

Special Issue of *Archives of Criminology*, Poland

***Exploring Sentencing:
Sentencing Theory and Practice in
Contemporary Criminal Justice***

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Call for Papers

The sentencing of offenders and judicial decision-making in that area are complex processes influenced by a multitude of factors intended to achieve various purposes and evaluated according to different, often controversial criteria. The factors that influence sentencing and evaluations of its effectiveness begin with penal ideologies on punishment and its purposes, usually translated into more detailed principles related to sentencing. Those ideologies commonly stem from the traditional contrast between the retributive stance of repaying the offender for the wrongdoing with penalties proportionate to the offence and a utilitarian or consequentialist emphasis on preventing future crimes and reoffending. Moreover, there have been various attempts to bring the two frameworks together in a constructive way, or to break the mould entirely and look at other punishment rationales. Those penal ideologies may have an enormous impact on sentencing decisions, and changes to them may radically reshape sentencing outcomes.

Sentencing always takes place in a specific legal system that considers the purposes of punishment and sentencing principles: various types of guidelines, the circumstances surrounding the offence and the offender, lists of mitigating and aggravating circumstances, etc. These regulations usually arise from some more or less consistent underlying penal ideology. In general, legal regulations on sentencing may assume that judges have broad discretionary powers, stressing the individualisation of the sentence, or may attempt to provide more or less detailed guidelines limiting this discretion, thus stressing the uniformity of sentencing decisions. Even broad judicial discretionary powers do not exclude attempts at structuring that discretion in a certain way. At the same time, such attempts may deprive judges of the possibility to individualise sentences. Therefore, structuring judicial discretion is a crucial issue in regulating the sentencing process. Various attempts to manage judicial decision-making have emerged in recent years in many countries, commonly referred to as "principled sentencing".

It is necessary to stress that a country's political situation and political atmosphere may also influence sentencing outcomes. There are many examples of political change having a significant impact on sentencing theory and practice. This may happen via legislative change, but changes may also occur without specific legislative action: via changing social attitudes, opinions, etc. reflected in judicial attitudes and opinions. Despite the fact that sentencing

offenders is often heavily regulated, personal circumstances may have a significant impact on sentencing decisions. This results from the fact that individual judicial attitudes and opinions on crime, punishment, sentencing, etc. may not be excluded from the factors that influence sentencing decisions.

These are only a few very general, selected considerations on sentencing theory and practice issues that we wish to consider in the upcoming special volume of *Archives of Criminology*. We welcome contributions exploring a broad range of (theoretical or practical) penological, criminological and legal underpinnings to sentencing. Among the more detailed issues to be eventually discussed in the volume, the editors would like to mention the following examples:

- the mix of retributive, utilitarian and restorative considerations in modern penal systems, its development and impact
- the concepts of general prevention and deterrence as aims of sentencing, especially in light of empirical findings in the field
- the concepts and practical implications of proportionality in sentencing and individualisation of punishment
- principled sentencing as a specific approach to structuring sentencing decisions
- legislative and other techniques to structure sentencing discretion
- empirical evaluations of sentencing processes and outcomes
- the procedural aspects of sentencing
- legislative and non-legislative influences on sentencing, or the factors that influence judicial sentencing processes and decisions
- the justification of sentencing decisions as an element of the broader issue of justifying judicial decisions
- judicial attitudes towards and opinions on punishment and sentencing in the context of their impact on sentencing decisions
- comparative studies of sentencing
- description and analysis of historical developments in sentencing.

All types of studies on the broad category of sentencing are welcome: analyses of theoretical penological issues, legal analyses and empirical studies.

Basic information

1. *Archives of Criminology* is the most prominent Polish journal in the field of criminology. Published by the Department of Criminology at the Institute of Law Studies of the Polish Academy of Science, it dates back to the 1930s. It is published twice a year with a substantial proportion of English-language papers. It is indexed in a variety of databases, most recently included in Scopus. More information about *Archives of Criminology* is available on the journal's website: <https://czasopisma.inp.pan.pl/index.php/ak>.
2. We are looking for papers to address the broad spectrum of issues related to sentencing: theoretical developments, including justifications of punishment and its functions and the legal and criminological aspects of sentencing – especially particular types of offenders (e.g. dangerous offenders, recidivists, petty offenders, first-time offenders and perpetrators of specific types of offences) – as well as the results of empirical research on sentencing, including statistical analyses of sentencing outcomes, judicial decision-making, justification of sentencing decisions, etc.
3. The team of editors:

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4. The publication will be made available with **open access**.
5. Preliminary calendar of activities:
30 September 2024 – deadline for submitting abstracts (200–300 words)
31 March 2025 – deadline for submitting texts
January/February 2026 – publication
6. Entries are limited to between 7,000 and 9,000 words, inclusive of the bibliography.
7. Abstracts should be submitted through the [online form](#) **only**.

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