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Science and Life (to the 100th Anniversary of the Brth of Honored Scientist of the RSFSR. Doctor of Sciences (Law), Professor Nikolai A. Struchkov)



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Abstract

Introduction: the article is devoted to the 100th anniversary of the birth of a prominent scientist, specialist in the field of penal (correctional labor) law, Honored Scientist of the RSFSR, Doctor of Sciences (Law), Professor Nikolai A. Struchkov. The article describes his life path, including participation in the Great Patriotic War. Formation of Nikolai Struchkov as a scientist and specialist in the field of penal (correctional labor) law is shown. General characteristics of his scientific and pedagogical activity are given and the most significant scientific works are analyzed. The role of N.A. Struchkov in the development of domestic penal legislation and law enforcement practice is evaluated. Attention is paid to the professor's participation in international cooperation. Methods: the study is based on the axiological approach. The research problem is solved with the help of general philosophical principles of dialectics and special methods of cognition: systematic, formal legal, sociological, etc. Results: Professor N.A. Struchkov is one of the founders of the theory of criminal policy, correctional labor policy, and penal law. He worked on problems of the theory, legislation and law enforcement most relevant in the second half of the twentieth century. In addition, the professor's research interests included issues of criminal law and criminology. Several anniversary articles are devoted to the scientific activity of Nikolai Struchkov. The centennial anniversary is an occasion to dwell on the ideas expressed by scientists more than half a century ago, but not lost relevance. Nikolai Struchkov prepared monographs, textbooks, and articles. His activity is highly appreciated by the state. However, to date there is no detailed bio-graphic essay. In this regard, it seems important to identify from axiological positions what is significant for modern law-making and law enforcement practice, which can stimulate scientific search and initiation in solving topical issues related to the execution of criminal penalties, research in the field of criminal and penal policy, criminal and penal law, criminology.

Keywords: criminal policy; criminal law; correctional labor policy; correctional labor law; penal law; activity of a correctional labor institution; humanism; legality; science; theory; criminology; pedagogy; pedagogical impact; punishment; execution of punishment.

5.1.1. Theoretical and historical sciences (legal sciences).

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Everybody who has ever come across penal (correctional labor) law seems to know Professor Nikolai Struchkov. However, the materials of his family archive testify that at the beginning of his life's journey nothing predicted his future involvement in science and practice of the execution of criminal penalties. Nevertheless, became an outstanding specialist in this field.

The analysis of N. Struchkov's life, his official and scientific activities is carried out on the basis of his numerous scientific works, as well as departmental and family archival materials.

The range of sources used in the course of the study is quite diverse: scientific works, monographs, textbooks, articles by N.A. Struchkov, official materials (departmental orders and instructions, reports on the results of scientific research stored in the archives of the Institute of the Ministry of Internal Affairs of Russia, the Museum of the Academy of Management of the Ministry of Internal Affairs of Russia), materials of the family archive.

The research materials are analyzed on the basis of well-known principles of scientific historical knowledge.

The study is based on the axiological approach. The research problem is solved with the help of general philosophical principles of dialectics and special methods of cognition: systematic, formal legal, sociological, etc.

Nikolai Struchkov was born on February 13, 1922 in Moscow, in the family of a Red Army officer. The documents preserved in the family, such as commendation sheets, certificates of honor, reveal that Nicholai succeeded at school.

His father passed away early, Nikolai was 15 years old at the time. The boy saw himself as

a military man. After graduating from school in 1940, he entered the military communications school of the Red Army Air Force, where his father had previously served. The training ended ahead of schedule, the Great Patriotic War began. Nikolai Struchkov was destined to travel a long way to Berlin and be among the winners in this bloody and difficult battle.

In August 1941, he joined the assault aviation regiment and arrived at the Northwestern Front. He served as an aircraft mechanic for the aircraft electrical equipment. Nikolai Struchkov studied geography of his country, first moving to the east, and then to the west. He took part in the early battles for the defense of Kalinin (Tver).

In May 1942, he participated in the battles on the Southwestern Front in the Balakleya area. After the reformation, he was sent to the Donetsk Front. Here young N.A. Struchkov became a participant in the defense of Stalingrad and the encirclement of the German fascist group.

The further front-line path led to the Kursk Bulge, where he became a participant in the grandiose battle for liberation. As the front-line soldiers noted, large losses of personnel led to the fact that there were often not enough shooters in the crews. In such cases, they turned to volunteers. Great courage and heroism were required to perform such tasks [3, pp. 28–29]. Nikolai Struchkov was always among such volunteers.

He crossed Ukraine, Eastern Belarus and participated in the battles for Chernigov, Gomel, walked through Poland, crossed the Vistula, liberated Warsaw and reached Berlin. During the war, he received two severe head wounds, in particular, in 1943 near Rechitsa (Belarus) and in 1945 in Germany.

During the battles on the Kursk Bulge, N.A. Struchkov was a Komsomol member of the regiment, and in January 1945 he became an Assistant to the Head for Work with Komsomol Members and the Youth of the Political Department of the 11th Guards Assault Chernihiv-Rechitsa Red Banner Order of Kutuzov Aviation Division.

The long front-line path was marked by the Orders of the Patriotic War of the first and second classes, two Orders of the Red Star, and numerous medals.

The war for the senior technician Lieutenant N.A. Struchkov ended in Berlin. There was a new life ahead... He wanted to continue serving in the army and submitted documents to the Military Law Academy. Contemporaries of Nikolai Struchkov testified that it was not an easy task: all the candidates were frontline soldiers, order bearers. The competition was 20 people per place [2]. Nevertheless, in 1946 N.A. Struchkov entered the Military Law Academy. He liked studying. Being a student, he drew attention to himself as a beginner researcher. The family archive has an interesting document of that period: a review of the work of a fourth-year student of the Military Law Academy the Captain of Guards N.A. Struchkov "On the issue of the group representative monarchy in Russia and on the organization of its armed forces". The review notes that according to its scientific merits, high research techniques and the enormous work conducted by the author, the work, if not fully can be called a candidate's thesis, then, in any case, it is approaching it". The first work of a beginner researcher was published in 1948 [12].

The training at the Academy ended with a diploma with honors and a recommendation to postgraduate studies at the Criminal Law Department. Nikolai Struchkov always had an interest and creative attitude to everything new, this helped succeed in postgraduate studies. He had a good school. His scientific supervisor was Professor V.D. Menshagin. In 1954, he successfully defended his Candidate of Sciences dissertation on the topic "Combating bribery in Soviet criminal law" [4]. The official opponents were Professor A.A. Piontkovskii and Associate Professor N.N. Zagorodnikov, while the unofficial ones— the Head of the

Academy, the Chairman of the Council G. Pugovkin and the Major of Justice Candidate of Sciences (Law) V.N. Kudryavtsev. After defending his dissertation, the newly-baked Candidate of Sciences started a teaching career at the Criminal Law Department.

Having become a teacher, Nikolai Struchkov studied the specifics and methods of teaching criminal law, the content of the subject taught, reflected it in his creative works [15].

In connection with the transformations in the Ministry of Defense, Nikolai Struchkov started service in the internal affairs bodies since May 1956. He worked as the Senior Lecturer, Associate Professor, Deputy Head of the Criminal Law Department at the Higher School of the Ministry of Internal Affairs of the USSR. Here he turned his attention to the issues of criminal penalty execution. The monograph "Imposition of punishment for a combination of crimes" was published in 1957 [9] and the work "Educational significance of punishment associated with sending a serviceman to a disciplined battalion" – in 1958 [5].

N.A. Struchkov became one of the organizers of the Department of Correctional Labor Law created for the first time in the country at the Higher School of the Ministry of Internal Affairs of the USSR and headed it from 1958 to 1967. He had a creative team and a search atmosphere at the department. Such scientific directions as correctional labor pedagogy, correctional labor psychology, organization of correctional labor institutions, etc. were formed and developed there.

The analysis of the content of N. Struchkov's research activities and his scientific works testifies to the role and importance of this person for the development of science.

The scientist's scientific works are original, extensive, deep and recognizable. Problems are comprehensively considered even in his first works. In this sense, in our opinion, one of the first works "Forms of co-participation and responsibility of accomplices under Soviet criminal law" is very indicative [19]. The article reveals features of the author's approach to scientific research. The article is voluminous and deep, with more than 50 sources being used, including textbooks, monographs, sci-

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entific articles, and materials of dissertation research. The author dwells on theoretical questions and considers existing scientific views on criminal law and materials of judicial practice. The article presents data from rulings of courts of various instances and materials of criminal cases. The researcher draws attention to the importance of correct understanding of the complicity institution. His comprehensive approach to the study is disclosed in the analysis of legislation provisions and existing points of view and the determination of the essence of differences in views and opinions. From our point of view, the analysis of views on the formation of the complicity forms classification does not lose its scientific value. The author of the article manages to show a variety of grounds to classify complicity according to its forms. Here Nikolai Struchkov relies on the works of famous researchers, such as A.A. Herzenzon, A.N. Trainin, G.A. Krieger, P.F. Grishanin, M.A. Schneider, etc. Notably, the scientist does not reduce this to describing content of the works, but gives them a critical analysis and makes his own conclusion.

The author shows how relevant it is for practical work to correctly determine the grounds for classifying forms of complicity and attributing specific situations to one of them. He emphasizes that the theoretical problem of classifying forms of complicity is of practical importance. At the same time, attention is drawn to the importance and necessity of a clear understanding of the very concept of complicity. According to this logic, the author himself analyzes this concept based on criminal legislation. His conclusions about the nature and features of complicity, which inadvertently led to socially dangerous consequences, are valuable for science and practice [19, pp. 133–137].

The critical analysis of those points of view that Nikolai Struchkov considers erroneous is indicative. Instead of simply refusing them, he conducts a detailed analysis of key positions on the basis of the legislation, stable theoretical provisions, and law enforcement practice [19, pp. 130–131, 137–138]. At the same time, it is particularly worth emphasizing the high pedagogical significance of such criticism, since N.A. Struchkov is an example

of the manifestation of scientific and service ethics. Critically comprehending someone's work, Nikolai Struchkov highlights advantages and value for science and practice that the analyzed work has. Only after that vulnerable positions or personal disagreement with someone's view are noted. This shows his benevolence, interest in colleagues' work, and desire to help and support.

N. Struchkov's conclusion does not lose its relevance that consideration of the issue of complicity forms should be based on the law requirements, while it is necessary to take into account not only the norm that establishes the institution of complicity, but to analyze all legislation, since the studies conducted only in accordance with provisions of one article taken in isolation lead to unilateral conclusions [19, p. 143]. This statement seems very important and valuable, because it is methodological in nature, which allows us to extrapolate it to research on criminal law in general.

It should be admitted that the conclusions of Candidate of Sciences (Law) N.A. Struchkov still lead to many reflections. In particular, his judgments on special forms of complicity characteristic of the commission of certain crimes. According to the legislation of that time, he considered an organized group or gang as such. He did not know and could not know what kind of character they would acquire over time. But he assumed that this would happen. This is evidenced by his remark that it is possible to admit the existence of organized groups in the commission of crimes other than theft, because they have their own features that relate specifically to the method of joint participation in the crime [19, p. 147]. The characteristic of the criminal community given in the article is worth mentioning.

The paper provides a brief but fairly clear analysis of complex complicity. Attention is drawn to the fact that extensive law enforcement practice, mainly judicial, is analyzed. At the same time, in some cases it is used as illustrative material, and in others it is used to argue conclusions. Types of accomplices were also disclosed [19, pp. 158–172].

The article demonstrates a special style of research and presentation of scientific material. This style is characterized by deep penetration into the problem, retrospective and comparative analysis and the axiological approach to research. All this makes N.A. Struchkov's works on well-developed issues fresh and original. This is an evidence of the researcher's solid methodological knowledge and a pattern to follow for modern researchers.

In 1963, N.A. Struchkov defended his Doctor of Sciences dissertation on the topic "Legal regulation of the execution of punishment (crucial problems of Soviet correctional labor law)" [13]. Studying problems of correctional labor law, he substantiated independence of the branch of correctional labor law, analyzed the system of correctional labor relations, considered the legal status of those sentenced to punishments related to the legal labor impact, and key means of correcting convicts. Later, theoretical provisions of the dissertation were developed in the monographs of the author.

In 1964, N.A. Struchkov was awarded the academic title of Professor.

In 1967, he became the Deputy Head for Scientific Work of the Higher School of the Ministry of Internal Affairs of the USSR. Working as a Deputy Head of the School, he promoted modern scientific research, created appropriate research teams, and developed new courses.

Development of the science of correctional labor law is inextricably linked with his name. He worked out and theoretically substantiated the structure of correctional labor law, analyzed its main institutions, described the legal status of convicts and legal regulation of the execution of punishments of various types, studied the system of legal relations arising during the execution of punishments [11].

Nikolai Struchkov is the founder of correctional labor, and then penal law as a branch of law, legal science and academic discipline [11]. More than 300 of his works laid the foundation of the science of labor law and are known far beyond the borders of our state. A number of works are translated and published in foreign languages [20–22]. It is worth noting that the researcher himself spoke several foreign languages. On foreign business trips, he could give lectures and conduct conversa-

tions on his own. According to the data available, in 1960–1980, Professor N.A. Struchkov made annual working visits abroad to study the experience of law-making and law enforcement in the field of execution of punishments. He visited Bulgaria, Great Britain, GDR, Cuba, Mongolia, Poland, Portugal, Romania, Czechoslovakia, and Japan.

It is fair to note how significant the role of Professor N.A. Struchkov is in the formation and development of the criminal policy doctrine. He scientifically substantiates the place and role of criminal policy in the life of the state and society and forms the concept of criminal policy. The scientist notes that criminal policy is changeable, explaining this by its dependence on socio-economic and sociopolitical conditions of life and development of the state in specific historical periods. In his works, Nikolai Struchkov emphasizes that the state always implements one policy, based on a single socio-economic basis. But policy manifests itself in different spheres of public life, and this, in turn, is associated with various forms and methods of influencing public relations in all spheres of life, which allows us to talk about specific subjects and directions. At the same time, the areas of manifestation of criminal policy are closely related to each other [7, p. 6].

N. Struchkov's conclusion that criminal policy is part of social policy is important for understanding its essence.

It is worth emphasizing that Nikolai Struch-kov seems to be one of the first to show the role of politics, law and morality in public life and prove their inseparable connection. He argues that policy faces the question of the expediency of certain measures of influence on an offender, morality – the question of the fairness of these measures, and law – the question of their legality. At the same time, both law and morality have a formative effect on policy. The law is one of the policy implementation means [16, pp. 31–33].

The researcher draws attention to the fact that criminal policy has its own boundaries and content, which is to combat crime. According to N.A. Struchkov, negative phenomena, such as vagrancy, drug addiction, prostitution, etc., are not referred to the sphere of criminal policy, but they are still connected

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with it, since they often trigger criminal behavior [7, p. 11].

N.A. Struchkov believes that criminal policy determines key directions of the fight against crime, forms the content of the activities of state and non-state bodies involved in this, their tasks and forms of activity. The purpose of criminal policy is to determine the content of legislation on criminal liability, criminalization, differentiation and individualization of responsibility, the system of penalties and their types. Criminal policy reflects the society's objective needs in the search and development of the most appropriate and socially valuable means and measures to combat crime.

Criminal liability is one of the most important issues of criminal policy. It is studied by the professor comprehensively. The scientist concludes about the beginning and end of criminal liability, varieties and differentiation of legal relations arising in connection with it, reveals the content of punishment, the system of punishments, their types, etc. [18, pp. 96–253].

Nikolai Struchkov is one of the first to draw attention to the fact that criminal policy is a management activity related to decisionmaking and measures implementation in the field of combating crime.

He takes pains to study the works devoted to criminal policy issues. Paying due respect to all engaged in the problem consideration, he shows what contribution one or another researcher has made to the criminal policy doctrine development, both in the modern period and before 1917.

Speaking about punishment, Professor N.A. Struchkov emphasizes that it is carried out within the framework of correctional labor policy, which is closely related to criminal. Nikolai Struchkov is the first to develop the theory of correctional labor policy. He determines a concept of correctional labor policy, defined its content, tasks, formulated and disclosed principles, as well as the specifics of the activities of state bodies and non-governmental organizations in the field of execution of punishments [16].

To date, N. Struchkov's conclusion that the implementation of correctional labor policy is closely related to pedagogy and the per-

sonality doctrine developed in sociology and special psychology is still relevant [6].

According to the researcher, the specifics of the impact exerted on convicts is that it is carried out within and on the basis of law, although the content of such an impact is determined by pedagogy and psychology. The implementation of correctional labor policy is associated with the participation of a large number of specialists of different profiles. Hence, joint activity functions and areas should be defined and differentiated. According to the professor, the implementation of the labor policy is part of the process of social management [10].

N.A. Struchkov pays much attention to the issue of humanizing criminal policy in general and penal enforcement in particular. He addresses this issue repeatedly, emphasizing the importance of this principle for combating crime [7; 16; 17].

The scientist states that humanism is not charity, permissiveness or forgiveness. The essence of humanism is that punishment is applied to the guilty in the interests of ensuring the society's safety. The fact of isolation inevitably entails suffering of convicts, they are of a moral nature and are not an end in themselves. Deprivation and restrictions are means of impact on the convicted, which are applied within the limits of the law.

Nikolai Struchkov made a well-known contribution to the development of the science of criminology. He was interested in the doctrine of the causes of crime, especially the personality of a perpetrator, prediction of individual criminal behavior and criminality as such [8; 14]. He was one of the first to draw attention to the criminological study of crime in places of detention. According to contemporaries, Nikolai Struchkov prepared a course of lectures on criminology, published at the Higher Political School of the Ministry of Internal Affairs [2, pp. 156–157].

The professor successfully combined his scientific work with pedagogical activity, taught courses in criminal law, correctional labor law, criminology. Nikolai Struchkov was an active and versatile person. He combined pedagogical activity with extensive social work. Since 1964 he had been a member of the Scientific Advisory Council of the Su-

preme Court of the RSFSR. He was a member of the academic councils of the Higher School of the Ministry of Internal Affairs of the USSR, the Law Faculty of the Moscow State University, the F.E. Dzerzhinsky Higher School, the Law Faculty of the V.I. Lenin Military-Political Academy. For more than six years he was a member of the Expert Commission of the Higher Attestation Commission under the Ministry of Higher and Secondary Special Education of the USSR.

Nikolay Struchkov had active public work: he was the Chairman of the Section on Problems of Correctional Labor Law of the Scientific Council of the Laws of State Development, Management and Law of the USSR Academy of Sciences, a Consultant to the Presidium of the Supreme Soviet of the USSR on Issues of Correctional Labor Law, a Member of the Methodological Council for the Publication of Legal Literature of the Publishing House "Legal Literature".

In 1975, Professor N.A. Struchkov was appointed the Deputy Head of the All-Russian Research Institute of the Ministry of Internal Affairs of Russia. New opportunities for promoting and enhancing science and practice opened up here. As the documentary evidence shows, N.A. Struchkov himself, as well as the Institute under his leadership, took an active part in the legislation development. In 1976–1977, the Institute carried out research work on the topic "Improvement of criminal, criminal procedure and correctional labor legislation", during which specific proposals in this direction were developed. It is noteworthy that the study was conducted with the involvement of practical bodies, in particular, the Lenin Military-Political Academy, Main Directorate of Forest Correctional Labor Institutions, Criminal Investigation Division, Main Directorate for Public Order Maintenance, Headquarters (the 1977 archive of the Research Institute of the Ministry of Internal Affairs of Russia, Case O-477. Vol. 1. Pp. 13-15; Vol. 2. P. 4).

Nikolai Struchkov was directly involved in the preparation of legislative acts regulating punishment execution. So, in 1969, he participated in the development of the Fundamentals of correctional labor legislation of the USSR and the Union Republics, as well as correctional labor codes of the Union republics. The conducted work resulted in "Problems of the science of correctional labor law in the light of the new correctional labor legislation" [15].

Being the Head of the Institute of the Ministry of Internal Affairs of the USSR, N.A. Struchkov engaged in the project development and led the team of authors who elaborated amendments and additions to the "Fundamentals of correctional labor legislation of the USSR and the Union Republics" to bring the document into compliance with the Constitution of the USSR. The report on the research results included the draft Fundamentals with amendments and additions and extensive tools used in the study (the 1979 archive of the Research Institute of the Ministry of Internal Affairs of Russia, Case 0-458. Pp. 25–92).

It should be noted that the reports on the research implementation due to their depth, scientific and practical level, nature of conclusions and proposals, features of the prepared drafts of official documents are of scientific and methodological interest.

The Research Institute of the Ministry of Internal Affairs of the USSR under the leadership of N.A. Struchkov had a steady interest in issues of correctional labor, later penal law. Despite the well-known closeness of this field, the professor found it important to study foreign experience. The research direction "Study of the current legislation on the execution of punishments in socialist countries" was implemented independently at the Institute. The Institute worked on the research topics related to the study of foreign legislation in the field of execution of punishments and the practice of its application, supervised by N.A. Struchkov (the 1982 archive of the Institute of the Ministry of Internal Affairs of Russia, Case 0-823. Report on the research topic "Studying the implementation of criminal penalties not associated with imprisonment in the Hungarian People's Republic"; the 1983 archive of the Research Institute of the Ministry of Internal Affairs of Russia, Case 0-688. Report on the research topic "Execution of imprisonment in the Socialist Republic of Romania").

At the initiative of Nikolai Struchkov, the Coordinating Bureau on Correctional Labor Law Problems was established at the Insti-

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tute. Symposiums held twice a year were attended by a wide range of people interested in improving activities of the institutions and bodies executing sentences, as well as the legislation regulating this activity.

He actively promoted legal knowledge, being the author or consulting editor of many articles in legal dictionaries, the Great Soviet Encyclopedia, and also a member of the Union of Journalists.

The contribution of Professor N.A. Struch-kov to the development of Russian science was duly appreciated. He was awarded the Order of the Red Banner of Labor, a large number of domestic and foreign orders and medals, the Honorary badge "Honored Worker of the Ministry of Internal Affairs". He was awarded the title of "Honored Scientist of the RSFSR".

In the last years of his life, N.A. Struchkov was a professor at the Department of Man-

agement of Bodies Executing Punishments of the Academy of the Ministry of Internal Affairs of the USSR (Academy of Management of the Ministry of Internal Affairs of Russia).

The works and ideas of Professor N.A. Struchkov have not lost their methodological and general theoretical significance at the present time, although the theory of criminal, penal policy, and other sciences of the criminal cycle have gone far ahead. As Professor N.N. Zagorodnikov quite correctly notes, N. Struchkov's works are the foundation for further study and scientific comprehension of criminal policy to rely on [1].

No matter how detailed the biography of this remarkable man would be, it is impossible to describe such a historical personality as Professor Nikolai Struchkov more correctly and more voluminously than with the words of Hero of the Soviet Union Yu. M. Tkachevskii, "A great man he was" [3, p. 29].

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