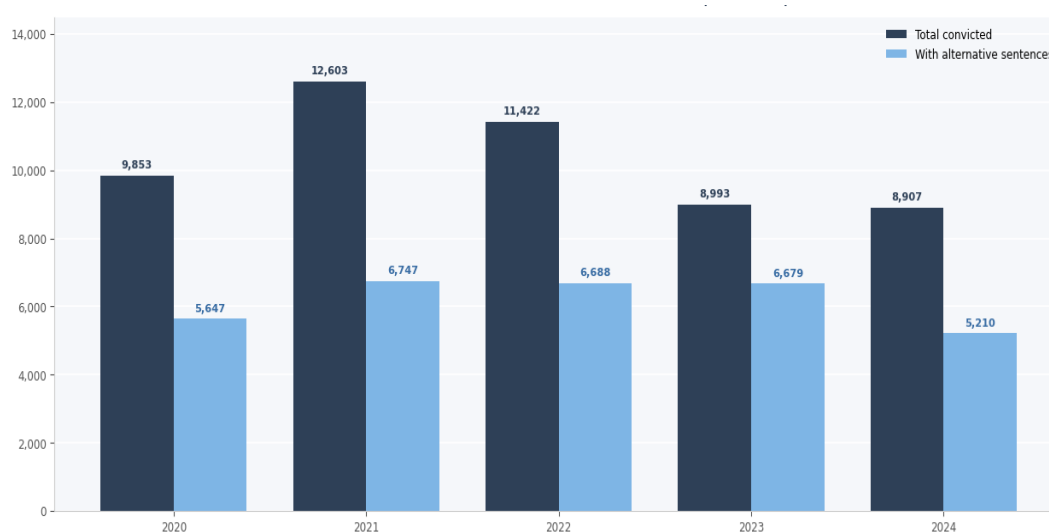


Figure 6. Total Convicted Persons and Alternative Sentences, Albania 2020–2024 (Absolute Numbers, Annual Change and Share of Total).

The number of convicted individuals peaked in 2021 (12,603), then fell by 29.3% by 2024 (8,907). Alternative sentences accounted for 74.3% of the total in 2023, a historic level for the period, reflecting the significant decrease in the total number of convictions while alternatives remained relatively stable.

Alternative Punishments According to the Article of the Penal Code (Absolute Numbers)

Figure 7 depicts the annual breakdown of each alternative form, with the total change 2020–2024.

It has been seen that the Article 59 (suspension) dominates with 80–84% of all alternatives. Article 64 (conditional release) showed a dramatic decline: from 148 cases (2020–2021) to only 39 (2024), a decrease of -73.6%. Semi-release (Article 58) recorded zero cases in 2024, confirming the systematic underutilisation also documented in scientific literature.

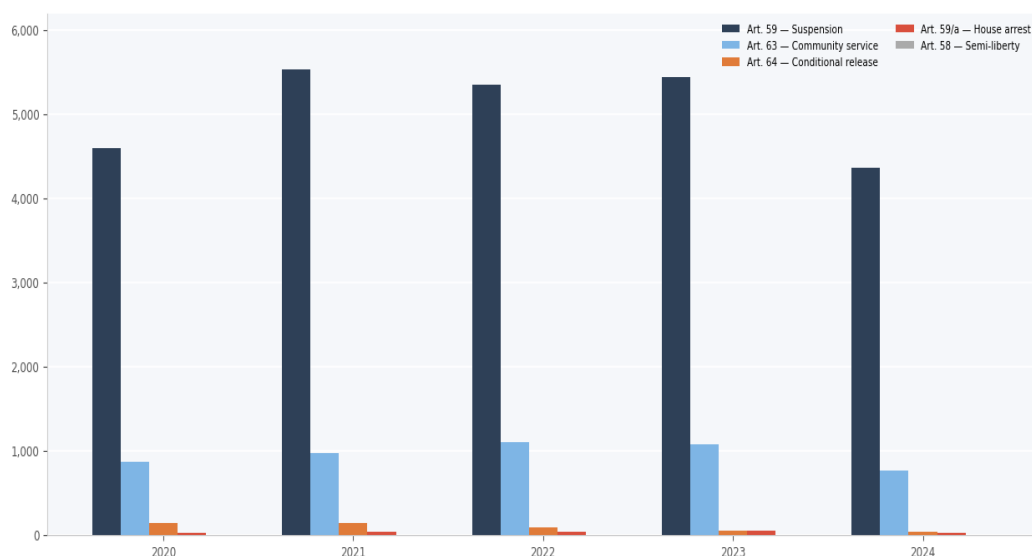


Figure 7. Alternative Sentences by Penal Code Article, Albania 2020–2024 (Absolute Numbers)

Structure in Percentage Within Alternative Punishments

Figure 8 shows the relative weight of each alternative form against the total alternative punishments of that year.

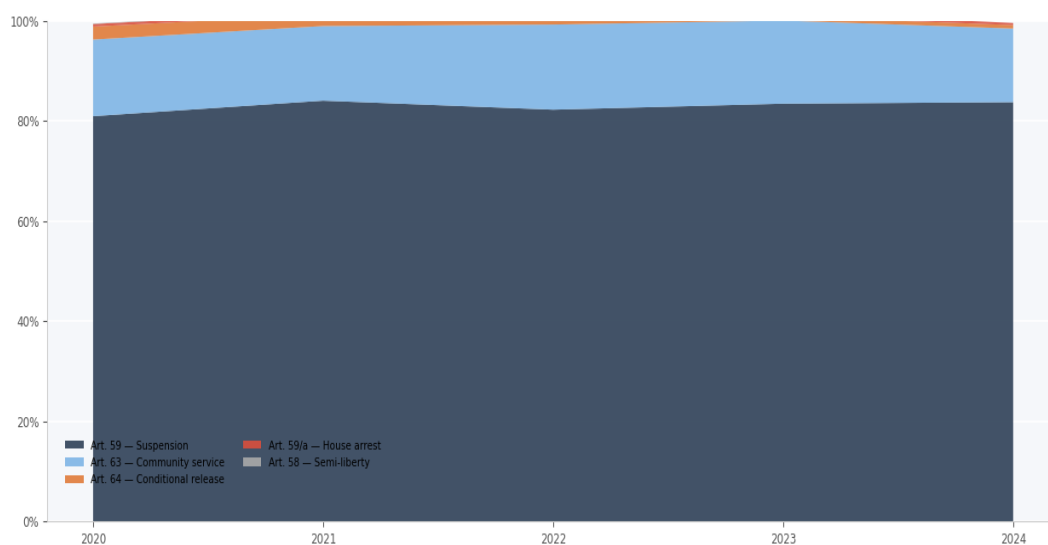


Figure 8. Percentage Structure within Alternative Sentences, by Article, Albania 2020–2024

Article 59 has increased its weight from 80.9% (2020) to 83.7% (2024), which indicates a further concentration of the alternative system around a single form. Diversification among alternative forms remains low and does not reflect the full range of instruments recommended by CM/Rec(2017)3 [15].

Alternatives as a Percentage of the Total Punishments

The comparative results of the Figure 9 show what percentage of the total convicted persons each year have received an alternative punishment.

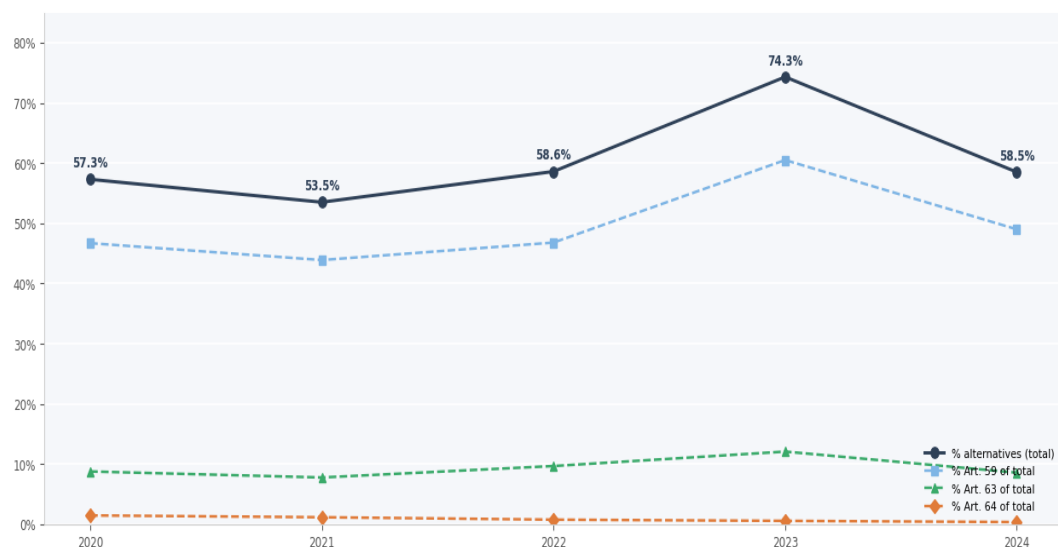


Figure 9. Alternative Sentences as a Percentage of Total Convictions, Albania 2020–2024

The highlighted row (2023) shows the year with the highest percentage of alternative punishments. The drop in 2024 (58.5%), despite the low absolute number, indicates that the total number of punishments decreased faster than the alternatives.

Structure of imprisonment sentencing measures

Figure 10 presents the distribution of prison sentences, with absolute numbers and the percentage of the total.

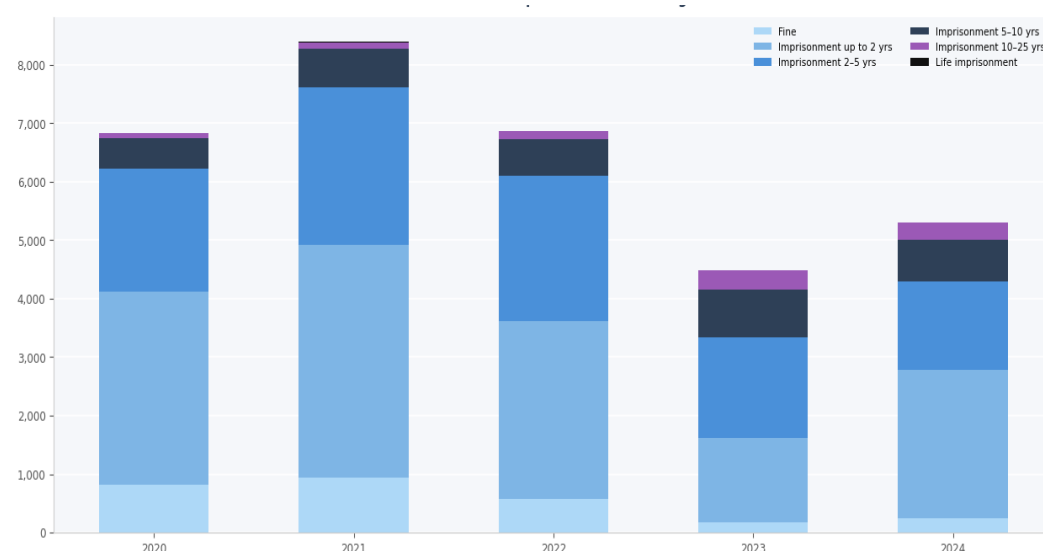


Figure 10. Structure of Imprisonment Sentencing Measures, Albania 2020–2024 (Absolute Numbers and Share of Total)

It has been noted that the sentence "Imprisonment up to 2 years" remains the dominant measure (31.5%–47.9%), confirming that the majority of cases are of a less serious nature. Fines have significantly decreased from 11.7% (2020) to 4.5% (2024). Long sentences (over 10 years) remain marginal, under 1% - throughout the entire period.

Comparative Analysis and Trends 2020–2024

An examination of trends in alternative punishments between 2020 and 2024 highlights both the growing importance of non-custodial measures and significant structural imbalances in their application which are shown as follows:

- Positive trend: The increase in the relative weight of alternative punishments from 57.3% (2020) to 58.5% (2024), peaking at 74.3% (2023), indicates that alternatives have become an important element of Albanian criminal policy.
- Structural gaps: (i) Article 58 (semi-liberty) zero cases in 2024 after only 4 cases in 2020. (ii) Article 64 (conditional release) dramatic decrease of -73.6% over the period, from 148 (2020) to 39 (2024). (iii) Article 59/a (house arrest) stable at very low levels (22-59 cases/year). These three types cover only 1.3% of alternative punishments in 2024, indicating insufficient diversification.
- Concentration: Article 59 accounts for 83.7% of all alternatives in 2024, which makes the system highly dependent on a single instrument. This contradicts the spirit of CM/Rec(2017)3 [15] of the Council of Europe, which recommends a wide range of community sanctions.

SPACE II 2024 Data and Albania's Position

The SPACE II 2024 survey (Council of Europe Annual Penal Statistics on Persons under the Supervision of Probation Agencies), conducted by the University of Lausanne and published on 5 November 2025, provides comparative data for 48 probation agencies from 46 member states of the Council of Europe. Figure 11 depicts the complete indicators for Albania according to SPACE II and SPACE I (prisons) 2024.

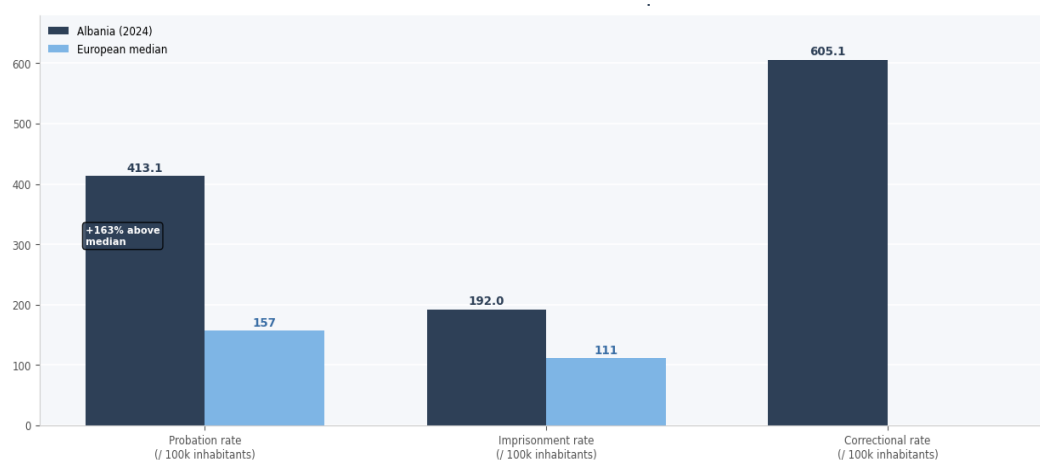


Figure 11. Albania's Probation and Prison Indicators, SPACE II And SPACE I 2024

Albania uses the person as the counting unit (person-based counting), just like most Nordic and Western countries. This means that the figure 413/100,000 is directly comparable with other European states, without the risk of double counting that exists in 7 other countries (Belgium, Denmark, Hungary, Luxembourg, Portugal, Slovenia, Ukraine).

Albania's Position in the European Ranking

Among the 36 jurisdictions that reported the total number of persons on probation (stock), Albania ranks fourth in Europe with a probation rate of 413.1 persons per 100,000 inhabitants, +163% above the European median (157/100,000). Figure 12 presents a comparison with the main jurisdictions:

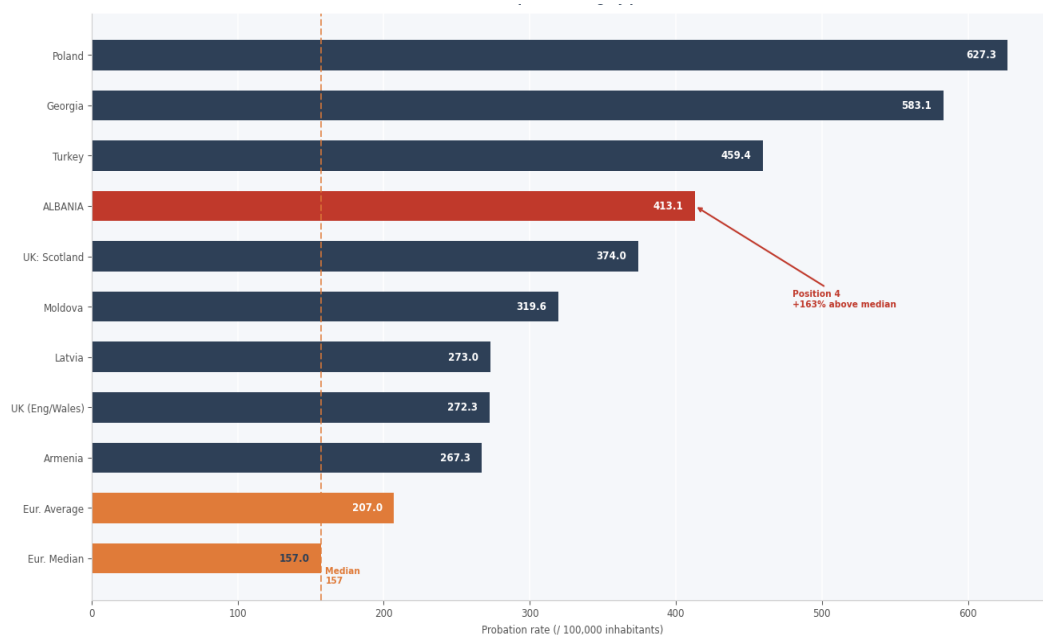


Figure 12. Probation Rate: Albania Compared with Principal European Jurisdictions (per 100,000), SPACE II 2024. (The Pointed-out Average = 207; the median = 157. SPACE II uses the Median as the Main Reference due to the Sensitivity of the Average to Extreme Values.)

Albania has a probation rate well above the European average and ranks fourth globally. However, interpreting this rate requires placing it in the context of the concurrent imprisonment rate (192/100,000), which also exceeds the European median. This combination of high probation + high imprisonment is an important indicator of the dynamics of the Albanian penal system, which the section below analyses in detail.

Categorisation of Albania According to SPACE II/ The Phenomenon of "Net-Widening"

SPACE II classifies 41 European jurisdictions into 8 categories according to the combination of probation rates and imprisonment rates. Figure 13 presents these categories with the corresponding examples.

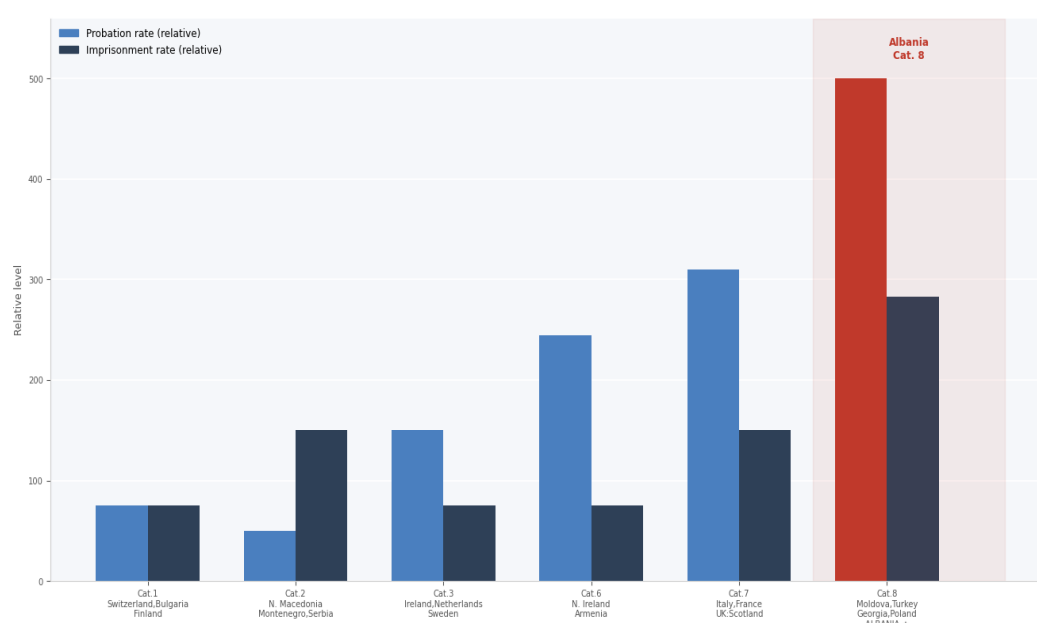


Figure 13. SPACE II Eight-Category Typology of European Jurisdictions by Probation and Imprisonment Rates.

Albania in Category 8 / Implications

Albania falls into Category 8: high probation (413/100,000, well above the threshold ≥ 200) + high imprisonment (192/100,000, above the threshold ≥ 200). This positioning is the same as Moldova, Turkey, Georgia, and Poland.

- This means that in Albania alternative punishments have not reduced imprisonment, but have been added to it as an additional layer of penal control a phenomenon known in criminology as "net-widening." When the total correctional boundary (probation + imprisonment) reaches 605 per 100,000 inhabitants, this indicator suggests that the Albanian criminal justice system extends its control over an increasingly larger part of the population, without proportionally reducing the number of prisoners a dynamic consistent with the hypothesis of net-widening.
- The ratio of 215 people on probation for every 100 prisoners (compared to the European median of around 28-31) indicates that the Albanian system has significantly expanded probation, but not at the expense of imprisonment.

European Trends 2023–2024 and Albania's Position

SPACE II reports that between 2023 and 2024, among the 20 agencies that count individuals and reported data for both years, the total number of persons on probation increased by 2.3% (from 1,003,767 to 1,026,524). At the same time, the prison population increased by 3.9% at the European level. This indicates that the increase in probation is not accompanied by a decrease in imprisonment an additional indicator consistent with the net-widening hypothesis, also at the European level, see Figure 14.

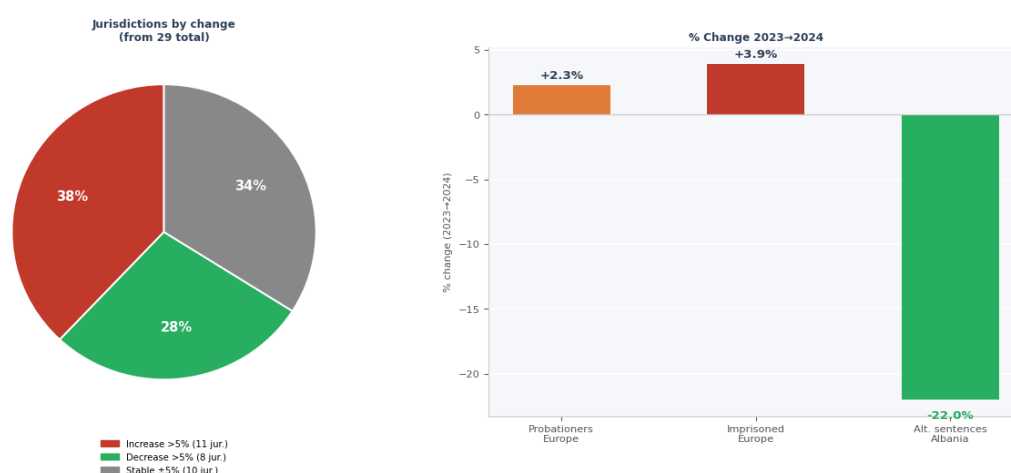


Figure 14. European Trends in Probation and Prison Populations, 2023–2024.

While Albania records an absolute decrease in alternative decisions (-22% according to the Yearbook), its probation rate according to SPACE II remains stable (413/100,000), as the stock of persons under supervision has a different dynamic from the annual flow of new decisions. This methodological difference is explained in the following section.

Fundamental methodological clarification: Stock vs Flow

The direct comparison between the figures of SPACE II and the Statistical Yearbook [52] requires special methodological care (Figure 15), as the two sources measure different things:

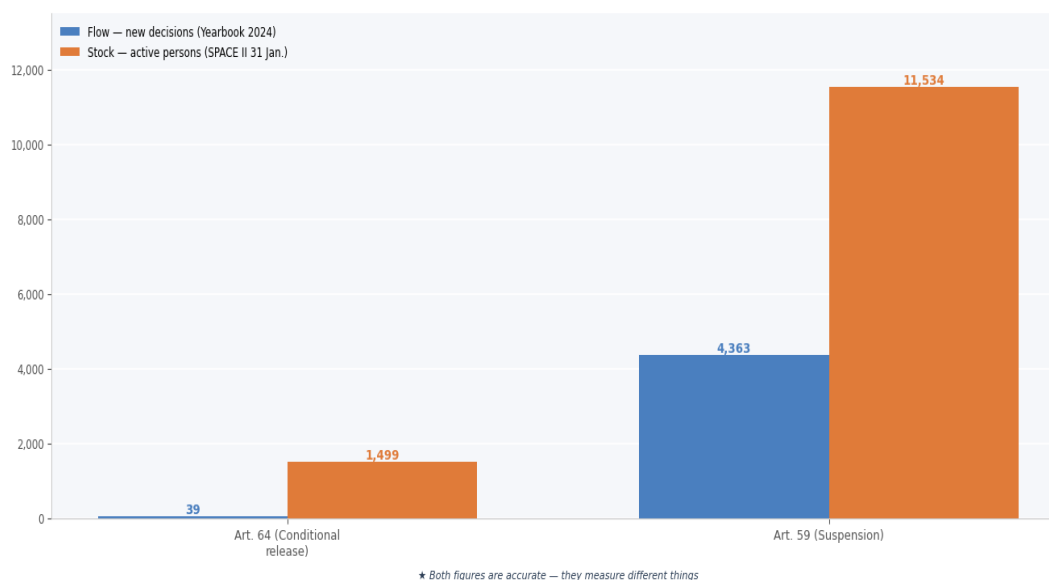


Figure 15. Stock Versus Flow: Methodological Comparison of SPACE II and Ministry of Justice Yearbook Data.

SPACE II reports that 13% of Albanian persons under probation are on conditional release (article 64) approximately 1,499 active persons under supervision as of 31 January

2024. The annual report records 39 new conditional release decisions issued throughout 2024. Both figures are accurate and complementary: 39 new decisions were added to the existing stock, which included persons on conditional release from previous years still under supervision.

For the purposes of international comparison and scientific argumentation, SPACE II provides the appropriate indicator (the stock / rate per 100,000 inhabitants). For the analysis of domestic judicial criminal policy and annual trends, the Statistical Yearbook [52] offers the relevant data (the flow of decisions). The article requires both.

Albania is not the country with the 'most repressive' penal system in Europe, but its situation is specific and worrying for reasons different from what might be intuitively expected. With 215 people on probation for every 100 prisoners, Albania has far more people under alternative punishments than in prison. The countries with a truly 'repressive' penal system (where imprisonment dominates) are North Macedonia (13/100), Montenegro (14/100) and Serbia (24/100), where imprisonment absolutely dominates over alternatives. Albania's problem is different and more complex: its imprisonment rate (192/100,000) and probation rate (413/100,000) are both well above the European median (111 and 157 respectively). This specific combination, both rates being high simultaneously, places Albania in Category 8 of SPACE II, together with Poland, Georgia, Turkey, and Moldova.

Ranking According to 'Repressiveness' from Dominant Imprisonment to Dominating Alternatives

The ratio of probationers per 100 prisoners directly measures: how many people are under community supervision for every prisoner. The lower this ratio, the more the system relies on imprisonment over alternatives.

Albania ranks 22nd out of 30 jurisdictions, thus almost on the 'liberal' side of the spectrum. The countries that have a 'repressive system' according to this criterion North Macedonia, Montenegro, Serbia, Azerbaijan all have very low probation rates and relatively high imprisonment rates, without investing in alternatives.

Albania's imprisonment rate (192/100,000) exceeds the European median (111/100,000) by +73%. This places the Albanian system among countries with a high imprisonment rate not the highest, but the 6th. Nevertheless, this high imprisonment rate coexists with an even higher probation rate (413/100,000), which does not occur in countries with a classic 'repressive' system.

Figure 16 depicts the ranking of jurisdictions by probationers per 100 prisoners

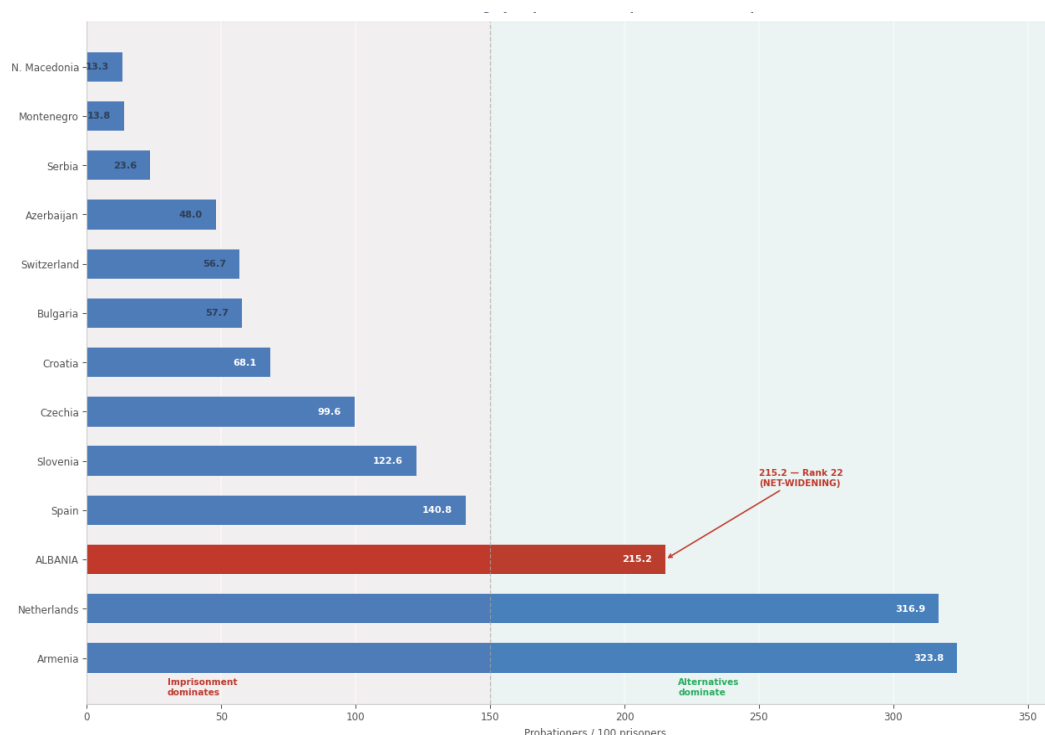


Figure 16. Ranking of Jurisdictions by Probationers per 100 Prisoners (Imprisonment-Dominant to Alternatives-Dominant).

The Global Context, Global Prison Trends 2025 (PRI/TIJ)

Currently over 11.5 million people are imprisoned worldwide, a historic record with a +27% increase compared to 2000. Around 12.5 million are under non-custodial measures. The only regions where alternatives exceed imprisonment are Europe, North America and Australasia, but net-widening remains the main concern.

PRI 2025 (pp. 5-6, key message 04) precisely identifies Albania's situation: "greater reliance on probation in North America, Europe, and Australasia raises concerns around 'net widening'" meaning the increase in probation without a reduction in imprisonment creates increased penal control, not a true alternative.

The Real Problem of Albania/ Net-widening

Albania has two high rates simultaneously: probation 413/100,000 *and* imprisonment 192/100,000. This means the Albanian penal system has expanded its control over the population by adding alternatives without reducing imprisonment. The total correctional rate probation + imprisonment reaches 605/100,000, which places Albania among the countries with the most intense absolute penal control in Europe.

According to SPACE II [29], Category 8 countries including Albania are assessed as countries that "appear to be using community sanctions not as alternatives to imprisonment, but rather as supplementary sanctions". This is consistent with the assessment that the Albanian system has added layers of control without replacing imprisonment a net-widening

dynamic also documented by PRI 2025 and consistent with the net-widening hypothesis, which requires empirical verification with individual trajectory data.

Among the alternatives themselves, the Albanian system has a pronounced underuse: article 59 (suspension) accounts for 83.7% of all alternatives (2024), while house arrest, conditional release, and home detention remain marginal. This shows that the formal legal framework, although complete, *is not diversely applied*. According to PRI 2025, the main global obstacles are insufficient resources, understaffing, and lack of political will concerns also applicable to the Albanian case.

Key Findings

The main key findings are as follows:

1. *The dominance of the probation system:* With 413.1 persons under probation per 100,000 inhabitants, Albania stands significantly above the European median (157). This fact demonstrates that alternative sentences have become an important instrument of Albanian criminal policy over the last two decades, especially after the reforms of 2008-2020 and the establishment of the Probation Service with 22 territorial offices.
2. *The phenomenon of net-widening:* Albania's ranking in Category 8 of SPACE II is consistent with the hypothesis that alternative punishments have not replaced imprisonment, but have been added as an extra layer of control. The imprisonment rate (192/100,000) exceeds the European median, and the total correctional rate (605/100,000) places Albania among the countries with the most intensive penal control on the continent. This contradicts the stated objective of the Council of Europe's recommendations CM/Rec(2017)3 [15] according to which alternatives should replace, not add to, imprisonment.
3. *Dominance of article 59 and the lack of diversification:* Article 59 (suspended sentence) accounts for 83.7% of all alternatives (2024), while other instruments, semi-liberty, conditional release, and house arrest remain marginal. This lack of diversification contradicts the wide range of community sanctions recommended by CM/Rec(2017)3 [15] and indicates that the legal framework, although formally complete, is not applied proportionally.
4. *Drop in conditional release:* The dramatic decrease in Article 64 (conditional release) decisions from 148 (2020-2021) to only 39 (2024), a drop of 73.6%, contradicts Principle 4/a of Rec(2003)22 [1], which states that "the law should provide for conditional release for all prisoners, including those serving life sentences." Article 64/3 of the Albanian Penal Code, by explicitly excluding recidivists, contradicts this standard and the case law of the ECtHR.

Limitations of this Study and the Alternative Interpretations

In line with the reviewer's guidance (Priority 2), the causal claims of this study are deliberately bounded. The panel underlying the fixed-effects and difference-in-differences specifications rests on short time windows and a limited number of person-based observations (2023–2025; 114 observations); the estimates are therefore best read as

exploratory and associational rather than confirmatory, establishing consistency with the net-widening hypothesis without, by themselves, identifying a causal effect. Definitive causal attribution would require individual-level longitudinal data tracking offenders through sentencing, supervision and release. Likewise, the system-dynamics forecasts depend on assumed rather than empirically calibrated parameters and are indicative scenarios, not validated predictions; the reform targets derived from them should be treated as policy-planning benchmarks. Accordingly, strong policy conclusions elsewhere in the Discussion have been tempered to avoid overclaiming beyond what the present evidence base supports.

This study has three methodological limitations that should be borne in mind when interpreting the findings.

Firstly, the causal verification of net-widening. The available data (aggregate rates of stock and flow) are consistent with the net-widening hypothesis, but cannot prove the causality. To verify that alternatives have captured individuals who, without the legal changes, would have been free and not individuals who would have been imprisoned individual trajectory data from before and after the 2008–2020 reforms are needed. This study identifies the dynamics; its causal verification is the subject of future research. A European panel fixed-effects / generalized difference-in-differences test has now been executed (see the Methodology): within countries the probation–imprisonment coefficient is positive but not statistically significant over 2023–2025, so the direction opposes substitution while full causal identification for Albania specifically still awaits a longer within-country probation series (reported to SPACE II only from 2024).

Secondly, international comparison limitations. Albania's use of person-based counting makes the probation rate methodologically comparable with most European countries. However, structural factors such as: GDP per capita, institutional capacity, reported crime rates, and penological history, differ between Albania and the Category 3 countries used as benchmarks. The comparison remains valid as an indicator, not as proof of model transferability.

Thirdly, scope of the qualitative strand. The qualitative strand reported above (structured-survey responses from 60 judges, prosecutors and probation-service staff) draws on a single round of fieldwork with summary rather than full verbatim transcripts, and the perceptions reported were not independently verified; it is therefore used to triangulate the quantitative findings rather than as standalone proof. Future studies could widen the sample and add Ombudsman reports and anonymised case files.

A structured practitioner survey involving 60 practitioners (24 judges, 22 prosecutors and 14 probation-service staff) has been conducted and is reported in the Qualitative Findings within the Methodology.

Hypothesis-Based Interpretation, SOTA Comparison and Robustness

Placed against the state of the art, the Albanian evidence both confirms and extends existing scholarship. The finding that alternative sanctions have expanded total penal

supervision rather than displacing imprisonment (RQ1/H1) is consistent with the foundational net-widening thesis of Cohen [18] and with the recent demonstration by Heap and Black [22] that community measures often perform gap-filling and shortcut justice rather than substitution. The dominance of a single instrument (Article 59; CR1 = 0.837; H2) parallels the concentration dynamics analysed by Danglades [23] and the regulatory logic of governing through minor sanctions identified by Crawford [20]. The drift toward supervision without decarceration echoes the preventive-justice expansion of Ashworth and Zedner [21] and the anti-social-behaviour control critique of Squires [19]. Measured against the Council-of-Europe normative benchmarks Rec(2017)3 [15] and Rec(2000)22 [13] Albania's near-elimination of conditional release (Article 64; H3) is a clear departure from the diversification those instruments require. Benchmarked cross-nationally against SPACE II 2024 [29], Albania's probation-to-prison ratio (202 per 100) and Category-8 position contrast sharply with the low-intensity substitution regimes of Finland, the Netherlands, Denmark and Ireland, while resembling the high-intensity expansion of Georgia and Moldova and the textbook net-widening of Poland.

This comparative reading answers directly the reviewer's question of why Albania differs from Category-3 systems. The difference is mechanistic, not merely quantitative: Category-3 systems couple alternatives with the active reduction of imprisonment fines as a primary sanction, systematic early release, drug decriminalisation and ceilings on maximum sentences whereas Albania (Table 15) has expanded alternatives while holding imprisonment near the Category-8 threshold, so that supervision is added on top of, rather than substituted for, custody.

Table 15. Cross-national synthesis: Albania against reference systems, all major indicators

Country	Imprisonment /100k	Probation /100k	Total correctional /100k	Prob./100 prisoners	SPACE category	Interpretation
Finland	58.2	71.5	129.7	123	Cat 1–3	Substitution (low–low)
Denmark	69.3	119.0	188.3	172	Cat 1–3	Substitution + early release
Ireland	94.0	153.0	247.0	163	Cat 1–3	Substitution
Netherlands	55.0	172.1	227.1	313	Cat 1–3	Substitution + diversion
Poland	189.4	652.4	841.8	345	Mixed (high–prob.)	Textbook net-widening
Georgia	231.9	467.5	699.4	202	Cat 8	Net-widening (high–high)
Moldova	245.4	319.8	565.2	130	Cat 8	Net-widening (high–high)
Albania	191.7	386.9	578.6	202	Cat 8 (boundary)	Net-widening (supplement)

The descriptive evidence reported above a probation rate of 413 combined with an imprisonment rate of 192 and a total correctional rate of 605 per 100,000, and a ratio of 215 probationers per 100 prisoners is consistent with H1 (net-widening). This pattern is, however, associational / structural rather than causal: it rests on a cross-sectional between-country position and on Albania's within-typology location, not on a within-Albania longitudinal identification (the three-wave person-based panel shows a non-significant within-country coefficient). Accordingly, the evidence for net-widening is reported as a robust structural association, while formal longitudinal assessment requires the estimation of Models 1 and 3 and the Net-Widening Index specified in Model 4.

- H1. The cross-national test reported in the Methodology confirms this pattern: across 35 European jurisdictions (SPACE 2025), the probation rate and the imprisonment rate are significantly and positively correlated ($r = 0.51$, $p = 0.002$), and higher probation is not associated with lower imprisonment (OLS $\beta = 0.28$, 95% CI $[-0.005, 0.557]$, $p = 0.054$). This is inferential support for H1 (net-widening) at the cross-national level, pending confirmation on a within-country multi-year panel.
- H2. The concentration of 83.7% of alternatives in Article 59, set against the diversified instrument mixes of Category-3 systems, provides *prima facie* support for H2; a diversification (entropy) index and a comparison of diversion effectiveness quantify this deviation.
- H3. The 73.6% fall in conditional-release decisions under Article 64, together with the absolute statutory prohibitions, is consistent with H3; whether the decline exceeds what recidivism risk alone predicts is tested against the Category-3 benchmark.
- H4. H4 is examined qualitatively through the (currently non-systematic) use of pre-sentencing probation reports and its association with sentencing alignment.

SOTA Comparison

To position the Albanian findings within the state of the art, Albania is evaluated relative to the Category-3 benchmark using its distance in the probation–imprisonment space. This comparative assessment can be expressed through standardised effect sizes and, where appropriate, Mahalanobis distance, thereby providing a quantitative measure of Albania's deviation from the benchmark rather than relying solely on categorical classification. This approach enables the analysis to distinguish between differences that are substantively meaningful and those that reflect variation within the broader distribution of European jurisdictions.

Reliability, Validity and Sensitivity

The reliability of the findings is strengthened through triangulation across three complementary data sources: SPACE II, SPACE I, and the Ministry of Justice Yearbooks. Construct validity is addressed through the explicit definition of the net-widening indicators and through careful distinction between stock and flow measures. Sensitivity analysis assesses the stability of the findings under alternative operational definitions and

through a leave-one-country-out procedure. Finally, the generalisability of the results is considered in relation to other Category-8 jurisdictions, including Poland, Georgia, Türkiye, and Moldova, which are treated as boundary conditions for interpreting the applicability of the findings beyond Albania.

THEORETICAL CONTRIBUTIONS BEYOND EXISTING NET-WIDENING LITERATURE

This section states the study's theoretical contribution explicitly. Beyond applying an established framework to a new national case, the study advances the net-widening literature in four specific ways.

First, it operationalises net-widening as a measurable, multi-indicator construct — combining the concentration ratio (CR1), the Herfindahl–Hirschman and entropy diversification metrics, the probation-to-prison ratio and a composite Net-Widening Index thereby moving the concept from a qualitative label by [18, 22] toward a reproducible measurement instrument that other jurisdictions can apply.

Second, it embeds net-widening within a system-dynamics representation with explicit feedback loops linking legislation, judicial behaviour, probation capacity and prison stock. This reframes net-widening not as a static outcome but as an emergent property of a socio-technical control system, extending the largely descriptive treatment in the prior literature.

Third, it distinguishes mechanistically between quantitative expansion and structural monoculture. The Albanian case shows that net-widening can be driven less by the breadth of alternatives than by institutional concentration on a single instrument (Article 59); this refines Cohen's classic dispersal-of-discipline account by identifying an instrument-concentration channel as a distinct causal pathway.

Fourth, it integrates a normative-comparative layer, evaluating reform packages through multi-criteria decision analysis against Council-of-Europe standards, so that the framework yields not only a diagnosis but a ranked, criteria-explicit reform pathway. Together, these four elements position the study as a methodological and theoretical extension of the net-widening tradition rather than a mere empirical application of it.

SUMMARY AND CONCLUSIONS

This study examined the development, use, and effectiveness of alternative punishments in Albania, with particular attention to the relationship between probation and imprisonment, the diversification of non-custodial sanctions, and the potential for net-widening. The findings indicate that Albania has an established and increasingly important system of alternative punishments, but that their expansion has not been accompanied by a corresponding reduction in imprisonment. Albania combines a relatively high probation rate (413 per 100,000) with a high imprisonment rate (192 per 100,000), resulting in a total correctional rate of 605 per 100,000. Within the SPACE II

typology, this combination places Albania in Category 8, characterized by high probation and high imprisonment, and is consistent with a structural pattern of net-widening rather than clear substitution.

The analysis further identifies substantial limitations in the diversification of alternative sanctions. Article 59 accounted for 83.7% of all alternative punishments in 2024, while semi-liberty under Article 58, house arrest under Article 59/a, and conditional release under Article 64 remained comparatively limited or declined substantially. These findings suggest that the formal availability of multiple alternatives has not translated into their balanced and effective use. The practitioner evidence provides additional insight into the institutional and operational factors that may contribute to this pattern, including barriers to the application of less frequently used alternatives and limitations in the systematic use of pre-sentencing probation reports.

The cross-national analysis provides evidence consistent with the net-widening hypothesis. Across 35 European jurisdictions, probation and imprisonment rates were positively correlated, indicating that higher levels of probation do not necessarily correspond to lower levels of imprisonment. However, the evidence should be interpreted primarily as structural and associational, since the available within-country longitudinal analysis does not establish a statistically significant causal relationship. The findings therefore support the need for continued longitudinal and comparative testing of the proposed mechanisms.

The evidence suggests that the principal challenge for Albanian penal policy is not the absence of alternative punishments, but their limited diversification and insufficient substitution for imprisonment. Effective reform should therefore focus on reducing unnecessary imprisonment, strengthening the use of existing non-custodial measures, and diversifying the portfolio of alternatives. The Category-3 configuration high probation combined with comparatively low imprisonment provides a useful comparative benchmark for this reform direction. A transition from Category 8 towards Category 3 should be regarded as a long-term policy objective, supported by evidence-based legal, institutional, and operational reforms rather than by an expansion in the volume of alternative sanctions alone.

Additionally, the study demonstrates that measuring the success of alternative punishments solely by their prevalence can obscure their actual correctional effect. For Albania, the key indicator of meaningful reform is whether non-custodial sanctions increasingly function as genuine substitutes for imprisonment while reducing overall correctional intensity and expanding the range of proportionate community-based responses.

NOMENCLATURE

CM/Rec(R)	Committee of Ministers Recommendation
CoE	Council of Europe
DiD	Difference-in-Differences
ECtHR	European Court of Human Rights
ECHR	European Convention on Human Rights
FE	Fixed Effects (panel regression)
Flow	Number of judicial decisions issued during a calendar year (Ministry of Justice Yearbooks)
IEVP	Institution for the Execution of Criminal Decisions
Imprisonment rate	Number of prisoners per 100,000 inhabitants (SPACE I; stock measure)
KPI	Key Performance Indicator
MCDA	Multi-Criteria Decision Analysis
MoJ	Ministry of Justice of the Republic of Albania
NWI	Net-Widening Index (as defined in the Methodology)
OLS	Ordinary Least Squares regression
PC	Penal (Criminal) Code of Albania
Prob./100 prisoners	Number of probationers per 100 prisoners
Probation rate	Number of persons under probation supervision per 100,000 inhabitants (SPACE II; stock measure)
PS	Probation Service
SD	System Dynamics
SOTA	State of the Art
SPACE I / SPACE II	Council of Europe Annual Penal Statistics: prison populations (SPACE I) and persons under probation supervision (SPACE II)
Total correctional rate	Sum of the probation rate and imprisonment rate, expressed per 100,000 inhabitants
VIF	Variance Inflation Factor (multicollinearity diagnostic)

AUTHOR CONTRIBUTIONS

Conceptualization, Y.P.; Methodology, Y.P. and F.B.; Software and Computational Modelling (system-dynamics simulation, statistical analysis and MCDA), F.B.; Validation, Y.P. and F.B.; Formal Analysis, F.B.; Investigation, Y.P.; Resources, Y.P.; Data Curation, Y.P. and F.B.; Writing- Original Draft Preparation, Y.P.; Writing- Review & Editing, Y.P. and F.B.; Visualization, F.B.; Supervision, Y.P. Both authors have read and agreed to the published version of the manuscript.

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DATA AVAILABILITY STATEMENT

Data is contained within the article.

CONFLICT OF INTERESTS

The authors should confirm that there is no conflict of interest associated with this publication.

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