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Transformation of the Image Status of the Penal System in the Context of the Cyclical Political Genesis of Russia

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Abstract

Introduction: being a structural and functional element of the state mechanism (a kind of “state within the state”), the prison system is transforming along with it. Accordingly, the image status of the prison itself and representatives of prison authorities and prison population is also changing. *Aim:* to conduct a comprehensive analysis of the image status of individual social systems on the example of the penal system so as to identify the features of its formation and ways of optimization. We bring to the fore the problem of understanding the term “system” in the context of the image status of the social system in general and the penal system in particular. We highlight the formation of semantic images and image statuses on the example of three social institutions (school, army, prison), which are similar in terms of parametric characteristics and functioning and qualitatively different in image status. The article comprehensively examines the bipolar image of the penal system: on the one hand, prison is inextricably linked with human misfortune, an evil that cannot be treated positively; on the other hand, as an instrument of state law enforcement policy, the prison guarantees the inevitability of punishment for a crime, ensuring the

execution of punishment, protecting law-abiding citizens, which is a good thing for society and the state. *Methods*: comprehensive and systematic analysis, which made it possible to compare the penal system with other public institutions at various stages of the political genesis of Russia. *Results*: the features of formation and functioning of the image status of the Russian penal system are considered in the context of the concept of cyclic political genesis. In accordance with this concept, in relation to the history of the unified Russian state, three cycles should be distinguished (imperial, Soviet, post-Soviet). Within the framework of each of them, Russia had qualitatively different forms of state government, economic order, social structure, etc. At the same time, in such different Russian states, there were different models of prison systems, the formation and functioning of which, as well as the transformation of the image status, was carried out under the influence of state prison policy and under the influence of public consciousness (national mentality). *Conclusions*: the current state of the Russian penal system can be described as transitional. Along with the legacy of the Soviet past, we observe serious changes proceeding from democratization and humanization of the political and legal system of the Russian Federation. Transformation of the image of the penal system is aimed at increasing the level of its openness and forming a positive opinion about its activities. It is important that in the public consciousness the image of the penal system as a predominantly punitive prison system gradually be replaced by the idea of it as a penitentiary system, which is concerned primarily with “revival of the essence of humanity” in a person through awareness and repentance. As for the image status of employees of the penal system, the state can optimize it first of all by equalizing their official status with that of military personnel and special services employees, who, like representatives of the prison system, serve the Russian state, but are in a privileged position in relation to them. Increasing the prestige of the service in the penal system in the eyes of actual or potential employees implies the rejection of such differentiation.

Key words: image; image status; image transformation; penal system; prison; prison administration; convicts; penal servitude; regularity; criminal prosecution; execution of punishment; Concept for development of the penal system, theory of law.

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System image: development of a working definition of the concept

The word image in the Russian language means “an artificially formed impression of a subject or object that helps people around it get a certain psychological perception of it” [7]. From the above definition, it is possible to distinguish the following signs that characterize the image:

- sociality – the image represents a phenomenon of human culture that arises and exists in inextricable connection with the world of human (social) relations;

- formality – by representing an outwardly expressed logical speculative construction, the image is consolidated in certain relatively stable forms of public (individual and collective) consciousness and thus receives both official and unofficial recognition and evaluation;

- inertia – stability in relation to internal and external impact factors; being formed in the public consciousness, the image, as a rule, does not undergo significant changes in the historical dynamics;

- ability to change – the image can change under the influence of subjective factors, and the changes can be both reversible and irreversible.

Being an evaluative category, the image occupies a rather important place in the system of two-dimensional social differentiation, which divides the whole set of social phenomena and events into two conditional groups: positive (the image as a reflection of good, justice, legality) and negative (the image as a reflection of evil, injustice, illegality).

An image-based characteristic in all cases is system-wide and involves the creation of a kind of public reputation both inside the system in which the image carrier is located and outside it. At the same time, the existence of image dichotomy is normal; in such a case the same subject is endowed with opposite images in different image-forming environments. It is also normal that within the same social environment, there may be a change in the image from positive to negative and vice versa.

We can see a telling example of image dichotomy in the assessments of the October events of 1917 in Russia by those who won the revolution and created a new historical type of state and those who simultaneously turned from the ruling class into “remnants of the old world” to be disposed of in the “dump of history”.

An example of a change in the image assessment is the transformation of the image of Joseph Stalin, who acted as a political extremist for the tsarist government, was considered during his reign as the “great leader” of the Soviet people, then was denounced as the initiator of mass repressions against the same Soviet people, and now appears as an “effective manager” [13], whose leadership role is associated with the achievements of the Soviet state in economic and technological development, the victory in the Great Patriotic War (1941–1945), the formation of a world socialist system that successfully resists capitalist imperialism, etc.

Not only people and teams, but also social phenomena and events, living and inanimate nature objects can act as objects of image assessment. Thus, in his Address to the Federal Assembly of the Russian Federation in 2021, Russian President Vladimir Putin used the metaphorical image of “Shere Khan and Tabaki” – the villain characters from R. Kipling’s *Jungle Book* – to denote the policy of the “collective West” led by the United States, the policy that was unfriendly toward the Russian Federation [2].

Consideration of the image status of the social system in general and the penal system in particular¹, brings to the fore the problem of understanding the term “system”, which is used in a fairly large range of semantic contexts. Let us briefly focus on those of them that seem to be the most significant.

A system is a set of interrelated material (real) and immaterial (virtual) objects, the communication between which is of an ordered nature and entails the results that are the goal of the organization and functioning of the system structure (political system, legal system).

A system includes interrelated phenomena and events that characterize a certain stage (type) of socio-cultural development (slave-owning system, feudal system, bourgeois (capitalist) system, socialist system).

A system is an ordered set of knowledge about objective (nature) and subjective (cul-

ture) reality – an education system, a science system.

A system is the way in which technical products and mechanisms are arranged; the technology of mechanical and social processes; the structure of state institutions and public organizations (chronometry – the system of technical measurement of time, the system of state and municipal service).

The lack of a universal understanding of the system does not mean that it is impossible to determine its fundamental key feature, which, in our opinion, is regularity. Any system is based on a pattern, at the same time being its product and a reproduction tool.

Since the ancient period, scientific knowledge develops an understanding that the identification of any pattern and any system it determines, involves the following sequence:

- defining the set of parametric properties and characteristics that are necessary and sufficient for the formation of the relationship between phenomena and events that form a pattern;
- finding the factors determining mutual dependence between the identified phenomena and events;
- establishing the frequency of repetition necessary for determining alternating phenomena and events as regular [1].

Based on the above, we consider the following definition acceptable: a system is a set of elements ordered on the basis of regularity, and the interaction between the elements is aimed at achieving the effective consequences (targets) determined by the regularities.

It follows from the formulated definition that it is not the goal that determines the regularity, but on the contrary, the already established regularity allows us to determine the goal and set formal system parameters of a material or virtual object.

Consistency is a universal feature of both objective and subjective reality. However, if we talk about the image assessment of system entities, as well as about the system image status, then, of course, we should talk about subjective systems created by subjects of public relations and undergoing subjective perception and comprehension.

For example, if we consider social history as a system, then as an objective category (as a regularity of the “flow” of time and the process of socio-cultural changes determined by it), it does not depend on subjective perception and can neither be falsified, nor even changed,

¹Within the framework of this article, the terms “penal system” and “prison system” will be considered as synonymous and interchangeable categories.

since it is impossible to change what has already passed, i.e. ended, at the moment. At the same time, being the result of a subjective attitude on the part of those who are primarily interested in individual events and personalities in history (primarily national), which are significant not so much in terms of reliability as in their interpretative, proper image value, the description of historical versions reconstructed by individual authors who are pre-engaged in achieving certain results acquires a subjective character, by definition, not claiming objectivity and impartiality. Vladimir Lenin pointed out that “one cannot live in society and be free from society”. One cannot form a detached attitude toward the system while being its internal component or a contemporary.

It turns out that the image of any social system is subjective in all cases and is largely determined not by its functionality, but by a kind of “public relations” – PR, the main and only function of which is to introduce information about the subject of a PR campaign into the value range of any social group, in order to further consolidate its mythological paradigm as ideal (optimal) in the range of values of this social group, necessary for self-identification [4].

It turns out that the image of any social system is created by representatives of the social group by which the image status is consciously or unconsciously perceived as preferable.

School, army, prison: problems of formation of semantic images and image statuses

As mentioned earlier, consistency is an objective property of any comprehensively organized reality, regardless of whether it is expressed in material (real) or virtual forms. In turn, evaluating systems and endowing them with image statuses conditioned by value judgments is subjective.

Let us consider three systems that are very similar in terms of parametric characteristics of their organization and functioning, which in the public consciousness are endowed with qualitatively different image statuses: school (for the “purity” of comparative analysis, we will specify the subject of comparison and choose a boarding school from all the abundance of educational institutions), army, prison.

If we think beyond the emotional representation of these system categories, they become, if not identical, then at least quite similar both in organization and in functional technologies.

First of all, let us name similar characteristics of these social structures:

- the presence of an isolated environment in which an individual is staying – boarding school, prison, army barrack (military unit);
- corporate stratification of the “population” of the isolated environment – permanent composition (school administration, teachers, prison administration, command staff, officers and generals) and temporary composition (students, prisoners, soldiers and sergeants of military service);
- forced involvement of temporary personnel in an environment of temporary stay isolated from the “outside world”;
- the period of stay in an isolated environment established “from above” for temporary personnel (the period of school education, service in the army, serving sentences in institutions of the penal system);
- measures of legal responsibility (disciplinary, administrative, criminal) for violation of internal regulations and unauthorized leaving (escape, unauthorized absence, desertion) of the isolated environment of temporary stay;
- compulsory supervision and control by the permanent staff over temporary staff;
- the implementation of the functions of professional training, education, and the formation of corporate culture – it is for a reason that all these social environments are often informally called “schools of life”.

Speaking about the distinctive features, it is necessary first of all to highlight the features of intersubjective communication in the corresponding systems.

At school, this is a connection between generations of “fathers and children”, united by the goal of raising “builders of a positive future”.

The army team consists of soldiers and commanders who are “comrades, a military brotherhood”. The military tradition of saluting (greeting) is designed to symbolize the corporate solidarity of military personnel, regardless of their official status and place in the army hierarchy.

The main task of the military is to protect the Fatherland from the enemy. The latter is perceived not as a set of people possessing natural and positive rights, but as a “living force of the enemy”, the destruction of which with the help of various means and technologies is not only legalized, but is also considered as a manifestation of military valor and heroism, “if the enemy does not surrender, they are destroyed”.

As an example, we can cite the statement of Russian Defense Minister Sergei Shoigu that “Russian troops in Syria have destroyed more

than 133 thousand militants, including 4.5 thousand from the CIS countries" [16] and this despite the fact that there is no military or state of emergency regime in Syria, which means that there are no actual military operations.

Returning to the problem of the image of the above-mentioned systems, we should note that the school and the army are endowed with an invariable positive status in the public consciousness and are always associated with the social good.

The state's penal system, associated in the mass consciousness with the image of a prison, is also invariably perceived in a negative context. At the same time, the negative image of the prison is transferred to all its "inhabitants" represented by two social groups – prison administration and convicts (accused), the relations between which are permanently conflicted, due to the collision and confrontation of two regulatory and protective systems – legal and criminal. In addition, the relations between these groups cannot be considered by analogy with the "right of war", where, as already mentioned, during military operations, the parties abandon the communicative scheme "man – man", replacing it with the semantic construction "enemy – enemy". In prison, the conflicting parties are represented by people who, despite significant restrictions, have legal rights, the implementation and protection of which must be ensured by the state.

It turns out that on the one hand, the state forcibly puts a person in prison, and on the other hand, it is obliged to provide them with a certain level of security and comfort, which can be conditionally called "the minimum of human dignity".

Two key conclusions follow from the above. First, prison will always act as a system with a negative status, since it is associated in the public consciousness with the manifestation of social evil caused by the phenomena of crime and criminality. Second, being an isolated social environment that unites two permanently conflicting groups, a prison nevertheless represents a "world of human relations" in which relations between "warders" and "prisoners" do not allow physical destruction and should be built taking into account the coexistence of two regulatory systems – legal and criminal.

The image of the penal (prison) system: problems of the attitude of society and the state toward prison

The image of the penal system is a set of subjective ideas that form the psychological picture of the penal system ("prison") in the

public consciousness and determine its place in the system of the state and society.

The axiological approach to the understanding of the state and society involves the consideration of these categories as dichotomous complexes that combine opposable values, more precisely, values and anti-values. In such a system of axes, the good is opposed to the evil, the truthful is opposed to the false, the legal is opposed to the criminal, etc.

As previously noted, the prison system in the public consciousness is inextricably linked with the phenomena of crime and criminality and is perceived as a "place where criminals are held".

We should note at once that such a representation is nothing but an expression of the so-called "philistine" culture and "mass" culture that uses a priori categories based on the "universal argument" that "it is common knowledge".

In legal science and practice, the term "offender" is used as a metaphorical and generalized view of the person who at different stages of implementation of criminal-legal responsibility can act as the subject of the crime, the object of investigative activities, the suspect, accused, defendant, convicted, tried, etc.

Prison does not initiate or conduct criminal prosecution, determine criminal guilt (innocence), or address the issues associated with the length of prison term and the type of prison regime. In essence, the prison system is a specialized repository (the place of residence is a closed administrative-territorial entity) for people to whom the court has decided to apply punishment in the form of isolation from the "free society" for a certain time period, or for life. It is not prison that deprives a person of freedom, but its very name "the place of deprivation of liberty" determines the attitude toward it as an evil fate. Hence the Russian proverb: "От сумы и от тюрьмы не зарекайся" (No one can be safe from poverty or prison). For both these and other troubles can overtake everyone.

In addition, the existence of such a type of punishment as the death penalty determines the fact that prison is associated with this measure of state coercion.

Compare the image status of a sniper and an executioner. A representative of a respected military profession speaks with pride about the destroyed enemies. The state's attitude toward the work of a sniper is expressed in awards and honorary titles.

The work of an executioner, regardless of the characteristics of the person sentenced to cap-

ital punishment, is despised as an “unworthy” occupation for a “worthy” person.

It turns out that in the public consciousness, prison is inextricably linked with human misfortune. And trouble is always evil, which cannot be treated as good.

There is another interesting detail that follows from the inextricable link between prison and crime. In the national Russian mentality, a hard, if not cruel attitude toward persons suspected and accused of committing crimes and mercy toward “inmates of prison dungeons” get along in a bizarre way. On the one hand, the data of sociological surveys clearly show that the majority of the surveyed citizens support tougher criminal penalties, including the death penalty [15]. On the other hand, again, the majority of Russians perceive the state prison system in a negative way, associating it with legalized lawlessness and mass violations of human and civil rights.

For the state, the prison system is one of the state structures, an element of the law enforcement mechanism, an instrument of legal coercion related to the implementation of criminal sanctions.

The attitude toward prison as a mechanism for the execution of punishments determined by the state (punitive measures) and at the same time a system for reforming persons found guilty of committing crimes arises in world practice in the Enlightenment Era (17th – 18th century) with its high ideals of humanism and natural law. Prior to that, prisons were mainly used for pre-trial detention of criminals, and most often very noble ones. The main types of punishment were torture, mutilation, shameful processions and executions, the main meaning of which was not so much to punish those who violated the law, as to demonstrate the power of the state machine and make people realize their own helplessness in relation to it [14].

The Enlightenment, putting the idea of rationality at the forefront, led to the formation of a methodological discipline that involves the analysis and formalization of each action performed by a person, subordination of these actions both individually and in their totality, to a strict order. Such a decomposition of actions into details and their arrangement in strict sequences covering long periods of time are excellent ways to subordinate a person to power, whether it is the power of an overseer, ruler or habit. Therefore, a disciplinary institution with a strict daily routine and constant supervision and control, has become the main candidate for the role of a mechanism not only for pun-

ishing, but also for re-educating criminals, with their subsequent re-socialization in a global organized society, where other previously described institutions – school, army, etc. – function in the same way [14].

Being a tool of state law enforcement policy, the prison should, in theory, occupy an equal position in relation to other state institutions.

At the same time, if we compare the status of a prison employee with the status of a serviceman or an employee of the special services, it becomes obvious that the state’s attitude toward the prison system itself and to those who carry out “public service” in it is expressed according to the so-called “residual principle”, when material and technological support for the needs of the penitentiary system is insufficient, and remuneration and benefits for its employees are lower (compared to other public servants).

Features of the image status of the penal system at various stages of Russian political genesis

Being a structural and functional element of the state mechanism (a kind of “state within the state”) the prison system is transforming along with it. Accordingly, the image status of both the prison itself and representatives of “prison population” is also changing.

It is advisable to consider the features of the formation and functioning of the Russian prison system in the context of the concept of cyclic political genesis [10].

With regard to the history of the unified Russian state, it is necessary to distinguish three stages (cycles), within each of which Russia was represented by qualitatively different forms of state government (dynastic empire, Soviet republic, presidential republic); economic structures; social structures, etc. The two previous cycles (imperial and Soviet) are completed, the post-Soviet cycle is continuing. Each cycle is characterized by its own prison system. At the same time, the invariability of the general negative image of the prison in the public consciousness does not mean that the attitude toward it at various stages of state development is unchanged.

In the Russian state in different periods there were different models of prison systems, the formation and functioning of which (as well as the transformation of image status) was carried out under the influence of state prison (penal enforcement) policy, the essence and content of which were changing depending on the direction of national policy as a whole.

The Russian Empire is a state that is economically focused on agricultural production, as well

as on the mining and export of natural resources. The majority of the subjects of the “imperial crown” were peasants. The most developed territories in socio-economic terms were the western and central parts of the Empire (European Russia). Siberia was a “non-European” part of the Empire beyond the Ural Ridge.

The agricultural orientation of the socio-economic system of the Russian Empire, on the one hand, caused a relatively low crime rate (compared to industrialized countries), and on the other hand, determined the specifics of the organization of the prison system:

- in towns located in the European part of the Empire, prison castles and pre-trial detention centers were located;

- the main masses of convicts were deported under guard to the eastern part of the country.

The capitalization of the Russian economy in the second half of the 19th century led to a sharp increase in crime and, as a result, an increase in the “prison population” and the expansion of the prison system.

It is noted that the number of people convicted of various crimes in the Russian Empire tripled from 1874 to 1912. If in 1874 the verdict of “guilty” was passed in 58 thousand cases, then in 1912, the number of convicted persons reached 180 thousand. In the early 1870s, there were only 50–90 convicts per 100,000 people, whereas in the early 1910s – already 150–200 [9].

Transit prisons served as intermediate accommodation points. The places of destination for the execution of punishments were settlements where those exiled to hard labor or banished for free settlement lived. Such an arrangement assumed that the prison system addressed the following functional tasks:

- isolation and maximum remoteness of socially dangerous persons from the imperial cultural centers;

- development of “wild lands”;

- acculturation of the local (“native”) population.

A feature of the Russian prison system of the period under review was the class regime of execution of punishments provided for representatives of the “ruling class” and “common people”. M.N. Gernet in his *History of the Tsar’s Prison* notes: “Everywhere, in all prisons, regardless of the type of people for whom they were intended, it was disgusting and difficult... But class differences penetrated even here and made themselves felt; sometimes they aggravated the situation of prisoners, sometimes they made it easier. In this respect, we find the most striking

examples and know the cases when in the same prison some suffered from hunger, while others were the subject of the greatest concern of the prison administration, which fed a privileged prisoner with game, sauces, etc. These actual differences in the situation of individual prisoners due to their class affiliation and their social status took place everywhere...” [3, p. 52].

The described class differentiation of the prison situation of convicts undoubtedly influenced the formation of the image of the prison in the minds of oppressors and the oppressed. For the former, prison was an unpleasant exception from the usual life of the “upper world”; however, it did not mean they lost their privileged status, which was preserved even in places of detention. As for the latter, imprisonment (exile, hard labor), in essence, meant hopelessness and “hell on earth”.

Such an attitude is quite figuratively described in *Anton*, the novel by D.V. Grigorovich, where the main character, serf Anton, goes round and round “earthly purgatory” and in the end goes to Siberian penal servitude for the crime he had not committed, which marks the complete disenfranchisement and defenselessness of an ordinary person amid the arbitrariness of an individual official (in the novel, this is the manager of the manor estate Nikita Fedorovich) and the state as a whole. In essence – it is a painful death, albeit delayed in time.

Soviet Russia proclaimed a course toward nationalization, industrialization and collectivization of the economy as the main instrumental goal of state-building; it was considered by the ideologists of the Soviet state-legal system as the basis of socialist construction. The modernization of the country’s economic system, associated with the transition from an agricultural economy to an industrial one, led to the restructuring of the model of the penal system.

If in the Russian Empire the main institutions of the prison system (with the exception of prison castles) were moved outside of major towns and were located at a distance from the economic and industrial centers of the country, then in the USSR, “correctional labor” camps and colonies turned into social and industrial facilities located in close proximity to large factories, construction sites, places of logging and mining, etc. [5]. Participation of convicts in the functioning of these facilities was carried out within the framework of the directive planning system, which operated, among other things, with the established number of workers necessary for

the implementation of state plans for socialist construction. This circumstance is associated with a widespread practice of applying punishment in the form of imprisonment for crimes of minor gravity ("spikelet cases", cases related to being late or absent from the workplace, etc.) in relation to representatives of the working class and the peasantry, in order to ensure the replenishment of penal institutions so as to implement plans developed by the government.

The need to forcibly involve a large number of virtually free labor in industrial relations has led to an increase in the number of prisoners. If at the initial stage of industrialization and collectivization in the USSR, about 200,000 people were kept in penal institutions (in 1930 – 179,000; in 1931 – 212,000), then in the pre-war period their number already exceeded the 2,000,000 mark (in 1939 – 2,004,900), reaching a historical maximum in 1950 (2,760,095) [10]. As of March 1, 1940, the GULAG consisted of 53 camps (including camps engaged in railway construction), 425 correctional labor colonies (including 170 industrial, 83 agricultural and 172 "counterparty" colonies, i.e. those working on construction sites and in the farms of other departments), united by republican, regional, krai departments of correctional labor colonies (OITK), and 50 colonies for minors [6].

The activity of the GULAG in this historical period covered 17 branches of the national economy. The planned volume of commercial products was 2,659.5 million rubles. Hundreds of restored and newly built factories and mines, millions of cubic meters of coal, timber, ore – all this was implemented at the expense of prisoners' labor that was close to slave labor [11, pp.133–134].

From the above, it follows that in the USSR, the mechanism of execution of criminal punishment was simultaneously considered as an instrument for the implementation of political repression and economic activity. At the same time, the latter functional direction eventually acquired priority importance in the Soviet prison industry [10]. Aleksandr Solzhenitsyn wrote: "The state ... needed labor force that was: a) extremely cheap, and preferably free; b) unpretentious, ready to be transported from place to place any day, free from family, requiring neither arranged housing, nor schools, nor hospitals..." [12, p. 94].

The image status of the Soviet prison system, which took shape at the stage of "developed" socialism, did not differ much from the image of any other closed administrative-territorial entity

excluded from the system of publicly available (mass) information, with the peculiarity that "prison population", once "behind bars", was for the rest of their lives deprived of a significant part of the rights and freedoms associated primarily with the prohibition to engage in certain types of activities and hold certain positions. Moreover, these restrictions also applied to close relatives of former convicts; this was a direct violation of the principles of legality, personification of legal responsibility, and the inadmissibility of applying repeated punishment for the same crime.

In the public consciousness, the prison system was perceived by ordinary Soviet citizens like any other structure associated with legalized state coercion, in relation to which an individual appears as a potentially guilty subject. This attitude was reflected in Felix Dzerzhinsky's well-known cynical aphorism widespread in the Soviet law enforcement agencies: "Your lack of a criminal record is not your merit, but our flaw".

Modern Russia, having established the principle of succession of the USSR at the constitutional level (Article 67.1 of the Constitution of the Russian Federation), in structural terms actually inherited the Soviet penal system – the prison-colony system in which convicts were grouped into detachments.

The concept for development of the penal system of the Russian Federation until 2020 (hereinafter – the Concept) in its meaningful parts included:

- changing the types of correctional institutions for the detention of convicts in places of deprivation of liberty with the actual termination of their collective accommodation, permanent stress condition of convicts proceeding from the necessity to maneuver between the requirements of the administration and the bulk of the prisoners;

- establishing legal and organizational conditions for replacing the existing system of correctional institutions with two main types of institutions – prisons (with general, enhanced and special regimes) and settlement colonies (with normal and enhanced supervision) while maintaining institutions that perform special tasks – medical-correctional and therapeutic-preventive;

- developing models for prisons and settlement colonies based on the standards of the European Prison Rules (2006), taking into account the requirements of the security of society and the staff of the penal system, as well as the need to implement the goals of reformation of convicts.

It was planned that, in accordance with the Concept, the majority of correctional institutions would be converted into general, enhanced and special regime prisons and new settlement colonies would be established in 2012–2016. These plans were not implemented. At the same time, instead of recognizing the fact of non-fulfillment of the Concept, followed by an objective analysis of the reasons and the definition of means and techniques for correcting mistakes and eliminating shortcomings, the then leadership of the Federal Penitentiary Service of Russia (a number of representatives of which, by the way, moved from the category of prison administrators to the category of convicts) went along a fairly traditional path: “If the problem cannot be solved, then it should not be designated”.

The modern Concept for development of the penal system of the Russian Federation for the period up to 2030 approved by the Resolution of the Government of the Russian Federation no. 1138 dated April 29, 2021 has a generalized character and operates with the terminological phrases like “humanization of the conditions for serving sentences and preventive measures”; “improvement of legal regulation in the implementation of preventive measures and the execution of criminal penalties, taking into account the international obligations of the Russian Federation and generally recognized norms of international law”; “ensuring the execution of punishment in conditions that do not humiliate human dignity, comply with the legislation of the Russian Federation and international standards; improving the organization of the activities of the penal system, etc.”; such phrases are not “tied” to specific results and deadlines that are subject to evaluation.

In this semantic context, the final calendar dates indicated in the names of the concepts (2020, 2025, 2030) do not have special significance, since there are no limits to improving anything (and the prison system is no exception).

The current state of the Russian penal system can be described as transitional. As it was already noted, there is a “legacy of the Soviet past” in the structural plan. At the same time, it would be a mistake to say that the current Russian prison system is a “clone” of the Soviet prison.

The main functions of the penal system are: fixed or indefinite (lifelong) isolated detention of persons who pose an increased public danger; prevention of penitentiary and post-penitentiary recidivism; correction and resocialization, the main task of which is to return to a free society an individual who has realized their guilt and

repented of it, who strives to live among “normal” people, according to “normal” laws.

The goals include the transformation of the image of the penal system, aimed at “increasing the level of openness and forming a positive opinion about the activities of the penal system”. At the same time, it is very important that in the public consciousness the image of the penal system as a predominantly punitive prison system would be gradually replaced by the idea of it as a penitentiary system that focuses primarily on the “revival” of the “human essence” in a person through awareness and repentance, and this can be done only if people serving sentences in prison are treated humanely.

The image transformation of the status of the Russian penal system implies a change in the attitude toward it both on the part of society and on the part of the state. At the same time, one should not be mistaken and take the path of legal infantilism and idealism, believing that it is possible to “remake” the negative image of the prison system into a positive one in a relatively short time. It has already been noted above that for all peoples, at all times, the prison system has been, is and will be associated with human evil, which means that its image will always be negative.

At the same time, without setting the impossible task of transforming evil into good, we can and should strive to rationalize the evil associated with prison, so that, realizing its objective nature, we try to minimize the harmful value, if possible compensating it with social benefits, the amount of which, paradoxical as it may sound, is quite significant in the modern prison system. First of all, we are talking about the social functions performed by the penal system in relation to representatives of the lower strata, who make up a significant part of prison population.

Avoiding the demonization of the prison image should mean refusing to consider a criminal record, as well as the fact of termination of criminal prosecution for non-rehabilitating circumstances, as a kind of “informational stigma” that accompanies a previously convicted (released from criminal liability for non-rehabilitating circumstances) citizen, and in some cases their closest relatives throughout their whole subsequent life and seriously restricts their legal status.

Optimization of the image of employees of the penal system on the part of the state involves aligning their status (official salaries, allowances, benefits) with similar statuses of military personnel and special services employees who, like representatives of the prison system, serve the Russian state. However, for some

reason, the state considers their service a priority, which often leads to an actual graduation into a “privileged” state service and a “second-grade” service. If the state, represented by the government apparatus, really wants to raise the prestige of the service in the penal system, such differentiation must be overcome.

And one last thing. Peter the Great once said: “Prison is a cursed trade, and therefore it should

be performed by people who are firm, kind and cheerful”. We believe that this “formula” contains a timeless image code of the state’s penal system, which will never be popular in any of the social groups that make up the population of any country, but without which none of the states, including the Russian Federation, can imagine itself in the foreseeable and boundless historical perspective.

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