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On Principles Underlying a Progressive Incarceration System

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Abstract

Introduction: the phenomenon of the principles of progressive incarceration system is studied at the level of interdisciplinary connections. The systems theory and system analysis provide tools for the structured understanding of the progressive system's principles within the evolving framework of penal law. In domestic legal literature, the principles of the progressive system are not studied from these perspectives. *Purpose:* to more clearly demonstrate features of the inseparability of system analysis in terms of principles of the progressive system, from the perspective of understanding how the system should function effectively and how to achieve its goals. *Methods:* a dialectical method of understanding phenomena and processes, a method of system analysis, a method of analysis and synthesis, and a formal-logical method. *Results:* the progressive system is characterized by a set of principles that embody it at the level of interdisciplinary connections (systems theory, system analysis, and penal law). Genetically, the principles of the progressive system are based on the provisions constructed by the systems theory and systems analysis. A distinctive feature of the proposed principles is their specific systemic and legal nature, the core of which is the "systemic support" for deprivation of liberty, as well as for the related phenomena arising from the systemic impact on the object at all stages of the progressive system. *Conclusions:* the following are distinguished as the principles of a progressive system: comprehensive, complete, objective establishment and fixation of system properties; stimulating the motivation of an object in its move to a higher level of the system (stimulating motivation for progress); timely proper assessment and fixation of the presence of system properties (timely establishment of system properties); differentiation of objects by level systemic properties (systemic differentiation); individualization of an object's position in the system (systemic individualization); connection of input into the system, movement in it and output with systemic effects; restart of the system in relation to an object with antisystem indicators. All the listed principles form an integral system. The principles of a progressive system are provisions (rules) developed by the science of penal law, which take into account theoretical concepts of the systems theory and systems analysis and determine functioning of the progressive system. They contribute to the proper implementation of the principles of penal legislation in terms of providing a promising systemic resource for its individual institutions, such as changing the conditions of serving a sentence (types of regime) within a single correctional facility, changing the type of correctional facility, replacing the unserved part of the sentence with a more lenient type of punishment, and

parole. The principles of the progressive system are expected to be explicitly expressed in the law. According to the author, they may be referred to in Chapter II of the Penal Code of the Russian Federation (for persons serving a sentence of imprisonment) as “general conditions for the step-by-step execution and serving of imprisonment; early release from serving imprisonment”, in the form of rules that reflect the characteristic features of a progressive system for executing and serving imprisonment, concerning the delineation of the level of systemic properties typical for a person’s presence at a specific stage of the system and within its limits, and that define the requirements for the procedure of decision-making that affects the person’s stay at a certain stage of the system. Other regulatory acts addressing procedural issues related to the permissibility of the location of the subject (an accused person held in a pre-trial detention center; a convict sentenced to imprisonment; a person released early from serving a sentence) within the progressive system (the Criminal Procedure Code of the Russian Federation, federal laws on detention, on probation, departmental orders) require the presence of relevant norms in this regard.

Key words: progressive system; imprisonment; systems theory; system analysis; object; subject; principles; system properties.

5.1.4. Criminal law sciences.

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Introduction

The theory of penal law presents certain requirements for a progressive system of serving a sentence to boost the effectiveness of this legal institution. The progressive system should be transparent, fair, and accessible to convicts. In addition, the differences between its stages (in Russia – in terms of conditions) should be significant. They should have a stimulating potential; otherwise, the progressive system will not be in demand among the convicts themselves. The desire and efforts of the staff to implement it will not be enough [1, p. 199].

It is worth mentioning that nowadays, capacities of the progressive system for the execution of imprisonment are insufficiently used [2].

In theoretical studies devoted to the progressive incorporation system (hereinafter referred to as the progressive system, system, or model), the following terms are used: a principle of the progressive system of executing a sentence [3, pp. 30–50]; a principle of the progressive system of serving a sentence of imprisonment [4], as we understand it, in the context of the unified principle of the progressive system belonging to the field of penal law.

In our view, a progressive system, as one of the types of systems, is characterized not by a single principle that, under a single name, can unambiguously encompass a wide range of issues related

to the system under study, but by a set of principles inherent to this system, which embody it at the level of interdisciplinary connections (systems theory, systems analysis, penal law), reflecting its functionality.

It is worth highlighting that the term “system” is embedded in the very concept of the progressive system, which justifies its analysis through the lens of systems theory [5, p. 283]. The system elements are objects and subjects. An important place in the system is occupied by the “input to the system” and the “output from the system,” as well as the system’s goals [6, pp. 17, 29, 40].

The object is considered as an element that interacts with the system but is not identical to it. This does not contradict the integrity of the system: the object acts as its dynamic component changing during the “process” of isolation and control, after early release. The objects of the system under analysis are individuals – convicts, persons in custody, and those granted early release – who are subject to influence by authorized actors obliged by their official capacity to exert such influence [7, p. 81]. In our interpretation, the objects are the input and output elements of the system. We consider a disciplinary commission of the correctional facility, a educational council of the juvenile cor-

rectional facility, and officials (the administration of the correctional facility or the pretrial-detention center, an authorized representative of the specialized state body that monitors the behavior of a person released on parole, an official of the criminal executive inspection, a probation center, and the court) to be the subjects.

The system exists, is distinguished, and is described as a carrier of qualitatively new properties. The emergence of a fundamentally new quality that does not exist without the combination of parts into a system is called emergence [8, p. 18]. Emergence (or systemicity) in the progressive system as a functioning model belongs to its object, which, by becoming involved in interacting subsystems (constructed by the norms of law), acquires new qualities (properties) that are inherent to it [9].

Inside, the progressive system is structured and filled with specific systemic-legal content, which expresses the transformation of its object from the moment it enters the system until it exits it, with periodic detection of the appropriate systemic properties in it. Therefore, what happens within the system, including with the system's object, should be based on the principles inherent to the system [10].

Consequently, the genetic principles of a progressive system are based on the concepts constructed by the theory of systems and system analysis.

In our study, we do not choose a single canonical theory of systems and system analysis; instead, we use a synthesis of key principles characteristic of various approaches in order to adequately describe the specifics of a progressive system.

At the same time, it is not possible to unequivocally equate the principles of the system under consideration with the principles of penal law and the principles of penal legislation, which are focused exclusively on convicts and are related to the execution of punishment.

The principles of penal law determine the strategy and directions of development, as well as the content and structure of both penal legislation as a whole and its individual institutions; they ensure the systematic legal regulation of social relations arising during the execution of punishment; and, finally, they reflect the requirements of international norms relating to the execution of punishment and the treatment of convicts [11, pp. 40–45]. The principles of penal law are fundamental, equally significant objective and subjective principles enshrined in the current criminal executive legislation, which comprehensively and continuously regulate social relations in the sphere of the execution of criminal

penalties and other measures of a criminal-legal nature [12, p. 11].

The principles of penal legislation are regulated at the level of law. At the same time, not all the principles proposed by legal scholars are enshrined by the legislator [13].

Without engaging in a debate about the truth of statements on the conceptual framework of the principles of penal law and the principles of penal legislation, and while emphasizing the importance of studying these principles in the theory of penal law, we note that the principles of the progressive system (hereinafter referred to as the principles of the system; systemic principles; principles) have specific features characteristic of systemic phenomena. A distinctive feature of the proposed principles is their specific systemic and legal nature, the core of which is the “systemic support” for deprivation of liberty, as well as for the related phenomena arising from the systemic impact on the object at all stages of the progressive system.

The principle of the William Ross Ashby proposed by E.V. Lutsenko is formulated as such: “if two systems of different levels of complexity interact, then a more complex system adequately reflects a simpler system, and a simpler system inadequately reflects a more complex one” [14, p. 181]. So, the principles of a progressive system are multidimensional (at the junction theories of penal law, theory of systems and system analysis) reflecting the principles of penal legislation within the framework of the current legal regulation of incorporation, affect the progressive system regarding the fate of its object, commensurate with its stay in this system.

It should be emphasized that a progressive system, when including the various stages it comprises, creates a new quality – the level of systemicity of the object (the higher its level, the greater its capacity for socialization), which does not exist outside the interaction of its subsystems (changes in the conditions of serving a sentence within a correctional facility, changes in the type of correctional facility, parole, replacement of the unserved part of the sentence with a more lenient type of punishment).

The purpose of the system in question is to increase the level of systemicity of the object that is subject to systemic influence as part of its transition from one stage of the system to another. Systemic integrity increases when the characteristics of the system object (its systemic qualities) improve in terms of its correction. The higher the level of systemic integrity, the greater the number of intercon-

nections between basic elements (subsystems of the progressive system) and the more intense these connections.

We consider the progressive system as a model that goes beyond the scope of the Penal Code of the Russian Federation. This position emphasizes the importance of the continuity of systemic impact, i.e., the implementation of the functions of the progressive system. Systemic impact determines the result and scope not only of corrective influence but also of other types of coercive influence on the subject, related to their detention and early release [15].

Thus, the principles under study accompany systemic influence and are inseparable from it at all stages of the progressive system.

Research

The principles of a progressive system are the following: comprehensive, complete, objective establishment and fixation of system properties; stimulating the motivation of an object in its move to a higher level of the system (stimulating motivation for progress); timely proper assessment and fixation of the presence of system properties (timely establishment of system properties); differentiation of objects by system properties (systemic differentiation); individualization of an object's stay in the system (systemic individualization); connection of input into the system, movement in it and output with systemic effects; system restart in relation to an object with antisystemic indicators.

So, let us attempt to formulate each of the designated principles.

The essence of the principle of comprehensive, complete, and objective establishment and fixation of system properties lies in the fact that subjects vested with the authority to assess the formed systemic properties of an object for the purpose of its movement within the system or its output are obliged to take all measures provided for by law to ensure comprehensive, complete, and objective verification of the presence of these properties.

The current Penal Code of the Russian Federation, in matters concerning changes to the conditions of serving a sentence within a single correctional institution, transfer from a juvenile correctional facility to a general regime correctional facility, and changes to the type of institution, and the Criminal Procedure Code of the Russian Federation, in matters resolved by the court during the execution of a sentence and related to the progressive system (changes to the type of correctional institution, parole, etc.), do not recognize this principle. As a result, the movement of an ob-

ject within the system is accompanied by the disregard of the components in question. Under such conditions, the objectivity (quality) of the system's properties may not actually correspond to their level at the corresponding stage of the system. This situation is exacerbated by the fact that this level is not clearly established by law. For example, the wording "if it is recognized that the person does not need to serve the full sentence imposed by the court in order to be corrected" (Part 1 of Article 79 of the Criminal Code of the Russian Federation) cannot indicate that the court, when granting a petition from a convict (or their lawyer) for parole, filed in accordance with Article 175 of the Penal Code of the Russian Federation, objectively confirms qualitative signs of his/her correction, etc. The validity of such transfers within the system is at risk. There appears the "atmosphere" that gives rise to anti-systemic behavior among the subjects.

The arguments presented point to the need to ensure comprehensiveness, completeness, and objectivity in identifying and recording systemic properties within the framework of a single requirement set by the legislator.

Comprehensiveness implies studying the characteristics of an object as an entity belonging to a progressive system that is constantly changing its systemic properties in dynamics with their reflection in systemic solutions. Completeness is achieved through the systematic accumulation and analysis of detailed data about the object. This yields a comprehensive understanding grounded in a set of verifiable characteristics, which confirm its systemic properties. The resulting insights inform system-level decisions on whether and how the object should move within the system. Completeness is also inseparable from the object's personal file. The personal file is a kind of catalyst for systemic properties. It is appropriate to accumulate these properties from the perspective of the continuity of the effectiveness of systemic impact on the object (the object should be moved within the system together with the accumulated "systemic" characteristics derived from the personal file). The volume of materials contained in the personal file that indicate systemic properties of the object should be proportional to the appropriate stage of the system. It should be noted that, in the context of resolving the issues of "execution of the sentence" mentioned above, the legislator does not require the court to study characteristics of the convicted person together with their personal file.

Objectivity is characterized by correspondence to objective reality and the absence of bias in the

judgments reflected in the systemic decisions made, in the form in which they are identified at a certain stage of the system. A progressive system cannot be separated from objective reality, from the processes that can occur, are occurring, or have occurred with its object in reality. It is unacceptable for law enforcement practice to rely on system properties that are imprecisely defined in law. Such vague formulations fail to capture the full scope and effects of systemic influence on the object at each level, enabling arbitrary or even distorted interpretations by system actors and often resulting in inappropriate movement or undue delays for the object within the system

The set of properties at each “level” cannot be vague and must have distinctions that ensure clear identification of the object across the levels.

A systemic solution is a decision “enriched” by systemic principles, adopted by the system’s subjects (who have the authority to do so), regarding the movement of an object within the system, provided that the object possesses systemic properties identified by the legislator. A systemic solution embodies systemic influence on the object and is expressed in documents (hereinafter referred to as systemic documents) that are not only of a penal nature but also of a criminal-legal and criminal-procedural nature, directly affecting the object’s level of systemic status, which indicates its presence at a specific stage of the system. Such documents include, for example, the protocol of the disciplinary commission of a correctional facility based on the results of reviewing the submitted materials regarding the expediency (or in expediency) of transferring a convict from one set of conditions for serving a sentence to another; a court order granting parole from serving a sentence in the form of imprisonment.

When disclosing the principle of stimulating the subject’s motivation to move to a higher level in the progressive system (stimulating motivation for progress), it should be noted that this principle is intended to ensure the stimulation of the subject’s motivation to move to a higher level in the system.

In this context, attention should be drawn to the penal legislation principle of “stimulating law-abiding behavior of convicts” (Article 8 of the Penal Code of the Russian Federation), which is in line with the principle under study.

S.N. Ponomarev and M.P. Melent’ev emphasize that the implementation of this principle is ensured by penal legislation, which contains elements of a progressive system of serving punishment [16,

p. 263]. Consequently, encouraging the subject to move to a higher level within the progressive system in this context is directly related to the execution and serving of imprisonment and is aimed at ensuring the implementation of the principle of encouraging law-abiding behavior among convicts.

Moving to a higher level within the system is usually possible if the object desires it (a matter of will). In the context under consideration, V. Nesmelov’s statements about the problem of an individual’s existence are of considerable importance. “In the conception of the entire life process, each preceding moment provides a direct basis for anticipating certain consequences from its possible repetition; and, by virtue of this anticipation, it gives a direct basis for desiring or not desiring its repetition; and, by virtue of this desire or lack thereof, it gives a direct basis for striving towards a certain action in the interests of achieving a specific goal”. In the absence of any ability to anticipate the consequences stemming from various life phenomena, an individual can only passively accept their circumstances rather than actively shape a desired future. Under such conditions, what emerges is not genuine desires or aspirations, but rather reflexive responses – mechanically determined by the physicochemical interaction between the environment and the organism” [17, p. 131].

Hence, the concept of “stimulating law-abiding behavior among convicts” does not take into account a number of factors. Law-abiding behavior is a consequence of corrective influence and also one of the indicators of systemic properties, which is necessary for moving the convict to a higher level within the system, typically within the framework of imprisonment. In our view, the object of motivation in the system is not law-abiding behavior, but the fastest possible movement of the object within the system and its exit from it through the characteristics (along with other characteristics) detected at a certain stage of the system, which indicate law-abiding behavior. To move to a higher level, an object should possess a set of characteristics of a higher level and should not focus exclusively on the previous “threshold” of law-abiding behavior.

Despite the similarities, there are certain differences between motivation and stimulation. It is these differences that influence the effectiveness of the subjects’ actions in relation to the system’s objects. Motivation primarily concerns a person’s inner world (an object of the system, as we have highlighted), his/her needs and interests. External motivation is also present. Even if external factors

influence motivation, they still pass through an internal lens. A person asks him/herself, how interesting it is for him/her. Stimulation is the process of external influence on an object to obtain a certain result from it (the object possessing higher systemic characteristics defined by the legislator) [18, pp. 603–604]. The work of the disciplinary commission of a correctional facility, as well as convicts living with the object in dormitory premises, can act as external motivation factors.

In the progressive system, the object's motivation is guided by targeted stimuli intended to foster its willingness to advance to a higher level within the system. The object's motivation is inseparable from its appropriate interest and functionality.

The system develops systemic properties that the object has achieved at a certain stage and stimulates it accordingly. The most effective stimulus in the system is early release from imprisonment. This stimulus cannot work if the object lacks motivation.

Consequently, a progressive system should be built and function in such a way as to generate the motivation for the object that is necessary for the legislator, which is associated with an increase in its level of systemicity. The object's efforts to acquire systemic properties that allow it to move within the system as quickly as possible should be supported both by the legislator and by the subjects of the system. The implementation of these efforts may be possible under the condition of an exhaustive formulation of the system properties in the law, as well as the assumption (by the object) of a number of obligations, the progress of which will be assessed at each stage of the system (relative to each stage, incrementally, with some specifics). To do this, the legislator needs to select the necessary list of obligations that correlate with a set of those system properties that allow any object to be moved to a higher level of the system, provided that it wishes to participate in this.

The object, regardless of its relationship to the system, in our view, should have reference points for its position within it. Therefore, one of the significant factors that enhance the effectiveness of the systemic activity of the subjects is to clarify to the potential object of the system (the accused, the person in custody) the possible options for its position within the progressive system.

We therefore propose that any person accused of the crime punishable by imprisonment be formally notified upon arrival at a pre-trial detention facility of his/her inclusion in the progressive system. This notification should be confirmed by a signed receipt

and should also inform the individual of his/her right to decide whether to participate in an individual early release program. Such a program can initially be standard (for various categories of defendants) and then become purely individual upon the person's arrival at the correctional facility, including options for possible future "progression" through stages, a list of obligations, a set of system characteristics, etc., in dynamics, required for early release. It appears that this information should presumably come from the administration of the pre-trial detention facility and not be limited to the defendant's lawyer, since the lawyer is not a figure related to the penal system, but to the criminal procedure system. Not every accused person can afford services of a defense attorney. In case an accused person is not held in a pre-trial detention center, such information should be provided after the verdict has entered into legal force, upon the issuance of the order to be sent to the place of serving the sentence, when the person has acquired the status of a convict sentenced to imprisonment with serving the sentence in a panel settlement. If a convict is not held in a pre-trial detention center and is to serve a sentence in a correctional facility, this information should be provided to him/her in the pre-trial detention facility before they are transferred to the place where they will serve their sentence.

In this regard, stimulating the subject's motivation to move to a higher level within the system may be linked to their awareness of their position within the progressive system.

Stimulating the systemic motivation of an object is inextricably linked to ensuring and implementing the object's rights and legitimate interests, which stem from its systemic status. Guided by this principle, subjects should clarify the systemic rights and legitimate interests for the object and ensure the possibility of exercising them.

Let us now focus on the principle of timely proper assessment and recording of the presence of systemic properties (the timeliness of establishing systemic properties). It should be noted that the essence of this principle lies in the fact that the system's properties should be assessed by the system's subjects within the timeframe prescribed by the legislator (after the object has served the actual part of the sentence). The question of timeliness falls under the official discretion of the system's subjects, who independently determine the relevant timeframes — including when to attribute system properties to the object and whether transferring it to a higher level within the system is appropriate. The recording of system properties pre-

supposes the inseparability of their presence and assessment. The properties should be documented by the authorized subject(s) of the system. For example, the transfer of a convicted person from the usual conditions of serving a sentence to a light one may take place when the convicted person has served his sentence in these conditions for at least six months. If, after the expiration of this period, after its assessment by the disciplinary commission of the correctional institution, the convicted person does not possess the properties of an object that has no penalties for violations of the established procedure for serving a sentence and has indicators of a conscientious attitude to work, he is not placed in facilitated conditions. Subsequent assessment of the object will be carried out when the properties necessary to move it to a facilitated environment accumulate. If it is determined that the object possesses characteristics that meet the systemic properties established by law, its immediate assessment is inevitable.

The assessment of whether system properties belong to an object can also be carried out in a different way when it takes place in court. In this case, as a rule, information received from both the object and the subject exercising systemic influence within places of deprivation of liberty is evaluated for compliance with the system properties established by law. For example, the sources of this information include a convicted person's petition for parole, as well as characteristics of the individual provided by the administration of the correctional facility. Timeliness in this context implies that the court must not delay procedures for evaluating the received information with respect to its relevance to the system's properties, as well as to the actual term of imprisonment served by the convict (as stipulated in articles 79 and 93 of the Criminal Code of the Russian Federation). Equally important is the promptness with which the correctional facility's administration provides a comprehensive, full, and objective characterization of the convict in terms of compliance with systemic indicators (Part 2 of Article 175 of the Penal Code of the Russian Federation). The administration carries out a preliminary, but not final, assessment of the convicted person. The relevant actions of the administration are urgent in nature and are not associated with his/her unambiguous relocation; they do not have preclusive significance for the court.

Given that the proposed principle does not allow the court, as a subject of the progressive system, to delay the timeframe for making decisions related to systemic impact on the subject, the principle of

a reasonable timeframe for criminal proceedings (Article 6.1 of the Criminal Procedure Code of the Russian Federation) is important. At first glance, this principle concerns the timeliness of establishing systemic properties, since, for example, the category of parole belongs to the issues that should be resolved by the court when executing a sentence (this is related to the progressive system; it is specified in Paragraph 4 of Article 397 of the Criminal Procedure Code of the Russian Federation). The appropriate properties can be identified only in accordance with the procedure defined in Article 399 of the Criminal Procedure Code of the Russian Federation. However, on the other hand, the principle proclaimed in Article 6.1 of the Criminal Procedure Code of the Russian Federation in no way relates to the progressive system, since, according to Paragraph 56 of the Criminal Procedure Code of the Russian Federation, criminal proceedings are pre-trial and trial proceedings in a criminal case. Consequently, criminal procedural "reasonableness" is limited to a criminal case. Following our concept, the Criminal Procedure Code of the Russian Federation should adopt the principle of timely establishment of systemic properties and find a place for it in a somewhat modified form in the "construction" of a system of rules characteristic of procedures related to resolving issues in the execution of a sentence.

Thus, the principle in question supports a progressive system as a dynamic one that manifests itself when the systemic properties of an object within the system change over time, focusing on the dynamics of personality changes and managing this dynamics.

Let us now address the principle of systemic differentiation, which involves classifying objects according to the level of their systemic properties. For a clearer understanding, we begin by analyzing a parallel principle in penal legislation – the differentiation of how punishments are executed (penal differentiation).

Penal differentiation is manifested in changes to the conditions for serving a sentence, which is a consequence of the progressive system, whereby the legal status of a convict changes depending on his/her behaviour and the term of the sentence served [19, p. 201].

The theory of penal law thus links this principle to the progressive system. However, this differentiation, as we see it, primarily focuses on the change in the legal status of the convict and links it to differentiation. This change is associated with an appropriate level of corrective influence and is based

on the existence of diverse categories of convicts, with their proper placement at various stages of the progressive system within places of deprivation of liberty.

Systemic differentiation, unlike penal one, is inseparable not only from convicts but also from other persons who act as objects of the progressive system outside correctional institutions. It manifests itself in the legislative definition of various systemic properties addressed to objects, regarding the possibility of each of them being at a particular stage of the system, and is associated with a change in their systemic status. This differentiation makes it possible to identify an object within the system in terms of whether its characteristics, developed within the system, correspond to the systemic properties that allow it to be moved (through systemic influence) to a higher level of the system and remain there.

In other words, the essence of this principle lies in the strict adherence of systemic properties to a specific level of the system. Each level of the system has its own hierarchical set of systemic properties. The legal norms should be structured in such a way that a specific set of systemic properties would make it possible to distinguish between objects and, consequently, to differentiate them within the system.

Systemic differentiation reveals the categorical and hierarchical essence of a progressive system. The categorical meaning follows from the fact that this system identifies certain categories of objects that have similar properties. For example, convicts can be transferred to the facilitated conditions of a general regime correctional facility after they have served at least six months of their sentence in normal conditions, provided they have no penalties for violations of the established procedure for serving the sentence and demonstrate a conscientious attitude to work (Part 2 of Article 120 of the Penal Code of the Russian Federation).

A progressive system becomes hierarchical when objects are structured according to the levels of their systemic nature (symbolizing their presence at a specific stage of the system). For example, a higher level of the system in question comprises individuals released on parole.

The principle of individualization of the object's presence in the system (systemic individualization) is closely interconnected with systemic differentiation. It is worth emphasizing that the place of every object in the progressive system has individual characteristics. Each object has its own "entry into the system" and "exit from the system." The move-

ment of an object from one stage to another occurs individually. These features are very important for the relevant subjects when implementing systemic intervention and the methods of its implementation, in relation to "building" an individual program for early release (the principle of stimulating motivation for progress).

This principle is inseparable from the principle of individualization of the execution of punishments, the essence of which is that punitive and educational measures are applied depending on the offender's behavior, as well as the entire set of data characterizing the offender's personality [20, p. 102].

Systemic individualization is much broader in scope than this principle in matters related to the location of the object, his/her individual characteristics, and the methods of influencing him/her beyond the confines of serving a sentence of imprisonment.

Next, let's focus on the principle of connecting the entry into the system, movement within it, and exit from it with systemic influence. The title of this principle indicates a series of "steps" that align with systemic influence and are characteristic of individuals who identify with a progressive system.

Systemic impact refers to the activities carried out by the system's subjects with respect to the object at various stages: during detention, while serving a sentence in a correctional facility, and during early release. These activities are typically performed on a periodic basis to assess the systemic properties that have developed in the object at each stage. The findings inform decisions on whether to move (or not move) the object to the next stage of the system, depending on factors such as the completion of the detention term, the served or unserved time period of the sentence, and the object's personal characteristics – including their attitude towards their presence in the system and their capacity to meet the required systemic properties.

The aforementioned principle cannot be unequivocally associated with the principle of combining punishment with corrective influence (Article 8 of the Penal Code of the Russian Federation), since systemic influence in the progressive system determines the outcome not only of corrective influence (including its scope) but also of other types of coercive influence on the object related to his/her detention or early release. At the same time, it should be borne in mind that during the period when the object is serving the unserved part of the sentence, the coercive influence is still exerted on him/her. The basis for applying systemic influence to the object is their entry into the system.

Unlike corrective action, systemic action may arise from the object's expression of will, manifested in its desire to improve its position within a progressive system, through its legitimate interests. As a result, systemic action can be applied without coercing the object. Systemic action is carried out using methods that are not directly related to the use of corrective measures.

Let us move on to the next principle – restarting the system in relation to an object exhibiting anti-systemic indicators.

Taking into account the aforementioned principle, it is appropriate to say that in the progressive system, the properties defined by the legislator may not be developed due to the “opposition” of the object to the order established in the law for the execution and serving of a sentence (the degree of correction is reduced to zero), or due to its conscious or unconscious attitude to the opportunities established in the law to improve the legal status. For example, the designation “malicious violator” in relation to a convicted person is not a systemic property. In order for systemic properties to develop within the framework of achieving the goals of a progressive system, the legislator has established stricter conditions for correcting such individuals.

Let us emphasize that a progressive system is a functional model. As an element of the system, an object must be functional – just like the system itself. Yet this isn't always the case. If there is a contradiction between the aspirations of the object and the functions and goals of the system, signs of an anti-system will manifest themselves.

The anti-system is a system with a negative level of systemicity — that is, it is a combination of a certain set of elements through their interaction into a whole that hinders the achievement of goals. The antisystem is a system that performs an opposite function in relation to a given system [21].

Restart is usually used in the operation of computer systems. It deserves attention and does not lose its relevance even in a progressive system. In our interpretation, restart is the process of restarting a system in relation to an object with anti-systemic characteristics, with the aim of imparting functionality to it and subsequently improving it. This restart, as a rule, is associated with the unambiguous movement of an object from the stage of the system where it is located to a lower stage of the system (relative to its location in the system) with its possible or impossible return to the stage where it was previously (for example, the transfer of a convict from normal to strict conditions, from a correctional

facility to a prison). Restart as an event inherent in a progressive system should be carried out through a special systemic effect (let's call this effect a restart) while observing the principles inherent in this phenomenon, taking into account the specifics of the object, its positioning in the system, the volume of its negative characteristics, etc. This effect gives rise to other types of systemic effects – those that manifest through more complex sequences of stages aimed at achieving the system's goals (this aspect warrants separate research). Accordingly, we suggest referring to the properties necessary for restarting the system as “restart properties.” At each stage of the system, alongside the general system properties, there should be a dedicated, formally defined set of restart properties tailored to the relevant object.

Conclusions

Thus, all the listed principles form an integral system. Underestimating one principle leads to an imbalance in the progressive system. Understanding these principles allows us to grasp how the system works and how it achieves its goals.

Based on the above, the principles of the progressive system can be understood as the provisions (rules) developed by the science of penal law, taking into account the theoretical concepts of systems theory and systems analysis, which determine the functioning of the progressive system. They contribute to the proper implementation of the principles of penal legislation in terms of providing its individual institutions with a promising system resource, such as changing the conditions of punishment (types of regime) within a single correctional institution, changing the type of correctional institution, replacing the unserved part of sentence with a milder type of punishment, and parole from serving punishments.

The principles of the progressive system presuppose their own expression in the law. It appears that they may be referred to in Chapter II of the Penal Code of the Russian Federation (in a form suitable for persons serving a sentence of imprisonment) as “general conditions for the step-by-step execution and serving of a sentence of imprisonment; early release from serving a sentence of imprisonment,” in the form of rules that reflect the characteristic features of a progressive system for executing and serving a sentence of imprisonment, concerning the differentiation of the level of system properties, the typical location of a person at a specific stage of the system and within its limits, and defining the requirements for the procedure of making decisions that affect the person's stay at a certain stage of the system. Other regulatory acts addressing procedur-

al issues regarding the permissibility of the location of the subject (an accused person held in custody in a pre-trial detention center; a person sentenced to imprisonment; a person released early from serving a sentence) in the progressive system in this regard require the presence of relevant norms.

In this context, it should be noted that the same person, as a subject, may simultaneously belong to the progressive system and the probation system. His/her systemic characteristics, developed within the progressive system, cannot but be taken into account when entering the probation system, while being in it, and when leaving it [22, p. 303].

Summing up, we note that the views presented in the study regarding the concept of principles of the progressive system have not yet been fully developed and remain discussable. Their study in the context of developing promising innovations that enhance the efficiency of the Federal Penitentiary Service of Russia encourages the scientific community, law enforcement practitioners, and lawmakers to conduct further research involving an interdisciplinary approach in the field of incarceration, its practical testing, and the preparation of legislative initiatives.

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