



Analyzing the Russian Penitentiary Legislation of the Pre-Revolutionary and Soviet Periods

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Abstract

Introduction: the article presents a retrospective analysis of the criminal correctional legislation in the pre-revolutionary and Soviet periods of the Russian state development. It emphasizes that the execution of punishment and the application of corrective measures in various historical periods, being an element of the criminal correctional system, were determined by the relevant time specifics and represented an independent direction of the law enforcement activity. Key measures of the state's criminal correctional policy were fixed by provisions of the criminal correctional law, since it is the law that is one of the key forms of policy expression. *Purpose:* based on a retrospective analysis of the Russian penitentiary legislation and relevant scientific publications, to formulate a conclusion about prospects of its development in the modern period and for the current perspective. *Methods:* a general cognition method – dialectical materialism based on the laws of dialectics; formal logical methods – analysis, synthesis, induction, deduction, abstraction, analogy; general scientific methods – observation, comparison, description, etc.; a private scientific method of historical analogy. *Results:* the analysis of the development of the Russian penal legislation and law enforcement practice shows that the development of the penal system throughout Russian history is characterized by relevancy, progressive character and responsiveness to changes in the criminal situation in the country. *Conclusion:* the modern Russian penal system should ensure continuity in the development of penitentiary law with regard to the experience of the formation of correctional (criminal correctional) legislation in relation to new challenges and threats. At the same time, it will be possible to talk about establishing control over it only if key socio-economic contradictions in society are eliminated.

Key words: criminal correctional system; criminal punishment; penitentiary legislation; professional criminal criminality; socio-economic contradictions.

5.1.1. Theoretical and historical legal sciences

5.1.4. Criminal law sciences.

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Introduction

Counteracting crime involves the provision of an effective impact on persons found guilty of crimes by a court verdict. On the basis of

the social policy provisions and in accordance with the criminal policy requirements, a system of measures and means is created in the state to correct and re-educate persons who have

committed crimes. In the pre-revolutionary periods, it was part of criminal law, since there was no specialized legislation yet. As a separate branch of law, it appeared in the Soviet period and received the name of corrective labor. At the modern, post-Soviet stage, it was renamed penal law. The execution of punishment and the application of measures of administrative influence have significant specifics and therefore form an independent field of activity, which is directly based on the correctional policy. The latter is known to be based on the criminal policy, but not absorbed by it, since it has its own content. It is influenced by the social policy both through the criminal policy and through provisions related to upbringing of the individual and formation of his/her socially useful interests and needs. Key measures of the state criminal correctional policy were fixed by the provisions of correctional (corrective labor) law, since it is the law that is one of the key forms of the state policy expression. The Russian penal system, based at various periods on the social policy provisions and driven by the state criminal policy, determined the main directions of the activities of executive authorities and public organizations in the field of execution of punishments, specifying specific forms, tasks and content of the correctional impact.

It is known that in the Russian Federation, the term “penal system” is currently used to characterize the bodies and institutions that execute punishments. As a result of the reforms of the 1990s and changes in the state policy in the field of execution of punishments, it replaced the term “corrective labor system” used in the Soviet period.

The pre-revolutionary stage of the development of the Russian penitentiary system

In the period of the Russian state formation, the list of illegal acts primarily included crimes and misdemeanors against religion, the state, the order of government, as well as official crimes. In a later period, counteraction to general criminal crimes came to the fore. The first attempts to streamline the punishment system date back to the 13th–15th centuries. They were reflected in the Russian Truth. Most articles stipulated the imposition of a monetary fine, the amount of which depended on the crime severity and the class status of the victim and the criminal. Blood feud on the part of relatives of the murdered person was allowed for mur-

der as a form of capital punishment. However, depending on the circumstances of the case, it could be replaced by a 40-grivna fine.

In the 1497 Law Book fixing the norms of law of custom, charters, princely decrees and other documents that contributed to the process of completing centralization of the state, as in the Russian Truth, the concept of a criminal act was not yet clearly defined. The wording of its vague content as “some other wicked act” allowed those in power to interpret it very broadly and impose criminal punishment for any acts that could cause the ruling elite this or that damage. During this period, a list of various punishments was further developed, primarily the most severe, aimed at depriving the guilty of life. The criminal policy of that time maintained its focus on intimidating the lieges [1].

The 1649 Council Code was also focused on protecting interests of the church and the state and tightening punishments. More than 50 criminal acts were punished with the death penalty. At the same time, there was a trend to expand the use of imprisonment for a certain or indefinite period. Deprivation of liberty was exercised in the form of placement (in a fortress), under guard, expulsion to outlying cities, to Siberia for a time or for life [2, p. 25]. There appeared new types of punishment, such as exile “to Siberia, to live at the Lena” and “what the sovereign will decide on”. Various types of punishments related to disfigurement and branding of convicts were widely used during this period. There was also a civil execution, which consisted in public humiliation and punishment with the breaking of a sword over his head as a sign of the deprivation of all rights of the state (ranks, verbal privileges, property rights, parental rights, etc.). During this period, prisoners’ labor was widely used.

During the reign of Peter the Great, more than 100 special acts related to criminal legislation were adopted, which formed the basis of a civilized penitentiary policy. The most important regulations adopted during this period were in effect for many subsequent decades. During the reign of Peter the Great, the penalty in the form of hard labor was introduced.

Further development of the legal regulation of the punishment execution, as well as the first attempts to humanize it, are associated with the reign of Catherine II, who sought to prove her enlightenment and commitment to humanitar-

ian values. The system of penal institutions was established in this period. In 1775, compulsory educational institutions for the maintenance of persons of dangerous behavior, such as workhouses and correctional houses, were established. Their activities were regulated in detail by law.

The first steps to streamline the management structure of places of deprivation of liberty were taken at the beginning of the 19th century. By the decree of Aleksandr I of June 25, 1811, the Ministry of Police was established, which included three departments, including the executive police. In 1819, these departments became part of the Ministry of Internal Affairs, and the Executive Police Department acquired the status of a centralized management body of the prison system of the state. In the same year, with the permission and under the patronage of the Emperor, the Prison Trustee Society was established, which existed up to 1917.

The first systematized legislative act on the execution of punishments related to deprivation of liberty was the Set of Institutions and Charters on Detention and Exiles in 1832 [3, p. 332].

By the beginning of the 19th century, the Council Code had lost its importance. The year of 1836 witnessed the start of the elaboration of the Code of Criminal and Corrective Penalties of Russia, which, after consideration of its draft by the State Council, was approved by Emperor Nicholas I in 1845 and put into effect in 1846. The Code of Criminal and Corrective Penalties of Russia provided for an extensive and complex system of punishments, which were divided into categories, types and degrees. All penalties for crimes and misdemeanors were divided into criminal and correctional. Criminal penalties included deprivation of all rights of the state, combined with the death penalty, hard labor or exile. Correctional punishments included deprivation of all special personal and class rights and advantages, combined with exile to Siberia or other places; imprisonment in a fortress, a straitjacket house, prison; short-term arrest and some others. The Code maintained the class principle of the application of punishments: all criminals were divided into those to whom corporal punishment could be applied, and those in respect of which they were not applied.

The Code of Criminal and Corrective Penalties of Russia did not fix penalties for service-

men. Their activity was regulated by the 1839 Military Criminal Statute, which replaced the Military Article [4, pp. 327–329]. Later, it was replaced by the Military Statute on Punishments, adopted on May 5, 1868, which also provided for 2 types of punishments: criminal and correctional. The criminal ones included a death penalty, exile to hard labor and a settlement with deprivation of all rights and imprisonment. The imposition of correctional punishments depended on the social class: for officers, these were exile to Siberia with dismissal and deprivation of rights, temporary imprisonment in a fortress with dismissal, temporary imprisonment in prison with dismissal, detention in the guardhouse, monetary penalties; for lower ranks – temporary transfer to military correctional squads, imprisonment in a military prison, monetary penalties, deprivation of stripes for blameless service with transfer to the category of punished [5].

The Second Dispatch of the Third Department of His Imperial Majesty's Own Chancellery was in charge of state political prisons, such as the Alekseevsky Ravelin, the Peter and Paul Fortress, the Shlisselburg Fortress, the Saviour Monastery of Saint Euthymius and the Schwarzholtm House, and dealt with schismatics, sectarians, counterfeiters, criminal murders, the "peasant issue", official crimes, etc. [6].

A little later, in 1879, the execution of punishments was transferred to the Main Prison Administration (GTU), formed as part of the Ministry of Internal Affairs. As a result of the reform, a unified nationwide prison system was created, combining three types of prisons: 1) large prisons with central subordination to the GTU, the so-called "central" (for example, the Vladimir Central in Vladimir, the Aleksandr Central near Irkutsk, etc.), as well as the Peter and Paul Fortress and the Shlisselburg Fortress, had been previously subordinate to the Third Department of His Imperial Majesty's Own Chancellery); 2) general type prisons subordinate to provincial prison institutions; 3) convict prisons, located mainly in Siberia [7, p. 45.]. In 1895, penitentiary institutions were transferred to the jurisdiction of the Ministry of Justice.

With each passing year, the problem associated with the growth of professional criminal activity became more urgent in the Russian Empire. At the beginning of the 20th century, a strict system of relationships already existed

among prisoners and tsarist penal servitude [8, p. 26]. In the prison hierarchy, the upper position was occupied by “ivans” or “vagabonds”, the main bearers of prison traditions, prison old-timers, the convict “aristocracy”, followed by “snores”. The third class of the then prison was represented by the so-called “zhigans”, the most diverse category. The lowest level of the prison hierarchy was occupied by the so-called “shpanka”, a disenfranchised, hungry, crushed mass of prisoners, consisting mainly of peasants. They were mocked by representatives of all higher “estates”. They were bitten by “ivans”, intimidated by “snores”, and robbed by hungry “zhigans”.

The prison itself generated the criminal world, which acquired there all the new forces necessary for its activities. At that time, about 2 million prisoners passed through the places of imprisonment of the Russian Empire annually. The Government could not effectively counter the spread of crime emanating from prisons. State institutions for offenders inevitably turned into schools of criminal skill. Isolation of persons who violated the law only complicated the situation: prisons and forced labor camps were overcrowded and became unmanageable [9, pp. 17–20].

Criminals even tried to influence the country's political life. A unique document dated 1906, a memorandum of thieves about improving conditions of their detention, addressed to the State Duma, has reached our days [10, p. 27].

During the 1917 February revolution, when many city prisons, including the Kresty, the Lithuanian Castle, the Shpalerka pre-trial detention house, were seized and burned in Petrograd, notorious criminals were released from them along with political prisoners, subsequently referred to as “chicks of Kerensky” [11, p. 141]. They actively participated in police killings and mass robberies in the city [12, p. 482], while there was nobody to counteract during this period.

Development of the Soviet corrective labor system

In the early years of the Soviet power, the management of detention places was entrusted to the Punitive Department of the People's Commissariat of Justice of the RSFSR (NKYu), which repeatedly changed its name, and in 1922 was transformed into the Main Directorate of Places of Detention (GUMZ) of the Peo-

ple's Commissariat for Internal Affairs (NKVD). This GUMZ NKVD had its own territorial bodies. Besides, a system of forced labor camps subordinate to the All-Russian Extraordinary Commission for Combating Counter-Revolution, Speculation, and Sabotage (Cheka), and the State Political Directorate (GPU) – the Joint State Political Directorate (OGPU) was created [13, p. 23].

The legal norms regulating the application of punishment, which had been an integral part of criminal legislation in the pre-revolutionary period, were first singled out into an independent branch of law in the Corrective Labor Code of the RSFSR (ITK RSFSR) on October 16, 1924. Article 1 of this Code defined rules for implementing the criminal policy principles on the territory of the RSFSR through the appropriate organization of deprivation of liberty and forced labor without detention. The goal was to reform the existing places of imprisonment in accordance with social needs by creating a network of agricultural, handicraft and factory labor facilities, as well as transitional corrective labor houses with different conditions of detention (Article 4).

The general provisions confirmed the inadmissibility of causing physical suffering to convicts and humiliation of human dignity. Article 5 established the unity of the system of corrective labor institutions, and Article 9 stipulated their self-sufficiency, without prejudice to the fulfilment of the tasks of corrective labor policy. The main type of corrective labor institutions under the ITK RSFSR was a corrective labor house. The regime in all places of deprivation of liberty was based on a correct combination of the principles of compulsory labor of persons deprived of liberty and political and educational (cultural and educational) work (Article 48).

In accordance with the ITK RSFSR provisions, all corrective labor institutions had supervisory commissions comprised of the head of the place of detention, local people's judge and representative of the bureau of trade unions. These commissions monitored the transfer of prisoners from one category to another, discussed possibilities of early release, etc. In 1929, their rights were significantly expanded.

General principles of the regime provision in places of deprivation of liberty were sufficiently liberal. For example, besides dates, vacations were permitted (Article 20). The regime in plac-

es of detention did not pursue the goal of bullying convicts. The use of influence measures, such as shackles, handcuffs, punishment cells, deprivation of food, and visits of prisoners through bars, was prohibited.

Work was considered compulsory for all able-bodied people, and good work was encouraged by reducing the term of imprisonment or even transferring to forced labor without detention. In places of deprivation of liberty, prisoners got general and professional education, so that, after release, they could get a job. Cultural and educational work was conducted.

The Code provided for a wide range of measures related to the provision of assistance to persons who have served a sentence of imprisonment: allocation of material assistance to the poor, provision of housing and food on preferential terms for a certain time, loans for the purchase of working tools, acquisition of necessary household items, etc. These duties were assigned to the Main Directorate of Places of Detention and its local bodies.

In 1925, the Corrective Labor Code of Ukraine was adopted, built on the same principles as the national one. In the same year, the corrective labor codes were put into effect in Georgia, Uzbekistan and Azerbaijan, in 1926 – in Belarus, and in 1928 – Turkmenistan. Amnesties were repeatedly granted up to the early 1930s. For example, in 1923, up to 60% of the prisoners were released by the decision of the Special Commission of the All-Russian Central Executive Committee and the Central Committee of the Russian Communist Party.

Special attention was paid to the re-education of juvenile offenders. The Soviet authorities believed that if society did not make efforts to re-educate young people, then such a society would be doomed to collapse. In 1921, Soviet teacher A.S. Makarenko proposed an original solution to the problem of street children, whose number reached critical proportions after the civil war. He was a theorist and practitioner of combining the communist education with “labor-based education”. Makarenko stressed the need for human respectful treatment of colony members and creation of the atmosphere of mutual respect. Under his leadership, convicts built two high-tech plants “from scratch” – for the production of electro-mechanical tools (Austrian license) and famous FED cameras (German license). They mastered

the most complex technologies, successfully worked and manufactured high-tech products [14, p. 19].

However, let us return to adult crime. Prisoners in places of deprivation of liberty were divided into three categories mostly on the basis of their social origin. The first category included persons, subject to imprisonment with strict isolation, the second – professional criminals, as well as those prisoners who, not having a relation to the class of workers, committed crimes due to their class habits, views or interests, and the third – all other prisoners. In addition, prisoners were divided into three ranks – primary, secondary and higher. They were transferred from one rank to another during their stay in the correctional facility with regard to their behavior.

“Ivans”, “snores”, “zhigans”, “shpanka” gradually dissolved into the mass of criminals of the “new formation” – speculators, “traitors of the motherland”, “contra”, etc. [15, pp. 59, 70, 94, 133]. This community had a “core” of professional crime – “thieves”, convicted of theft (mainly pocket) three times or more. In the second half of 1928, representatives of professional crime in places of detention made up about 4.2% [16, p. 185]

In places of detention and colonies for women, the way of life was different from what existed in those for men. There was a less rigid system of “thieves’ concepts”, as well as ideas about what is permitted and forbidden. The most authoritative woman serving a long-term sentence was a cell leader. As a rule, she was a “second-timer”, that is, she was imprisoned for the second time. In fact, the whole hierarchy was limited to this. The rest obeyed the elder, who made sure that order was observed in the cell and the cleaning schedule was not violated. She also supported psychological balance among prisoners, whether it was scandals between prisoners or sobs of newcomers who crossed the threshold of places of detention for the first time [17].

Most employees of penitentiary institutions did not have clear patterns in communicating with representatives of various categories of criminals, and even more so in matters of their correction and re-education. This led to dangerous trends. The internal life of places of deprivation of liberty was almost everywhere regulated by prisoners themselves. The admin-

istration was assigned a very modest and limited function of purely external supervision. Experienced and dangerous criminals dominated penitentiary institutions, subjugating the rest of the convicts, as it had been in the pre-revolutionary period [9, pp. 21–24].

The Russian statesman, politician, and scientist A.I. Gurov notes that, taking advantage of this situation, many thieves began to infiltrate administrative positions in order to put pressure on other prisoners and receive unlimited opportunities to approve their own laws in the criminal environment. Moreover, thieves sought complete separation from various political groups, believing that a thief should only steal. Those who adhered to thieves' rules of behavior were called thieves in law [18, pp. 104–105].

On April 24, 1930, the Directorate of Camps was established in accordance with the order of the OGPU USSR. The first mention of the Main Directorate of Camps and Places of Incarceration (GULAG) can be found in the Order of the OGPU USSR of February 15, 1931. During this period, which coincided with the decline in the new economic policy and the beginning of agriculture collectivization, the number of prisoners increased and their composition changed dramatically. The percentage of "class alien elements" deprived of liberty, which did not exceed 3–4% in 1929, went up to 35% in 1931 [19, p. 283].

The Resolution of the Central Executive Committee and the Council of People's Commissars of the USSR of November 6, 1929 "On the amendment of articles 13, 18, 22, 38 of the Fundamentals of the Criminal Legislation of the USSR and the Union Republics" introduced an additional measure of social protection – deprivation of liberty in corrective labor camps in remote areas of the USSR. The first group of such camps appeared in 1929 in the north of the country in the basin of the Pechora, Vorkuta, and Ukhta rivers. On August 5, 1929, the Department of the Northern Special Purpose Camps (SLON) of the OGPU USSR was established in Solvychevodsk. This Department included Sevtag, Kotlas, Ust-Vym, Pinyug, and Syktyvkar camps with a total number of prisoners of 33,511 people. Convicts of these camps exploited natural resources of the Northern Region: extracted coal in the basins of the Pechora and Vorkuta rivers and oil in Ukhta, and developed forests. The cre-

ated department was headed by A.P. Shairon [19, p. 303].

In 1930–1932, other similar corrective labor camps were organized in various regions of the country, for instance, White Sea-Baltic, Siberian, Kazitag, Karaganda, Daliseldorstoi, Temnikov, Dmitrov, Nizhny Novgorod, Syzran, Kungur, Svirsky, and Vishersky corrective labor camps. As of January 1, 1936, the total number of prisoners in them was 839,406 people. By 1939, corrective labor camps had opened in Sverdlovsk, Perm, Vyatka and other oblasts. In addition, 392 general prisons had functioned in the NKVD USSR system by this time [9, pp. 26–27], transferred to its jurisdiction in 1934.

By the Resolution of the Central Executive Committee and the Council of People's Commissars of the RSFSR of August 1, 1933, a new Corrective Labor Code of the RSFSR was approved and put into effect, which, however, did not make any significant changes to the existing system of places of deprivation of liberty. It consisted of 7 main provisions and 7 sections developing these provisions. In articles 1 and 2 of the basic provisions, the principles of the new corrective labor policy were formulated. Article 3 fixed a corrective labor colony as the main type of prison facilities and principles of placement of convicts with regard to their labor skills social danger, social status, age and success of correction [20]. The 1933 ITK RSFSR did not provide for the execution of punishment in OGPU corrective labor camps.

In September 1938, the independent Main Prison Directorate was formed as part of the NKVD USSR, and on June 10, 1934, in accordance with the Resolution of the Central Executive Committee of the USSR, the Main Directorate of Corrective Labor Camps and Labor Settlements was formed as part of the new Union-Republican NKVD. In October of the same year, this department was renamed the Main Department of Camps, Labor Settlements and Places of Detention. Further, this department was renamed twice more and in February 1941 it became the Main Directorate of the Administrative Labor Camps and Colonies of the NKVD USSR.

The Great Patriotic War left a special imprint on activities of this directorate. From January 6, 1942, special camps were organized to check persons of operational interest to the People's Commissariat of State Security of the USSR,

and subsequently SMERSH, which were under the jurisdiction of the Department for Prisoners of War and Internees (UPVI) of the NKVD USSR. On July 19, 1944, they were transferred to the jurisdiction of the GULAG of the NKVD USSR, and on August 28, 1944, the Department of Special Camps of the NKVD USSR was organized, which on February 20, 1945 was transferred to the Department of Verification and Filtration Camps (OPFL) of the NKVD USSR. On January 22, 1946, the latter was disbanded, and its functions were transferred to the GULAG of the NKVD USSR [21, p. 38].

The final chord of the Stalinist period of the domestic penal system development was a Secret Note of March 26, 1953, sent to the Central Committee of the Communist Party of the USSR by L.P. Beria, the Minister of Internal Affairs of the USSR. It noted that "detention of a large number of prisoners in camps, prisons and colonies, among which there is a significant part of those convicted of crimes that do not pose a serious danger to society, including women, adolescents, the elderly and sick people, is not caused by the state necessity". So, Beria proposed to halve the sentence of persons convicted for more than 5 years, release women with children under 10 years old, pregnant women, minors (under 18 years old), elderly and seriously ill people. As a result, 1,203,421 people gained freedom, including many so-called "forest brothers" from the Baltic States, Ukraine and Belarus. In addition, there were also hardened criminals who served short terms of imprisonment among the "chicks of Beria" who flew out to freedom. In this regard, the criminogenic situation in the USSR became severely complicated. For example, the city of Ulan-Ude was actually captured by offenders returned from the camps and several weeks of unrest led to killing of several thousand civilians [22]. In Moscow, the number of serious and especially serious crimes increased several times compared to the previous year [23, p. 62]. As recounted by veterans, during this period, the personnel of the Moscow Criminal Intelligence were transferred to the barracks until most representatives of the criminal world who had been released and had found themselves in the capital were again in prison for committing various crimes.

In 1953, corrective labor institutions were transferred to the Ministry of Justice of the USSR. However, already at the beginning of

1954, they were returned to the Ministry of Internal Affairs of the USSR.

By the decrees of the Presidium of the Supreme Soviet of the USSR of April 24 and July 14, 1954, early and conditional release from prison was restored. The Regulations on Prosecutorial Supervision in the USSR, approved by the Decree of the Presidium of the Supreme Soviet of the USSR of May 24, 1955, and the Regulations on Supervisory Commissions, approved by the Resolution of the Council of Ministers of the RSFSR on May 24, 1957 were of great importance for the further work of the institution. In 1956, it was found impractical to continue maintaining corrective labor camps, which were subject to reorganization into corrective labor colonies [24, pp. 317–320, 322–326].

On December 25, 1958, the Supreme Council of the USSR approved the Foundations of the Criminal Legislation of the USSR and the Union Republics, which contained a number of norms, according to which the labor legislation was to be changed. The adoption of this law and the experience of corrective labor institutions made it possible to develop the Regulation on corrective labor colonies and prisons of the Ministry of Internal Affairs of the USSR, approved by the Decree of the Presidium of the Supreme Soviet of the RSFSR of August 29, 1961 [25] and similar provisions in other Union republics. These regulations provided for the creation of 4 types of corrective labor colonies (ITU): general, reinforced, strict and special regimes. By the Decree of the Presidium of the Supreme Soviet of the USSR of June 26, 1963 "On the organization of corrective labor colonies-settlements and on the procedure for transferring to them those sentenced to imprisonment who firmly embarked on the path of correction" [26], the colony system was supplemented by another type – a panel settlement. Corrective labor institutions for juvenile delinquents were also changed. The Regulation on labor colonies for minors, approved by the Decree of the Presidium of the Supreme Soviet of the USSR of June 3, 1968 [27], stipulated organization of colonies of general and reinforced regime. In 1965–1967, new regulations on supervisory commissions and regulations on commissions for minors were worked out and adopted [28; 29]. The Decree of the Presidium of the Supreme Soviet of the USSR of July 26, 1966 established administrative supervision of

persons released from places of deprivation of liberty.

The post-war experience of corrective labor institutions and the development of the science of corrective labor law created necessary conditions for the elaboration and adoption of the Fundamentals of corrective labor legislation of the USSR and the Union Republics on July 11, 1969 and corrective labor codes of the Union republics in 1970–1971. Thus, the system of corrective labor legislation of the last period of the Soviet state existence was created [30, p. 93].

The new Corrective Labor Code of the RSFSR fixed the following key forms of political and educational work with convicts: labor competition; clarification of legislation; agitation and propaganda work; activities for spreading culture and sport among the masses; and individual work. Political and educational work with convicts was to be carried out in a differentiated manner with regard to the type of a corrective labor colony and the regime established in it. In prisons and cell-type premises, such work was carried out in cells [31, p. 86].

By the Decree of the Presidium of the Supreme Soviet of the USSR of February 8, 1977 “On making additions and amendments to the Fundamentals of corrective labor legislation of the USSR and the Union Republics”, the system of corrective labor institutions was supplemented with another type of colonies – a panel settlement for persons who committed crimes by negligence.

Bringing all branches of the Soviet legislation into compliance with the 1977 Constitution of the USSR contributed to the expansion of the rights of citizens, public organizations and labor collectives and the creation of more effective guarantees for their implementation. For these purposes, the Decree of the Presidium of the Supreme Soviet of the USSR was issued on August 13, 1981 “On the introduction of amendments and additions to the Fundamentals of Corrective Labor Legislation of the USSR and the Union Republics” [32]. An important task in the period under review was the legislative consolidation of the procedure and conditions for the execution of all types of punishments not related to deprivation of liberty, reflected in the Decree of the Presidium of the Supreme Soviet of the USSR “On further improvement of criminal and corrective labor legislation” adopted on July 26, 1982 and in the decree of the Presidium

of the Supreme Soviet of the USSR of October 15, 1982 [33; 34; 35, pp. 47–52].

Conclusion

Russian correctional (corrective labor) institutions’ extensive experience, primarily in the Soviet period, largely predetermined the formation of a modern penal system in our country based on the principles and traditions developed by domestic and international practice. So, having such a solid own historical experience, we can neglect remarks of the “enlightened West” [36, pp. 136–175], which has not had “tender feelings” for Russia for a long time.

The formulation of a particular problem in the field of modern penitentiary science causes the emergence of a new terminology, which creates only the illusion of scientific progress. In fact, it turns out that most modern theories only paraphrase what was said at the end of the last century and the beginning of the last century. The author’s personal experience, who at one time dealt with the issues of organizing interaction of the Main Criminal Investigation Department with operational divisions of the GUITU both in the Soviet and post-Soviet periods, clearly confirms this continuity.

At the present time, the modern Russian penal system needs to ensure that the historical experience of this activity is borrowed in relation to new challenges and threats emanating from the criminality. This, in particular, is stated in the Concept for the development of the penal system of the Russian Federation for the period up to 2030, approved by the Decree of the Government of the Russian Federation No. 1138-r dated April 29, 2021. In this regard, along with strengthening measures aimed at preventing the spread of extremism in penitentiary institutions, as described in Section 2 of this document, taking into account recent events, special attention should be paid to the problems of detention in correctional institutions of the Federal Penitentiary Service of Russia of persons from among Ukrainian nationalists convicted of committing crimes against humanity, terrorist activity and other grave and especially grave crimes on the territory of the Russian Federation. Negative consequences of the amnesty conducted by Beria, due to which grandfathers and great-grandfathers of the current Neobanderovites were released and continued their subversive activities for the moral decomposition of Ukraine, should not be repeated.

The Soviet experience of humanizing penal legislation is important and can be taken as a basis in the implementation of requirements of the Federal Law No. 10-FZ of February 6, 2023 “On probation in the Russian Federation”, which comes into force on January 1, 2024.

In the modern period, it is advisable to pay special attention to the re-socialization of juvenile offenders and use outstanding achievements of the Soviet educator A.S. Makarenko. “Three pillars” of his system – labor education, play and education in the team – have been undeservingly forgotten or distorted in our country, unlike in foreign countries, where his works are desktop books of heads of enterprises. Nowadays, almost all Japanese and many Ger-

man firms build their work according to Makarenko’s ideas of a labor colony. So, it is doubly disappointing that those “three pillars” are now boomeranging back to us in the form of “corporate events”, “team building” and “teamwork skills”.

Finally, it should be emphasized that it will be possible to talk about establishing full control over crime only if key socio-economic contradictions in society are eliminated. In conditions when the population is divided into strata with different levels of material well-being, it is practically impossible to eliminate threats from crime using any radical measures, since the latter, being an integral attribute of such a society, constantly reproduces itself.

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