

Original article

UDC 343.85

doi 10.46741/2686-9764.2025.69.1.012



Assistance of Public Associations in Educational Work with Minors Sentenced to Imprisonment

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Abstract

Introduction: the article analyzes the practice of interaction between juvenile correctional facilities and public associations in the field of educational work with minors sentenced to imprisonment. *Purpose:* based on the study of regulatory acts, scientific literature, and empirical materials, to identify problems, public associations face when providing assistance in educational work with minors sentenced to imprisonment. *Methods:* dogmatic, formal-legal, comparative-legal research methods, statistical methods, content analysis, statistical methods (surveys, questionnaires, observation). *Results:* the analysis of the practice of interaction between juvenile correctional facilities and public associations as institutions of civil society shows that public influence as a means of correction of those sentenced to imprisonment is of great importance for educational work with minors, allowing for in-depth implementation of individual areas of education, diversification of the means and methods of such work, formation of interest, positive motivation among adolescents, and development of the material base for educational work. *Conclusion:* it is necessary to further study individual areas of assistance of public associations in educational work with minors sentenced to imprisonment in order to identify and disseminate positive practices, prepare methodological recommendations on interaction both for penal institutions and for socially oriented public associations planning such interaction, as well as enhance skills of penal institution employees in this area. The legal framework also requires improvement in terms of updating key areas of educational work, organizing interaction between institutions and public associations, activities of parent committees, etc.

Key words: juvenile convicts; educational work with convicts; juvenile correctional facilities; public associations; boards of trustees; parent committees; patriotic education; physical education.

5.1.4. Criminal law sciences.

5.8.1. General pedagogy, history of pedagogy and education.

For citation: Kuznetsova E.V., Kochanova V.S. Assistance of public associations in educational work with minors sentenced to imprisonment. *Penitentiary Science*, 2025, vol. 19, no. 1 (69), pp. 98–107. doi 10.46741/2686-9764.2025.69.1.012.

Introduction

In the modern development conditions in the Russian Federation, the issues of the participation of civil society institutions in various spheres of state life are relevant. The increasing activity of public associations, the emergence and growth of various forms of non-governmental organizations, and the urgent need to involve social institutions in solving problems in the penitentiary system necessitate effective organization of cooperation between correctional institutions and public associations. In Part 2 of Article 9 of the Penal Code of the Russian Federation, provision of public influence is attributed to the main means of correcting convicts. The importance of the assistance of public associations in educational work with those sentenced to imprisonment is beyond doubt.

Such interaction with institutions where minors serve sentences in the form of imprisonment is especially relevant, since it contributes to the protection of their rights and legitimate interests, their harmonious development, and re-socialization. Active interaction between juvenile correctional facilities and civil society institutions in the field of educational work also corresponds to the constitutional goals and values updated within the framework of the constitutional reform of 2020 [1, pp. 72–74]. In accordance with the Constitution of the Russian Federation, children are the most important priority of Russian state policy, the state creates conditions conducive to their comprehensive development (Part 4 of Article 67.1).

The Concept for the Development of the Penal System up to 2030 approved by the Decree of the Government of the Russian Federation No. 1138-r on April 29, 2021 is also focused on improving educational, psychological and social work with convicts, aimed at forming a re-

spectful attitude towards society, work, norms, rules and traditions of human community, increasing the level of openness and forming a positive opinion about activities of the penitentiary system defines wider interaction with civil society institutions as one of the directions for further development.

Problems of public impact on those sentenced to imprisonment have received sufficient attention in studies of the Soviet period. It is believed that penitentiary pedagogy, which developed in the structure of correctional labor law, became an independent science in the 1960s. The subject of the study was both general issues of public impact on those sentenced to imprisonment [2] and independent research related to the impact of the society on the correction of juvenile convicts [3]. Nowadays, there are scientific studies on public impact as a means of correcting convicts [4–6], as well as studies on the activities of parent committees, boards of trustees, public supervisory commissions, assistance from religious organizations, etc. There has been no in-depth comprehensive up-to-date research based on the current state of penal policy in the Russian Federation on public participation in educational work with juvenile convicts serving sentences of imprisonment.

The purpose of the study is to identify the content, main directions and significance of the interaction between penitentiary institutions and public associations in the field of educational work with juvenile convicts.

Dogmatic, formal legal, comparative legal research methods, statistical methods, content analysis, statistical methods (surveys, questionnaires, observation) are used in the current research. The empirical basis of the study includes normative acts and official documents,

data obtained on the basis of planning and reporting documentation, results of the surveys, interviews and questionnaires. The main research was conducted in the Arkhangelsk juvenile correctional facility by interviewing employees and juvenile convicts. In addition, materials on the practice of interaction between other juvenile correctional facilities and civil society institutions posted on the official websites of institutions (news reports, pages dedicated to the activities of boards of trustees, parent committees, reports on the activities of boards of trustees, etc.) are studied.

Results

The concept and significance of the assistance of public associations in educational work with juvenile convicts.

A specific category of persons sentenced to imprisonment are juvenile convicts. In accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), a minor is a child or young person who, under the existing legal system, can be held accountable for an offense in a form that differs from the form of responsibility applicable to an adult. In accordance with the legislation of the Russian Federation, minors serve their sentences in juvenile correctional facilities, where serving punishment pursues as a primary goal of education, correction of behavior, and formation of a belief in the inadmissibility of further violation of the law. The personality of a juvenile offender has not yet been formed and is in the process of its further development, which is why this category of convicts is more effectively influenced by educational and psychological and pedagogical measures of re-education, and deviations are easier to correct [7, p. 81]. According to Article 9 of the Penal Code of the Russian Federation, the goals of educational and correctional influence on convicts, including minors, are formation of a respectful attitude towards man, society, work, norms, rules and traditions of human community in a convict and stimulation of law-abiding behavior.

The concept of "correction of convicts" fixed in the Penal Code of the Russian Federation does not have clear criteria for evaluating its correction, but contains a description of

the process. The researchers propose to formulate the concept as follows: correction of a convicted person is the formation of a stable volitional refusal from illegal activities, while a stable refusal implies the absence of offenses, penalties, compliance with internal regulations, labor discipline, participation in educational activities, etc. [6, pp. 18–19]. At the same time, the Penal Code of the Russian Federation determines public impact as one of the means, which can act both independently and in combination with labor, physical, and patriotic education.

Public impact as the main means of correcting convicts is not legally fixed, which in turn hinders understanding of its content and makes it difficult to apply it in practice. Analyzing scientific works of legal scholars on this issue, we come to the conclusion that one of the most complete and understandable definitions of public impact is the following: public impact is a socially useful activity of civil society institutions and citizens based on the legislation of the Russian Federation, carried out by subjects of public impact together with institutions and bodies executing criminal penalties and other measures of a criminal law nature and aimed at ensuring the achievement of the goal of correcting convicts [8]. Thus, public impact is carried out in close cooperation with institutions of the educational system, in particular juvenile correctional facilities acting as the main subject of educational work; it manifests itself in the form of assistance and allows to solve a number of tasks, such as establishing contacts with cultural institutions and additional education, attracting necessary funds in excess of budget funding (grant support, sponsorship assistance), expanding the circle of communication and interaction, etc.

The legal basis for the assistance of civil society institutions in educational work with juvenile convicts is the Constitution of the Russian Federation, international standards for the treatment of convicts, and penal legislation. Analyzing normative legal acts on the topic of the study, we agree with the position of O.O. Korol'chuk that there are some difficulties in determining the list of forms of interaction between civil society and correctional institu-

tions [9, p. 28], since a number of provisions regulating activities of public associations are contained in different parts and sections of the Penal Code of the Russian Federation, for example, articles 4, 23, 24, 142, 182, 183 of the Penal Code of the Russian Federation. So, various forms of interaction with civil society institutions are regulated to an unequal extent, for example, mainly activities of public supervisory commissions, public councils and boards of trustees are regulated by law. The legislation of the Russian Federation on probation also determines the role of public associations; commercial and non-profit organizations, including religious, socially oriented non-profit organizations, non-governmental social service organizations providing social services and others, including on the basis of agreements concluded with probation subjects, can be involved as subjects of probation.

The Concept for Educational Work with Convicts in the Context of Reforming the Penal System approved by the Order of the Ministry of Justice of the Russian Federation on April 20, 2000 defines educational work as a system of pedagogically sound measures that contribute to overcoming personal deformations, boosting intellectual, spiritual and physical development, law-abiding behavior and social adaptation after release, pointing to the public as a subject of assistance in educational work.

There are several levels of interaction between public associations and institutions and bodies of the penal system, so with the most "universal" public organizations, whose activities affect spheres of life of most convicts, regardless of their gender, age, term of conviction, agreements on interaction are concluded at the level of a territorial body.

In addition to territorial authorities, institutions of the penal system are also entitled to conclude cooperation agreements. Such agreements are usually concluded with public organizations whose activities cover the needs of a narrow circle of convicts. For example, the Arkhangelsk Juvenile Correctional Facility of the Federal Penitentiary Service in the Arkhangelsk Oblast has concluded cooperation agreements on counseling for juvenile convicts with the Autonomous Non-Profit Organization "Center

for the Protection of Family, Motherhood and Childhood "Mamina Pristan" and the ones on physical education of juvenile convicts with the regional public organization "Rugby Federation of the Arkhangelsk Oblast". The composition and number of associations with which agreements have been concluded at the institution is unstable, so the mentioned Arkhangelsk Juvenile Correctional Facility interacted with fifteen public organizations in 2020–2023.

Subjects of assistance in educational work with juvenile convicts.

Subjects of assistance in educational work with minors sentenced to imprisonment can be various kinds of non-profit organizations of sports, military-patriotic, charitable, religious orientation. It should be noted that in modern conditions, their goals and means should not contradict the interests of the Russian Federation, therefore, organizations that promote educational work with juvenile convicts should not be included in the lists of undesirable organizations, organizations with the status of a foreign agent, especially those recognized as terrorist and extremist. In order to prevent the disorganization of activities of the correctional institution, it seems necessary to fix in Part 4 of Article 15 of the Order of the Ministry of Justice of the Russian Federation No. 77 of April 1, 2015 "On Approval of the Model Regulation on the Territorial Body of the Federal Penitentiary Service" of the paragraph stipulating the obligation of territorial bodies of the Federal Penitentiary Service to inspect public organizations and their representatives for compliance of the goals specified in the charter of the public association to actual activities of public organizations.

Specific subjects of public assistance in educational work with convicts are boards of trustees, and in juvenile correctional facilities – parental councils. The boards of trustees operate on an ongoing basis on the basis of principles of transparency, voluntariness and equality of its members, do not have the status of a legal entity, carry out their activities free of charge, interact with the administration of the penitentiary institution, their decisions are advisory in nature.

As a rule, the tasks of the boards of trustees include assistance in organizing the edu-

cational process, cultural and sports events, promoting the formation of a conscientious attitude to work and study, obtaining general and vocational education, participation in moral and patriotic education, improving legal literacy, facilitating visits by representatives of independent public organizations for educational activities, organization of trips of minors to sports and cultural institutions, and assistance after release.

The analysis of materials on the official websites of juvenile correctional facilities allows us to conclude that boards of trustees usually include representatives of the state authorities of the subject, local self-government, the Commissioner for Human/Children's Rights, regional branches of the children's fund, human rights, sports, educational organizations, and cultural institutions.

Reports and information posted on the official websites of institutions (Perm, Mozhaisk, Kirovgrad, Kansk, Izhevsk, Kamyshin, Birobidzhan juvenile correctional facilities) demonstrate assistance in group work, creation of exhibitions, museums, theatrical performances, organization of trips to cultural and sports institutions, including for training and friendly matches, participation in city and regional events of a creative, environmental, sports orientation, promotion of educational and cultural events on the territory of the correctional facility, etc.

Another specific subject of assistance in educational work with minors sentenced to imprisonment are parent committees, the creation of which is provided for by the penal legislation. In the scientific literature, it is a debatable question whether parent committees should be classified as public associations, since they do not have signs of independence and self-government [10, p. 123]. However, the legislator does not fix their mandatory creation, therefore, we believe they are of social origin.

According to the materials of the study on the Arkhangelsk Juvenile Correctional Facility, 45% of the respondents were raised in single-parent families, 15% – in orphanages and boarding schools, that is, more than half of the convicted minors did not have a full and caring family as a role model. Meanwhile, family edu-

cation is one of the priorities of Russian state policy at the present stage and a constitutional value. Minors have the right to communicate with relatives and be brought up, if not in a family, then with its participation. The activity of parent committees contributes to prompt correction of convicts, effective educational work with minors, establishing socially useful ties with the family, motivating adolescents to law-abiding behavior, providing assistance to orphans and persons deprived of parental care, as well as minors from disadvantaged families, etc. For the effective implementation of these measures, it is required to create a high-quality parental committee ready to participate in the correction of minors. So, correctional facility employees hold conversations with potential members of the parent committee and single out persons with an active and law-abiding lifestyle who have the opportunity to actively participate in the work of the committee.

As a rule, the assistance of parent committees in educational work with juvenile convicts is expressed in the following forms: talking with convicts about family problems and family values; inviting parents or relatives with socially significant professions to hold career-oriented conversations, conducting educational play activities, and organizing school holidays and club activities (preparing props, purchase of materials and manuals).

The Arkhangelsk Juvenile Correctional Facility has a positive experience of educational work of the parent committee not only with juvenile convicts, but also with their inactive relatives in order to increase interaction in the field of educational work with specialists of the institution. The experience of successful communication was conditioned by the presence of common goals and problems. According to results of the experiment, the number of contacts increased and in some cases communication between relatives and convicted teenagers resumed. Surveys of minors also confirm that, despite difficult family relationships, they lack communication with them [11, pp. 246–247].

As Yu.M. Antonyan and E.N. Kolyshintsyna note, the establishment of parent committees also contributes to solving the tasks of maintaining and preserving socially useful relation-

ships of juvenile convicts during the period of serving a sentence in the form of imprisonment, which provides a significant impact on minors' motivation [12, p. 38].

In practice, however, parent committees encounter difficulties in organizing activities due to the remoteness of a correctional facility from the actual region of residence of relatives of juvenile convicts. The problem can be partially solved through the digital transformation of the penal system. Thus, juvenile correctional facilities already have experience in holding parent meetings online, which can be successfully scaled for various activities of parent committees. As for legal regulation of parent committees' activities, Part 2 of Article 142 of the Penal Code of the Russian Federation establishes that they are regulated by a regulation approved by the head of a juvenile correctional facility. We believe that in order to unify legal regulation and increase the importance of parent committees in educational work, it is advisable to develop a model Provision on the parent committee in a juvenile correctional facility.

In addition to subjects of educational work described above, which are specific to the penal system, other public organizations help in its implementation, for which interaction with the penal system is only one of work directions. They contribute to the implementation of certain areas of educational work: moral, patriotic, physical, legal, environmental education, assistance in raising the general cultural level, etc. As part of the study, attention was focused on two areas – patriotic education and formation of health-saving competencies, that is why we will describe them in more detail.

Assistance of public associations in physical education of juvenile convicts.

Considerable attention in modern Russian society, including in correctional institutions, is paid to the state of health of citizens and increasing attractiveness of physical culture and sports. This problem is especially relevant for adolescents: the level of health in adolescence depends on the implementation of life plans, including vocational training, the pursuit of social development, the creation of a family and the birth of children, etc. Thus, according to statistics, the number of children aged 0 to 17 years

with the first health group in 2021 decreased by 4.6% compared to 2016, the number of obese adolescents almost doubled from 2010 to 2022, the number of respiratory diseases increased by 15% [13, p. 59; 14, p. 77]. In the course of the study conducted by the Arkhangelsk Juvenile Correctional Facility, it was found that bad habits were the main causes of deterioration in the health of pupils in more than half of the cases: more than 80% of them had tried and actively consumed alcohol, tobacco, about a quarter – narcotic substances before conviction. In many cases, teenagers follow a negative example – alcoholism and drug addiction in their environment and family. The above leads to the conclusion about the importance of forming health-saving competencies, including confidence in the need for an active lifestyle, physical culture and sports, and rejection of bad habits.

In juvenile correctional facilities, special attention is paid to physical education and development of adolescents; it can be carried out in the form of daily morning physical exercises included in the daily routine, integral part of the educational process (physical education lessons), group work, and sports events. It is also worth noting that the organization of high-quality physical education of convicts is impossible without a sufficient material and technical base, which includes equipping sports grounds, stadiums and other sports facilities on the territory of a juvenile correctional facility with necessary inventory and equipment. Various public organizations of a sports orientation, most often regional sports federations, provide assistance in this direction. The analysis of the experience of the Arkhangelsk Juvenile Correctional Facility and materials of the official websites of other juvenile correctional facilities makes it possible to identify several areas of assistance of sports-oriented public associations in physical education of minors:

- participation in sports events organized in juvenile correctional facilities as co-organizers;
- assistance in the organization of permanent sports sections in the juvenile correctional facility;
- assistance in the purchase of sports equipment, arrangement of sports grounds.

In addition to the subjects of educational work described above, which are specific to the penal enforcement system, other public organizations help in its implementation, for which interaction with the Criminal justice system is only one of the areas of work. They contribute to the implementation of certain areas of educational work, such as moral, patriotic, physical, legal, environmental education, assistance in raising the general cultural level, etc. As part of the study, attention was focused on two areas – patriotic education and the formation of health-saving competencies, let us describe them in more detail.

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- participation in sports events organized in juvenile correctional facilities as co-organizers;
- assistance in the organization of permanent sports sections in the institution;
- assistance in the purchase of sports equipment and arrangement of sports grounds.

Public organizations are involved in organizing sports contests, internal competitions, and passing TRP standards. With the assistance of civil society institutions, juvenile correctional facilities are visited by famous athletes who participate as members of the jury of sports events, in awarding, and in holding motivational conversations. At the initiative of public organizations, sports events are held not only in the correctional facility, but also on the sites of settlements where facilities are located. The last two of the above-mentioned directions are implemented both through grant support and from the reserves of voluntary contributions from organizations. Regional branches of the Dynamo Sports Club, sports federations (football, rugby, tennis federation), and regional youth public organizations cooperate with juvenile correctional facilities on a regular basis. Most of them interact with juvenile correctional facilities on the basis of concluded agreements.

In addition to sports events, preventive measures regularly carried out in juvenile correctional facilities in order to combat drug addiction play an important role in the education of

physical culture and a healthy lifestyle. They are also attended by representatives of youth, human rights, and charitable associations and organizations assisting convicts and citizens who find themselves in a difficult life situation.

Promotion of patriotic education of juvenile convicts.

Patriotic education is also an important direction in the correction of juvenile convicts. In accordance with the Strategy for the Development of Education in the Russian Federation for the period up to 2025, approved by Decree of the Government of the Russian Federation No. 996-r of May 29, 2015, the priority task of the Russian Federation in the field of child rearing is the development of a highly moral person who shares Russian traditional spiritual values, possesses relevant knowledge and skills, is able to realize his/her potential in modern society, and ready for protection of the Motherland. Scientific and methodological literature distinguishes several main directions of patriotic education, such as spiritual and moral, historical and cultural, civil-patriotic, military-patriotic, sports-patriotic [15, p. 5]. Undoubtedly, certain areas of patriotic education are implemented within the framework of the educational process in juvenile correctional facilities, but extracurricular educational activities of a patriotic orientation are also of considerable importance. The analysis of materials of the official websites and the practice of juvenile correctional facilities shows that the interaction between penitentiary institutions and public associations in this direction is being implemented very actively. Cooperation is carried out in two main directions, such as development of the material and technical base for patriotic education and direct organization of educational events of a patriotic orientation.

As part of the implementation of the first direction, work is underway to organize museums and alleys of fame, simulator complexes and obstacle courses for pre-prescription training of pupils on the territory of a juvenile correctional facility. Thus, in the Arkhangelsk Juvenile Correction Facility there is a museum "Arkhangelsk – the city of military glory", an obelisk dedicated to the citizens of Arkhangelsk who laid down their lives to protect the Motherland,

an Alley of Memory dedicated to the memory of soldiers who died during the Great Patriotic War, the war in Afghanistan and the armed conflicts in the North Caucasus due to joint efforts of employees and public organizations of a military-patriotic orientation. Juvenile convicts were involved in research work on the selection of materials, which also had educational significance.

The second direction of possible cooperation between juvenile correctional facilities and public associations includes patriotic events, such as lectures, concerts, theatrical performances, commemorative events, excursions to local history museums, participation in the implementation of public projects ("Wave of Memory" and "Communication of Generations"), and delivery of TRP standards, etc. Patriotic films are screened in juvenile correctional facilities and even contests of short films created by inmates of the facility are organized with the support of public organizations. Within the framework of this direction, there are bench and aircraft modeling clubs. The analysis of materials of the news feeds of official websites of juvenile correctional facilities indicates an active role of the Immortal Regiment Social Movement, the Russian Society of Knowledge, interregional and regional public organizations of fathers, mothers, military-patriotic organizations, patriotic clubs, and volunteer detachments of educational organizations.

The study conducted in the Arkhangelsk juvenile correctional facility in 2023, including a questionnaire survey of pupils, revealed teenagers' interest in patriotic activities, primarily sports-patriotic (40%) and moral-patriotic (36%). According to the survey results, 34% of the convicts expressed their desire and willingness to serve in the Armed Forces of our country in peacetime and wartime after release and removal of their criminal record.

It should be noted that patriotic education is an important component for the formation of the personality of a citizen of the Russian Federation and achievement of development goals of our state; without it a full-fledged process of re-socialization of juvenile convicts is impossible [16, p. 168]. Public associations are signifi-

cant subjects of patriotic education, promote a variety of its forms and methods, and seek funds for forming the material base of this area. The importance of patriotic education should be fixed in normative acts, namely, Part 1 of Article 110 of the Penal Code of the Russian Federation should be stated in the following wording: "In correctional institutions, moral, legal, labor, physical, *patriotic* and other education of persons sentenced to imprisonment is carried out, contributing to their correction".

The implementation of the above directions is impossible without financial and grant support. Public organizations, as recipients of grants for the implementation of socially significant projects, including for the implementation of educational work with juvenile convicts, actively participate in competitions of the Presidential Grants Fund, Rosmolodezh, and regional grant competitions for socially oriented NGOs. It is rather usual for organizations that work closely with juvenile correctional facilities to involve employees of the institution to develop social projects applying for a grant. We believe that the development of competencies of future and current employees of the penal system in the field of project management will help to develop and provide financial support for significant educational work with minors sentenced to imprisonment.

In addition to the above-mentioned areas of interaction between public organizations and juvenile correctional facilities, materials of the official websites of institutions for juvenile convicts also reveal such vectors of interaction as environmental and religious education, assistance in re-socialization and preparation for release. Thus, within the framework of the environmental direction, juvenile correctional facilities interact with regional and all-Russian environmental organizations and movements, including participating in regional all-Russian

actions and marathons on tree planting, plastic collection, landscaping, etc. The research and development of this area in educational work with juvenile convicts will contribute to the formation of socially significant competencies of minors. We also consider it important to study interaction between juvenile correctional facilities and religious organizations and public associations focused on helping people who find themselves in a difficult life situation.

Conclusion

Summing up the above, we note the high importance of public assistance from public associations in educational work with minors sentenced to imprisonment and the relevance of further improvement of this area. The interaction between penitentiary and civil society institutions makes it possible to diversify forms and methods of the main areas of educational work, to form positive motivation and interest among pupils, realizing such a goal of criminal punishment as correction of convicts. It seems necessary to study and disseminate positive practices of juvenile correctional facilities in the field of interaction with public organizations, prepare methodological recommendations on the interaction of employees of juvenile correctional facilities with public associations, including in the implementation of socially significant projects. Similar recommendations can be prepared for social-oriented public associations that consider work with juvenile correctional facilities as one of their areas of activity.

It is advisable to inform employees about the organization of interaction with socially oriented public associations within the framework of official training and to improve skills of penal system employees in this field, including in project activities. It is required to include the identified issues in academic disciplines in the implementation of educational programs of higher education.

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Received July 13, 2024