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CONTENT

JURISPRUDENCE. 348

ROMASHOV R.A.

Victimization as a Penitentiary Conflictogenity Factor348

OGANESYAN S.S.

Nationalism: Essence, Issues of Prevention and Counteraction in Bodies
and Institutions of the Russian Penal System. 357

KUZMINYKH A.L.

“He Beat Prisoners of War for the Slightest Violations ...”:
Practice of Bringing Nazi Accomplices to Criminal Liability (Based on Archival Materials
of the Federal Security Service of Russia in the Vologda Oblast) 365

KUNTS E.V.

Punishment, Prevention and Protection of Rights as Areas of Combating Juvenile Delinquency 374

TEPLYASHIN P.V.

Principles of Penitentiary Crime Prevention: Conditioning Factors, Sources and Their Classification .. 382

UTOROVA T.N., SHALEGIN S.P.

Modern trends in the Development of Military Criminal Law in Russia 390

YAKOVETS E.N.

Criminal Registration in the Service of the Penitentiary System 398

MOTOROVA N.V.

On Reforming State Regulation of Educational Activities and Its Impact
on the Higher Education System of the Federal Penitentiary Service 409

PSYCHOLOGY. 419

SHARANOV Yu.A., VETRENKO R.N.

Role of Personal Characteristics of Juvenile Delinquents
in the Formation of Defects in Legal Socialization 419

CHEREMISOVA I.V., FESHCHUK Yu.I.

Describing Manifestation of Aggressive Behavior of Male Convicts of Various Social Status 427

PEDAGOGY. 436

ALEKSANDROVA N.S., FALEEVA L.V.

Informal Learning of Novice Teachers of Higher Education Institutions
of the Federal Penitentiary Service as a Factor in the Development
of Their Teaching Competencies 436

KAZANTSEV V.N., TYUGAEVA N.A.

Modern View on the Formation of Students' Worldview
in the Pedagogical Heritage of K.D. Ushinskii 442

ZAUTOVA E.V.

Modeling as a Method of Shaping a Personal Future of Convicted Women 451

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Victimity as a Penitentiary Conflictogenity Factor

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Abstract

Introduction: the article is devoted to the analysis of the state of victimity and its internal conflictogenic potential. Victimity is considered as a factor of penitentiary conflictogenity. Development of the conflict at its various stages is analyzed and, in this regard, the state of conflictogenity as a trend of penitentiary relations is characterized. It is argued that partnership and conflict in the conditions of the penitentiary life activity can equally be assessed from the point of view of both legal normativity and deviance. The opinion is substantiated that victimity is a reaction of the subject to the danger produced by almost all types of penitentiary communications. *Purpose:* to conduct a comprehensive intersectoral analysis of the institute of crime as a factor of conflict-prone public relations in the field of penitentiary life. *Methods:* the research methodology is determined by the specifics of the penitentiary environment, characterized by a high degree of conflictogenity due to the antagonisms in goal-setting, value priorities and behavioral motivations of administrators ("jailers") and special agents ("prisoners"), collectively forming the "penitentiary population". The article uses a complex of general scientific (dialectical, analysis and synthesis, system-structural) and special methods of cognition. *Results:* representing a specific social environment of a significant number of Russian citizens, the penitentiary system operates on the basis of two main regulatory and protective systems: legal and criminal. The antagonism of these systems causes a high degree of conflictogenity of penitentiary relations and, as a consequence, entails victimization of their participants. *Conclusion:* having conducted research, the author comes to a conclusion that all penitentiary relations can be conditionally divided into partnership and conflict. At the same time, both partnership and conflict can equally be assessed as normative and deviant. Victimity, representing the subject's potential predisposition to the state of a victim should be considered as an element of the socio-legal status of the conflict participant. At the same time, subjective victimity is directly related to the

change of conflict stages, within which the aggressive impact can be unilateral (unilateral victimization) or bilateral in nature.

Keywords: conflict; conflictogenity; deviance; danger; security; victim; victimity; victimization; penitentiary life; penitentiary conflictogenity.

5.1.1. Theoretical and historical legal sciences.

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General provisions

Victimology is a scientific field that studies psychological and behavioral characteristics of the behavior of a victim of aggression.

Victimity is potential possibility and psychological disposition of a person to act as a victim of aggression.

Conflict is a form of open confrontation between two or more parties (subjects), in which the interests of one party (subject) are realized by causing deliberate purposeful damage to the interests of the other party (counter-subject).

Conflictogenity is a dynamic evaluative characteristic of the state of public relations associated with their potential predisposition to the emergence and escalation of conflicts.

Penitentiary life activity is a system of social regulations and a form of behavioral relations carried out in the socio-spatial sphere of jurisdiction of the Federal Penitentiary Service of Russia.

Penitentiary conflictogenity is a factor that characterizes relations in the sphere of penitentiary life activity, which represents a local socio-cultural sphere, the formation and functioning of which are based on two regulatory and protective systems: administrative, based on substantive and procedural law (Penal Code of the Russian Federation, Criminal Code of the Russian Federation, Criminal Procedural Code of the Russian Federation), and traditional, based on the system of concepts and values of the criminal world. An important factor of penitentiary conflictogenity is objective antagonism of the subjective interests of two social groups, collectively representing the “penitentiary population”: the administration (“jailers”) and the special agent (“prisoners”).

Research

Conflictogenity of public relations in the sphere of penitentiary life activity: norm or deviation?

The understanding of conflict and conflictogenity as objects of research activity in relation to the national scientific school has a relatively recent history. Within the framework of the Soviet state-legal system, the conflict was perceived as a phenomenon belonging exclusively to the “world of capital”, where “dog eat dog”. In contrast to such antagonism, the socialist world was an “international of workers”, an “indestructible bloc of communists and non-partisans”, in which conflicts simply had no place [1].

Large-scale crisis transformations of the socialist economy and communist ideology, which led to the collapse of the USSR and the end of the socialist period of the national state and legal history, led to the emergence of numerous conflicts in various spheres of public life, for which neither individual Soviet citizens nor the state. The latter ceased to be Soviet socialist, but did not become developed capitalist, as it seemed to the “founding fathers of new Russia”. The necessity, as they say, to solve numerous problems related to both the theory of conflict understanding and the practice of conflict monitoring, as well as the need to form mechanisms to counteract conflict conflicts, led to a surge of scientific interest in conflict as a socio-cultural and political-legal phenomenon that instantly became relevant and significant for a number of social sciences, including law.

One of the most important issues affecting the understanding of conflict is the question of its place in the system of social normative regulation. How can conflict be assessed from the point of view of compliance with the ideas of normativity and deviance of public relations? Should conflict be attributed exclusively to destructive behavioral formats? Should positive factors be singled out along with negative ones, allowing us to talk about conflict as a tool for re-

solving social contradictions and a catalyst for social progress?

We believe that in modern conditions, the understanding of conflict and the assessment of its impact on public relations should be carried out within the framework of an integrated intersectoral approach that excludes the uniformity of scientific ideas and practical approaches.

Being one of the forms of intersubjective communication, conflict is opposed to partnership. However, such an opposition does not serve as a basis for identifying partnership with the norm as a model of positive behavior, and conflict with deviation as a model of negative behavior. Like such opposable and at the same time mutually conditioned categories as legal relationship and offense, conflict and partnership are two sides of the same coin of social communication. Consequently, both conflict and partnership relations are, in fact, normative (ensured and qualified by social norms, provided with social guarantees and assume certain consequences in relation to the subjects involved in them). Accordingly, conflictogenity acts as an evaluative characteristic, applicable both in the analysis of actual conflicts and partner-type communications, which in certain situations can turn into conflict forms.

Consideration of conflict and partnership in the context of the ratio of evaluation categories “normativity” – “deviance” allows us to get away from the phenomenological dichotomy. Both partnership and conflict can equally be assessed in terms of normativity and deviance. For example, in the legal sense, deviant partner relations are such criminal communicative forms as corruption, illegal drug sales, contract killings, “laundering” of criminally obtained funds, etc. Deviant conflicts include military actions on the part of aggressor countries opposed to normative diplomacy, terrorist acts, crimes against the life and health of the individual, etc. At the same time, to an equal extent, partnership and conflict can be considered as normative, and therefore legitimate forms of social behavior. Relations in the field of family, labor, state and municipal service are forms of public and private partnership supported and protected by the state. Examples of normative conflicts are the necessary defense, detention of a criminal, use of physical measures against violators of order in institutions of the Federal Penitentiary Service of Russia, etc.

The penitentiary system, represented by a complex of material institutions (acts of international and national law, state bodies and officials, public organizations, special contingent of correctional facilities, etc.) and social relations (criminal procedure, penal, civil law, labor, criminal, etc.), in a broad sense, is a specific local environment for the vital activity of a significant number of people. As of January 1, 2023, 433,006 people were held in institutions of the penal system [2], including 28.3 thousand women (as of March 1, 2022). There are 13 orphanages in women’s colonies, in which 332 children lived (as of May 1, 2022). The full-time staff of the penal system, funded from the federal budget, is 295,625 people [3]. Thus, the total number of “penitentiary population” is about 800 thousand people. At the same time, it should not be forgotten that family members of convicts, employees of law enforcement state bodies (Ministry of Internal Affairs, FSB, Prosecutor’s Office, investigative and judicial bodies, etc.), lawyers, representatives of public and religious organizations, etc. take indirect part in penitentiary life.

Social relations both of partnership and conflict nature are characteristic of penitentiary life (penitentiary communications). At the same time, partnership and conflict are possible within and among local social groups into which the penitentiary community is divided (employees and special contingent of the penitentiary system). In addition, in some cases, these forms may go beyond the boundaries of penitentiary institutions and acquire regional and interregional dimensions.

Taking into account the objective dichotomy of the interests of employees and convicts, the relations between which are based on inevitable antagonism of those who guard and those who are guarded or, more figuratively, jailers and prisoners, conflictogenity should be considered as a permanent component of penitentiary relations, regardless of the form of their expression at a given time interval [4].

Victimological features of subjects of penitentiary communications

For a long time, scientists in various fields of knowledge have accumulated information that allows us to talk about victimology not only as an independent subject area in the field of scientific research, but also as a complex intersectoral science. Nowadays, active theoretical

and praxiological developments of general and specific problems of criminal, social, and penal victimology are being carried out [5, p. 7]. The results obtained by scientists are used for victimological prevention and protection, and are also taken into account in the process of elaborating recommendations for optimizing state and non-state mechanisms of regulatory and protective impact.

Victimology that studies epistemological development of a victim was a product of Soviet society, in which, as previously noted, the conflictogenity of public relations was denied by virtue of the dominant state ideology [6].

The conflict-free theory prevailing in Soviet social and humanitarian science, based on the Marxist ideas of the Communist international, the working people of the whole Earth, formed a completely definite and predictable attitude to criminology as a science that studies crime as an archaic, social phenomenon doomed to extinction, which, like religion, will have no place in the progressive communist community of the coming future. Naturally, with such an attitude, victimology as the doctrine of the victim of a criminal conflict was perceived with a fairly high degree of prejudice. At the same time, since conflict and crime as objective social phenomena were rejected in theory, it was impossible to exclude these categories from life processes of the Soviet State and society. In the difficult conditions of official criticism and real demand, domestic victimology was formed first as a sub-branch of criminology [7], and subsequently stood out as an independent direction of complex scientific knowledge. It is impossible to conceal the objective nature of crime and the importance of the victim in the development of a criminal situation. In these conditions, there was an urgent need for the formation of domestic victimology. A criminal direction of victimological research clearly dominated in its development [8].

For almost forty years, victimologists have considered concepts “victim of crime” and “aggrieved person” to be the same [9, p. 6, 22, 38]. Currently, the methodological approach has been significantly expanded and includes ideas about the victim of any origin, both criminal and unrelated to the commission of criminal acts [10]. In recent years, a lot of scientific papers describe the victim of the conflict, regardless

of whether there is a criminal trace in the case, or the harm caused has come from another, non-criminal source. Researchers receive rich source material in the field of sociology, psychology, psychiatry, pedagogy, etc.

Thus, in modern conditions there is no uniform attitude to the subject of victimology, and this is not a coincidence of circumstances. The development of science leads to the emergence of new branches of knowledge, including those related to the idea of a person as a potential or real victim of natural and social disasters.

With the development of society, global processes taking place in the world increase the conflictogenity of public relations associated with a potential predisposition to the emergence and escalation of conflicts. At the same time, as G.I. Kozyrev rightly notes, “neither in the foreign nor in the domestic sociology and conflictology, the problematic of the victim as one of the elements in the structure of conflict interaction has not yet found an adequate reflection” [10, p. 11]. According to the scientist, “a victim in the structure of conflict communication is understood as a person *innocently* (emphasis added) injured during the conflict. At the same time, the victim him/herself in some cases acts as its cause” [10, p. 13]. While backing in general the point of view expressed, we believe that the category of “innocence” in relation to the understanding of the victim is not entirely correct. First, the term “innocence” itself is archaic and was previously used mainly in the context of a genetic characteristic (“maiden innocence” = “maiden chastity”). In modern conditions, guilt and, consequently, innocence are considered as elements of the subjective side of the crime (administrative offense) used in the process of executing criminal or administrative legal liability and confirmed or refuted at the stage of judicial (administrative) legal application. In this understanding, singling out the victim as an aggrieved party automatically means referring it to persons innocent of committing a crime. We believe that considering any social conflict (regardless of its legal assessment) as an open form of confrontation between two or more subjects, in which all participants’ activities are aimed at harming the interests of the warring parties, excludes the dichotomy in the concept of “guilt – innocence”, “aggressor – victim of aggression”. Conflict in terms of the

sacrifice of its participants is a form of two- or more third-party social aggression, in which all the participating persons possess qualitative properties of the victim, regardless of which of them is the initiator of the conflict communication and who is its addressee. Second, the identification of the concepts of conflict and crime (offense) is erroneous. As previously noted, conflicts can be represented by both normative (legitimate) and pro-law (deviant) communicative forms. For example, in the conflict involving harm to an attacker in the framework of a necessary defense, the subject who showed aggression and subsequently became the addressee of malicious counteraction is not an innocent party, which does not exclude considering him/her as a victim, and hence the subject of victimological analysis.

In relation to conflicts in the penitentiary sphere, behavioral victimity is of particular importance. There is interesting dichotomy of psychological perceptions in the public consciousness. As long as an abstract criminal is at large and commits criminal acts, the average person is identified as a victim, and the criminal as an aggressor. Such an attitude determines a sufficiently high level of potential aggressiveness of law-abiding citizens in relation to potential subjects of criminal law liability. The data of sociological surveys indicate that the society supports state measures to toughen penalties practically for all types of crimes. A number of advocates for the return to the real enforcement of capital punishment (a death penalty) is invariably large. However, after a person accused of committing a crime enters places of social isolation, the public assessment of his/her status changes dramatically. Being behind bars is perceived as a victim of prison arbitrariness with the resulting criticism of the penal system as cruel and inhuman. Thus, there is a logical contradiction between victimological characteristics of the persons involved in public relations at the stage of preparation and commission of criminal acts and the subjects of criminal procedural and criminal executive relations related to the determination of guilt in the commission of a crime, the type and measure of criminal liability, as well as the execution of a certain a judicial sentence of punishment.

Participants in conflict communications arising in the sphere of penitentiary life activity may

relate both to one of the above-mentioned social groups (head-subordinate conflict among employees of the penal system; conflict between "trusties" and "peasants" among convicts, etc.) and represent antagonistic penitentiary strata (conflict between the administration and convicts in the form of mass riots). In each case, victimological characterization of participants in the penitentiary conflict should be carried out with regard to specific features of the corresponding conflict communication [4].

Any conflict, regardless of the specifics of the subject composition and content, includes a number of interrelated stages: latency, transition to an open form of confrontation between the parties, escalation, conditional equilibrium, attenuation, termination [11]. In the process of conflict, these stages may be repetitive, which entails a change in the victimity state of the parties to the conflict. Thus, at the stage of latency, the danger produced by the conflict is one-sided (an initiator of aggression – an addressee of aggressive impact). As long as the addressee has not taken adequate retaliatory actions against the aggressor, he/she is considered a victim of aggression, and the conflict is considered latent [12]. The transition of the conflict into an open stage of confrontation with the subsequent escalation of mutual aggression transforms the danger into a bilateral one, which, in turn, presupposes victimization (sacrifice) of the two sides.

The victimological characteristics of behavior of the subjects of conflict communication actualizes the problem of understanding the category of "danger". Its constituent elements comprise a logical chain: "challenge", "threat", "risk", and "harmful consequence" [13]. According to O.N. Gromova, any act perceived as dangerous can and should be evaluated within the framework of this particular logical chain. In this understanding, danger (potential or real) characterizes any social interaction, regardless of its final legal assessment and actual results [14]. In particular, a family union based on love and fidelity of spouses is fraught with numerous dangers and threats and risks (infidelity, psychological disorders, violence, material and financial contradictions, etc.), capable, under certain circumstances, to lead to conflict situations, the victims of which may be either one or both spouses, as well as their children, rela-

tives, neighbors, etc. In relation to penitentiary relations, danger acts as an objective characteristic, which is caused by the antagonism of the interests of jailers and prisoners, with their mutual hostile perception. The formal (status) inequality of subjects of penitentiary communications determines the presence of two centers of power (the administration of the penitentiary institution and the so-called watchers), whose interaction is carried out in the form of either latent or open conflicts. At the same time, both direct participants (employees of institutions and convicts) and persons who have an indirect relationship to the penitentiary system can be victims of these conflicts.

The idea of danger as an objective factor included in the system of almost any social relationship actualizes the understanding of security as a potential readiness and adequate response of the subject to the emerging threat. Thus, security (including in the field of penitentiary relations) includes the ability of a particular person to diagnose a specific danger as real and subjectively significant, as well as a set of competencies that allow minimizing harmful consequences of being in a dangerous state.

Understanding victimity as a psychological and behavioral reaction of the subject to potential and real danger means that the vicarious state of victimhood can equally motivate the subject to try to avoid conflict confrontation (self-exclusion syndrome) and thereby ensure their own safety or, on the contrary, initiate conflict, regardless of awareness of the danger of such a state (moth syndrome, doom syndrome).

In the first case (self-exclusion syndrome), victimity is considered as a preventive state of subjective consciousness and behavior, within which danger is a model of undesirable harmful consequences of a possible conflict formed at the psychological level, the purpose of which is to prevent conflict interaction by leaving the

conflict situation. Thus, a person who finds him/herself in the sphere of penitentiary life and perceives it as a general danger, seeks to limit communication with representatives of the criminal world and employees of the penitentiary institution, considering them as equivalent threats. The former are capable of causing harm for violating concepts and the latter – for violating administrative regulations. Since both of them are equally dangerous for a “newcomer”, it is desirable to stay away from them. In the case when a person, realizing the danger of a possible conflict, nevertheless seeks to join it, other victim stereotypes operate. A moth syndrome involves unconscious initiation of conflict by pushing a potential aggressor to malicious actions. A defiantly dressed drunk girl, an intemperate “newcomer” in a prison cell, a tourist showing a wallet filled with bills in a public place – all these and other fairly common life situations often act as a trigger that makes a potential conflict real. A doom syndrome means the desire to enter into a conflict when realizing the inevitability of one’s own defeat in it. At the same time, the initiation of the conflict and its escalation for the doomed person have the main goal of causing maximum damage, and hence the maximum increase in victimization in relation to the countersubject. As an example of the doom syndrome in the sphere of penitentiary relations, we can consider the situation associated with mass riots in correctional facilities, when protest events are initially intended to be defeated, but are initiated due to the unwillingness of convicts to tolerate the existing order in the future.

Representing a dynamic structure, the conflict consists of several stages, each of which is characterized by special victimization of the subjects involved in conflict communication.

The dynamics of conflict development and the state of subjective victimization associated with it are presented in the table.

Dynamics of conflict development and the state of subjective victimization

Latency of the conflict		Transition to an open form of confrontation between the parties		Escalation of the conflict
Stage 1	Stage 2	Stage 1	Stage 2	
1	2	3	4	5
The aggressor is aware of resource shortage and form	The aggressor commits actions aimed at harming the inter-	The addressee of aggression is aware that the	The addressee of aggression carries out re-	Strengthening of mutual aggressive influence aimed at causing maxi-

1	2	3	4	5
a psychological image of the enemy in relation to the addressee of aggression	ests of the address- ee of aggression	aggressor's ac- tions are aimed at harming his/ her subjective interests	taliatory aggres- sion against the subject who has initiated the con- flict	mum harm with the in- volvement of all warring parties
Background cause of the conflict	Background cause of the conflict	B a c k g r o u n d cause of the conflict	Condition for the transition to an open form of conflict	Condition for the tran- sition to a new cycle of conflict confrontation
POTENTIAL VICTIMITY		REAL VICTIMITY		

The selected stages of the conflict together form a complete cycle of conflict communication, the result of which is either the end of the conflict or its transfer to another stage.

Conditions for the end of the conflict are the following:

- one party leaves the conflict;
- resource scarcity is eliminated;
- the conflict is attenuated as a result of the end of resources of the conflicting parties;
- the conflict is suppressed by state law enforcement.

In turn, the transition to the next conflict cycle is a consequence of the resumption of aggressive confrontation between the parties while maintaining the prerequisites that have caused the conflict (resource deficit and psychological image of the enemy).

It should be noted that victimization of subjects directly depends on the stage of conflict communication. Thus, within the framework of a latent conflict, when aggression is carried out unilaterally, victim behavior is characteristic only of the addressee of aggressive influence. The transition of the conflict to an open form of intersubjective confrontation with subsequent escalation gives aggression a two-way character, which, in turn, causes behavioral victimization of all subjects of conflict communication.

With regard to penitentiary conflicts, victimization of their participants should be considered as a significant influence factor that should be taken into account both in the process of conflict prevention and in their resolution. As previously noted, the social composition of penitentiary institutions is represented by two social groups (administration and spe-

cial agent), the relations between which are characterized by a high degree of conflictogenity, and hence victimization.

The victimological activity carried out in modern conditions is aimed at preventing potential and resolving real conflicts in the sphere of penitentiary life [15]. Penitentiary victimology as a direction of applied impact should include different processes: research, educational, personnel, etc.

As the target settings that determine the functionality of modern penitentiary victimology, it is necessary to distinguish:

- conducting fundamental research aimed at acquiring new knowledge about subjective victimization in conflict situations, their prediction and prevention;
- legal protection of victims of latent and open conflicts;
- dissemination of scientific and legal knowledge about the subject of criminal victimology and its possibilities in the context of potential and real conflicts;
- formation of applied competencies in the field of practical application of victimological knowledge, and skills [16].

Conclusion

The results of the study are reflected in the following conclusions.

The penal system is a local socio-spatial sphere of behavioral activity (penitentiary life), the subjects of which are two groups with direct interests (administration and special agent) of the Federal Penitentiary Service of Russia, as well as persons indirectly associated with the processes of penitentiary life (representatives of law enforcement and judicial authorities, lawyers, representatives of international,

state and public human rights organizations, etc.).

Representing a form of intersubjective communications, penitentiary relations should be differentiated into partnership and conflict. At the same time, both partnership and conflict can equally be assessed as normative and deviant. Victimhood, representing a potential predisposition of the subject to the victim's condition, should be considered as an element of the socio-legal status of the conflict participant. At the same time, subjective victimization is directly related to the stage of the conflict, within the framework of which the aggressive impact

can be unilateral (single-sided victimization) or bilateral.

The analysis of behavioral victimization of participants in penitentiary conflicts suggests a deterministic relationship between the danger produced by the conflict and victim behavior. Depending on the circumstances, subjective victimization may be aimed at trying to avoid conflict confrontation (self-exclusion syndrome) and thereby ensure their own safety or, on the contrary, initiate the conflict, regardless of the awareness of the danger of such a condition (moth syndrome, doom syndrome).

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Nationalism: Essence, Issues of Prevention and Counteraction in Bodies and Institutions of the Russian Penal System

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Abstract

Introduction: the article considers problems of nationalist views that have recently arisen not only in Russia, but also in many states, which threatens stability in various regions. *Purpose:* to show that the concept of “nationalism”, being a product of modern mental civilization, is directly related to the natural and inevitable transition of mankind from life according to religious canons to life “according to their own understanding”. *Results:* the author believes that to effectively counter nationalist views in the Russian penal system, its employees should familiarize convicts with the formation of a family, clan, tribes, as well as customs and traditions. It is necessary to disseminate the idea that forcible imposition of one’s own language, culture, traditions, customs, the value world and norms of being on another ethnic group or people contradicts human development trends. The article shows that the concept of “nationalism”, due to a number of objective reasons related to the historically conditioned civilization mentality of ethnic groups and peoples, did not exist in religious epochs. *Conclusion:* the author, noting the relevance of the problem under study, points to its multidimensional nature and proposes, taking into account the results formulated in the article, to develop a special system of prevention and counteraction to nationalism in the Russian penitentiary system, with appropriate training and retraining of its employees.

Keywords: nationalism; penal system of Russia; prevention and counteraction to nationalism.

5.1.1. Theoretical and historical legal sciences.

5.1.4. Criminal law sciences.

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Introduction. Nationalism, being a product of modern mental civilization, is directly related to the natural and inevitable transition of mankind from living according to religious canons to living “according to their own understanding”, including the development of ideological founda-

tions for the creation of own sovereign states by ethnic groups and peoples. Therefore, resocialization of nationalists is fundamentally different from resocialization of all other extremists and terrorists, particularly, from re-socialization of persons with religious extremist and terrorist

views, the origins of which go back to the religious mental civilizations that are becoming obsolete.

Undoubtedly, penal system employees are obliged to know both the specifics of nationalist views and forms of their manifestation in the modern world in order to develop and apply the most effective system of prevention and counteraction to this extremely negative social phenomenon.

The urgency of this problem is especially increasing nowadays in connection with well-known events in Ukraine, where nationalist views of not only the country's leadership, but also an impressive part of the population led to tragic consequences in Donetsk, Luhansk and other oblasts, forcing Russia to launch a special military operation and include the problem regions in its composition. Today a surge of nationalist ideas is observed not only in Ukraine, but in Kazakhstan, as well as in some other post-Soviet republics [1–3]. This situation is not accidental, since it is connected not only with the process of sovereignization of the peoples of these republics, but also with the natural transition of mankind to a new civilizational mentality.

So, in accordance with the concept of three main stages of mental development of mankind, as a rule, successively replacing each other, we can distinguish mental epochs of “polytheism”, “monotheism” and “scientific worldview”, each of which has its own specific worldview, norms and rules of behavior, its own value world, which manifest themselves in all spheres of people's lives, starting from the relationship between family members, clan and tribe, and ending with relationships with representatives of other tribes (in modern terminology – ethnic groups and peoples) [4; 5].

In the current mental epoch, which we have called the “scientific worldview”, it is human “mind” (intellect), which is fundamentally different from mental abilities and capabilities of all other “living” beings of our planet, determines not only the transition of humanity from a religious perception of the world to a scientific one, but also people's development of norms and rules of its existence [1; 4; 5].

In previous mental epochs, which were purely religious, both the perception of the world and norms and rules of their being were considered by people as given to them (sent down,

presented) from the outside by some higher forces (gods) beyond human control. According to popular beliefs, they could not be canceled or changed, but only strictly and unconditionally executed.

Research methods. A set of methods is used in the article. The first group includes logical, systemic and conceptual types of analysis of the current state of prevention and counteraction to nationalist activities in the penal system and identification of unresolved problems of resocialization of persons with nationalist views that require their own understanding and urgent solutions. The second group includes hermeneutical, comparative and exegetical methods of studying sources that determine the consciousness, cognitive abilities and behavior of modern nationalists.

Discussion. In polytheism and monotheism epochs, there were no concepts of nationalism or nationalist extremism. Moreover, they lacked the very concept of “extremism”, which arose and became actively used only in the last mental epoch. In particular, it entered the speech turnover in the beginning of the 20th century, first in journalistic and then scientific literature [6].

Phenomena, which today are considered extremist and terrorist, in religious epochs, were not perceived as negative and illegal, but, on the contrary, worthy of respect and veneration. Let us recall the famous motto “For Faith, Tsar and Fatherland”, widely spread during the period of the Russian Empire. Every Russian officer believed that “soul to God, heart to a woman, duty to the Fatherland, honor to no one” [7]. Moreover, the concept of “Fatherland” was closely associated with the name of “God's anointed one”, i.e. the king, to whom it was God (the Almighty) who gave patronage over the state (fatherland, homeland, country).

So, in the longest era of polytheism (paganism), covering a period of many thousands of years from the very birth of humanity on earth and before the appearance of the monotheistic Torah, moral obligations acted only in relation to family members, clan and tribe, since every foreigner was perceived as a potential enemy, who could be humiliated, insulted, robbed, killed without any condescension and pity, i.e. to commit those acts that modern criminal codes of most countries of the world community qualify as crimes.

The pagans' mentality was based on their spiritual (religious) views. Since foreigners had gods alien to other clans and tribes, who were considered enemies of their own tribal gods, they, according to pagans, had to be destroyed always and everywhere. The only exceptions were the foreigners with whom peace was concluded. Other behavior was considered a renunciation of their own gods, who do not forgive betrayal towards them. It never occurred to any pagan that he/she committed an immoral act by killing a foreigner for or without a reason [1].

The famous researcher of the life of ancient people N.D. Fustel de Coulanges writes that "there were no such concepts as fair or unfair in relation to a foreigner" [8, p.207]

In the mental era of monotheism, with the appearance of the concept of one God for all people of the earth and people's origin from one ancestor – Adam, the boundary between friends and strangers, enemies and brothers was laid down not only between monotheists and pagans (polytheists and idolaters), but also between the monotheists themselves, who differently interpreted the postulates of faith in One God. The irreconcilable struggle between different monotheistic religions and movements for the "correctness" and "wrongness" (depravity, sinfulness) of faith was no less fierce than the confrontation between pagan tribes [9].

Naturally, in the modern mental era, when the bulk of humanity has moved away from the religious canons of existence and relies in the organization of their lives not on the texts of the Scriptures, but on the perception of the world and legislative systems, which are the fruit of their own intellectual (thinking) activity, the concepts of "God", "divine predestination" and life "for the sake of God", as well as the need to fulfill "His will", have remained in the historical past. They have ceased to be a defining feature of people's lives [4].

Only the concept of the "Fatherland", embodied in the state (country, native land) and devotion to it, has been preserved. Undoubtedly, as long as the people, states and countries exist, patriotism lives, which in its extreme form of ultra-patriotism to a certain extent coincides with the concept of "nationalism". According to the Great Russian Encyclopedia, nationalism is a political ideology and practice based on the

idea of the nation and its interests as *the highest values*. Depending on the understanding of a nation, nationalism has two main forms – civil, or state, and ethnic. Civil nationalism emerged in the era of bourgeois revolutions and formation of modern states on the basis of the idea of the nation and the people as *a fellow-citizen with a common identity and historical and cultural heritage*. This form of nationalism is aimed at substantiating legitimacy of the state and consolidating the civil nation, but *often contains attitudes towards discrimination and assimilation of minorities, as well as state expansion (messianism) or, conversely, isolationism*. This kind of nationalism is widely used by states through official symbols and ideological institutions (education, social sciences, mass media, etc.) in order to assert civil loyalty ("service and love for the Motherland", "respect for the country and the past"/etc.) and disseminate national legal norms, moral and cultural values" [10].

In our opinion, this definition of nationalism is the most complete and accurate, since it includes not only the idea of the nation as the highest value for the state, but also draws attention to two most common forms of understanding of this phenomenon. It points to its civic and ethnic essence with many extremes that follow from this, up to expansionism and isolationism, as well as to the historical time of this concept emergence. In particular, it connects the emergence of this concept with the era of bourgeois revolutions and formation of modern states on the basis of the idea of the nation and the people as a fellow-citizen with a common identity and historical and cultural heritage [10]. This completely coincides both with the above three-stage periodization of mental civilizations, and with the specifics of relationships in them between ethnic groups and the peoples (in the terminology of ethnographers – tribal relationships).

Not only journalists, but also some statesmen began to consider Nazism as manifestations of nationalism in different countries and regions of the world, for example, in Ukraine. We believe it necessary to recall that the term "Nazism" originated based on the abbreviation of the term "National Socialism", i.e. nationally oriented socialism. However, the socialist path of development was declared in the USSR [11].

However, while National Socialism was pro-

claimed in Germany, then International Socialism was declared in the USSR. But the essence was the same: the goal of the state was to proclaim its socially oriented foundations. When the army of the Third Reich treacherously crossed the borders of the USSR, it became necessary to categorically dissociate itself from "national socialism". So there appeared an abbreviation "Nazism", to which the term "Fascism" was later added in its negative sense. Thus, soldiers of the Red Army fought with the Nazis and fascists, but not with the socialists [11].

After the end of World War II, the term "Nazism" became synonymous with words such as xenophobia, nationalism, chauvinism, and fascism. All these words in modern Russian have received an extremely negative meaning and therefore, as a rule, are used to disparage political opponents.

In recent decades the term "Neo-Nazism" (New Nazism, New National Socialism) has also become widespread. It is understood as the movement that, after the 2nd World War, united nationalist organizations close to National Socialism in their program settings or declaring themselves as followers of the National Socialist German Workers' Party (NSDAP) [11].

Although the movement of Neo-Nazism is heterogeneous, but since 1962, most organizations that are part of it have united into the World Union of National Socialists (WUNS). At the end of 2012, 44 organizations were officially registered in Russia. Moreover, almost all of them have their own Internet resources and the press. Today, WUNS groups exist in Belgium, Bulgaria, Bolivia, Brazil, Venezuela, Great Britain and many other countries. In Russia, representatives of Neo-Nazi movements are the All-Russian civic-patriotic movement "Russian National Unity" (RNU), the National Socialist Movement "Slavic Union", the community "White Colour" and some others [12]. By 2010, many of them had been banned in the Russian Federation by decisions of courts of various instances.

It is important to specifically note that after religious mental civilizations, humanity has not at once and not simultaneously begun to move to a scientific worldview. This process began in the European countries in the 15–16th centuries and then spread to other world countries. In particular, science actively developed in Italy,

England, France and Germany. The religious worldview set forth in the Scriptures, as well as religious norms and dogmas, were completely rejected by apologists of the Enlightenment (Voltaire, Diderot, Holbach, Locke, etc.). The formation of secular law was the fruit of the intellectual activity of people [1; 5].

However, many states even of the modern world follow requirements of canonical (religious) law, for example, Iran, Kuwait, the United Arab Emirates, Pakistan, Tunisia, Saudi Arabia, etc. It is worth mentioning that they are also forced to make changes to their legislative norms today under the pressure of changed living conditions [5].

Thus, the very concept of "extremism", as an extremely negative phenomenon of social life of the peoples, arose only in the early 20th century. The "International Convention for the Suppression of the Financing of Terrorism" (October 9, 1998) and the "International Convention for the Suppression of Terrorist Bombing" (February 15, 1997) were adopted only at the end of the 1990s.

The Council of Europe Convention on the Prevention of Terrorism was adopted in 2005. Adopted earlier, the European Convention on the Suppression of Terrorism (1977) is still applied by almost all EU countries [2].

In our country, the Federal Law No. 114-FZ of July 25, 2002 "On Countering Extremist Activity" and the Federal Law No 35-FZ of March 6, 2006 "On Countering Terrorism" are in force.

According to the Shanghai Convention on Combating Terrorism, Separatism and Extremism, adopted on June 15, 2001, these acts are understood as a forcible seizure of power or forcible retention of power; forcible change of the constitutional order of the state, and violent encroachment on public security, including organization for these purposes of illegal armed formations or participation in them. In domestic legislation, in particular in the Federal Law "On Countering Extremist Activity", the concept of extremism is revealed through the enumeration of acts that are interpreted as extremist.

So, it can be argued that throughout its existence, humanity has had a different attitude to those phenomena that our contemporaries perceive as extremist and terrorist, since each of the mental epochs has its own specific worldview, norms and rules of behavior, as well as its

own value world. It is the reason of the absence of concepts of nationalism, Nazism, Neo-Nazism and Fascism, perceived and qualified as criminally punishable acts, in religious mental civilizations.

Still, humanity has never been mentally homogeneous in its spiritual views: both ethnic groups inclined to tribal (pagan) traditions of organizing their lives and those refusing not only pagan, but also monotheistic beliefs have lived side by side for centuries. We can bring a vivid example from a modern life: inhabitants of the Far North tend to a pagan worldview and people with atheistic views, who, as a rule, live in large megacities of different countries of the world. It is worth mentioning that the number of people with atheistic views in the world is steadily growing, approaching 17% today [13]. And those who consider themselves believers have a very vague idea of both God and the scriptures in which He is represented and characterized [4].

So, in the modern world, representatives of religious extremist views believe that strict adherence to the Scriptures is the most correct and righteous and do not spare their own lives to revive traditions and customs of religious eras, while their “antipodes”, who are “nationalists”, suppress the identity of their fellow citizens of other ethnic groups, forcibly impose on them views alien to their mentality and being, including religion, language, traditions and customs of life.

What is the mental specifics of nationalists in comparison with carriers of other types of extremism? How does this affect the construction of a system of prevention and counteraction to nationalism in the Russian penal system?

Although these issues have been very little studied, nevertheless, it can be said that the mental specifics of nationalists is manifested not only in propaganda of the ideas of superiority of one nation over all others and the actions caused by these views and aimed at the humiliation and forced assimilation of other peoples, but also in the pursuit to build a one-nation sovereign state, with all the negative consequences that follow from this for other ethnic groups, up to the official fixation (recording) of persons of the titular nation or an indication of their ethnic origin (for example, (Kazakh of Russian origin” [10–12].

It is widely known that nationalists kill their ideological and political opponents not only in their own country, but also abroad. Everyone remembers, for instance, murder of journalists Oles’ Buzina, Sergei Sukhobok and politician Oleg Kalashnikov in Ukraine and killing of Dar’ya Dugina and military blogger Vladlen Tatarskii in Russia, as well as attempted murder of many others.

In this respect (in particular, according to the methods used to achieve their goals), nationalists are very similar to extremists who profess racism and chauvinism as well as to those who adhere to the ideas of superiority of one language, culture and religion over others.

Penal system employees should take into account that the worldview and activities of nationalists are directly opposite to those ideas professed, for example, by religious extremists. As a rule, the latter are obsessed with the idea of merging all ethnic groups and peoples into a single world brotherhood on a spiritual basis, and not on a national (ethnic) basis (for instance, creation of a world caliphate in the modern world or unification of all Christians into a single world spiritual brotherhood (“New Age”, etc.) [1; 5].

Nationalists try to use religious views of their fellow citizens for the sake of their isolationist aspirations. In this regard, the example of Ukrainian nationalists, who initiated the receipt of a tomos of autocephaly for the Orthodox Church of Ukraine from the Patriarchate of Constantinople, is very indicative [14; 15]. This happened in Istanbul (Turkey) under President P. Poroshenko on January 6, 2019. There is nothing surprising in the fact that the President of Ukraine Vladimir Zelensky proposed to the Verkhovna Rada to postpone the Christmas celebration date from January 7 to December 25. The Explanatory Note to the document submitted by V. Zelensky to the Parliament stipulates that the proposed changes are aimed at amending Article 73 of the Labor Code of Ukraine, i.e. a purely secular document. The main reason for changing the Christmas celebration date is the Ukraine’s desire to abandon Russian influence and the imposed tradition of celebrating Christmas in January [16]. According to this proposal, December 25 will be celebrated as Christmas, July 15 — as the Ukrainian Statehood Day, and

October 1 — as the Defenders and Defendresses of Ukraine Day [16].

What are methods, techniques and means to resist nationalist views in the penal system of modern Russia?

Unfortunately, the experience of foreign penitentiary systems and domestic penal system does not allow us to present a sufficiently effective, successfully tested, holistic system of prevention and counteraction to nationalist views. The reasons are objective. First, the available experience is extremely scarce and insufficient for scientifically-based generalization and dissemination (as, by the way, for other types of extremism and terrorism). Second, the phenomenon of nationalism and its main manifestations have been little studied. We can only add to the above-listed features of nationalists that adherents of nationalist views are very heterogeneous both in their aspirations and in the degree of their involvement in nationalist organizations and movements. Among them one can find both fanatically minded people who, as our experience shows, practically do not perceive any arguments of reason and are not amenable to persuasion, as well as people who are unstable in their views or accidentally found themselves in nationalist organizations. Third, the circle of penal system employees, who purposefully study characteristics of nationalists and carriers of all other radical ideas, is extremely limited.

For example, employees of operational, regime, educational and psychological services should not only know aspirations of representatives of all extremist views and the specifics of their mentality, but also, taking into account the specifics of their official activities, possess skills and techniques of their recognition, prevention and counteraction. For example, just as when working with religious extremists, penal system employees should know the content of primary sources of monotheism (the Torah, the New Testament, and the Koran), paganism and neopaganism, history of the formation and development of different ethnic groups, when identifying and re-socializing nationalists it is necessary to show them the formation of the people that they consider the best. It should be taken into account that nationalists, as a rule, have distorted or fictitious ideas about historical processes that are planted by their ideologists [1; 4; 5].

Nationalists should be pointed out that not authoritarianism, dictatorship, or the will of the leader, but reasonable arguments are a way of influencing people's thinking and a decisive condition for changing their consciousness and accepting certain decisions, including issues of relations with other ethnic groups and peoples. The scientific worldview is tolerant of all judgments and positions, hypotheses and theories. It cannot exist without a pluralism of opinions, different points of view, debates, and discussions. It is the new mental civilization that defines the "right to self-determination of nations".

At the same time, penal system employees should know that ideas related to a sense of national dignity and defending their national identity are inherent in all ethnic groups and peoples of the world, since they are a form of self-preservation of national identity. This form can increase or, on the contrary, fade away in different historical conditions, depending on the threats that come from the surrounding ethnic groups and peoples.

So, in particular, if we are talking about re-socialization of Ukrainian nationalists, then it is necessary to show them the whole path that those numerous and different in their ethnic origin, language and traditions of life tribes of Krivichi, Drevlyans, Polyans, Radimichi, Vyatichi, Tivertsy, etc. had passed before the appearance of that tribal formation of the Eastern Slavs, from which those peoples who consider themselves Belarusians, Russians and Ukrainians descend [17].

Nationalists should get an idea that geopolitical and climatic conditions of their life affect the formation of a particular people, religious beliefs and many other things influence the mentality of ethnic groups, which ultimately determines the identity and uniqueness of a particular people in its current state.

Penal system employees, using concrete examples, should describe how families, growing, acquired the status of a genus, how clans were united into tribes, how customs and traditions of each family, clan and tribe were formed, as well as disseminate the idea that forcible imposition of one's own language, culture, traditions, customs, the value world and norms of being on another ethnic group or people contradicts human development trends. Moreover, these

employees should demonstrate the formation of the people not only using examples of past eras, but also of modern life. As an illustration, they can use the concept of “Dagestani” being formed today and including a great number of different-language ethnic groups for which the Russian language has become the unifying principle, and the Constitution of the Russian Federation has become the basic norms and rules of behavior.

Penal system employees should have educational materials and training tools. This, in turn, poses fundamentally new tasks for the entire system of training and retraining of employees of the Federal Penitentiary Service of Russia so that, taking into account the profile of their work, they can conduct purposeful work with nationalists as well as with persons with extremist religious and other beliefs. What is more, it is necessary to create a special group (department) in the Federal State Institution Research Institute of the Federal Penitentiary Service of Russia, which, in cooperation with employees of educational institutions and territorial bodies, can organize special experimental work in order to identify not only the mental and ideological-ideological specifics of extremists and terrorists of all stripes, but also methodological foundations for the prevention and counteraction to their extremist views.

The best practices in preventing and countering extremist and terrorist views in the penal system of Russia are important and should be generalized and disseminated. However, in accordance with realities of the new scientific-oriented mental era, it is the purposeful experimental research work that should become the basis for identification of carriers of extremist and terrorist views and resocialization of convicts.

Besides, all educational institutions of the Federal Penitentiary Service of Russia need to focus efforts on training and retraining of penal system employees to prevent and counteract beliefs of nationalist and other radical character, taking into account specifics of their official activities.

Conclusions. The article briefly dwells on key aspects of preventing and countering nationalist views in the penal system of Russia. Foreign and domestic penitentiary systems address fundamentally new tasks, including prevention and counteraction to nationalism. There is no hope that they will be solved by themselves or within the framework of traditional approaches, methods and techniques applied in the penal system. The purposeful work of all structural divisions of the Federal Penitentiary Service of Russia is necessary to solve fundamentally new tasks that are dictated by realities of new times.

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“He Beat Prisoners of War for the Slightest Violations ...”: Practice of Bringing Nazi Accomplices to Criminal Liability (Based on Archival Materials of the Federal Security Service of Russia in the Vologda Oblast)

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Abstract

Introduction: the article examines the practice of bringing to criminal liability of accomplices of Nazi occupiers from among Soviet citizens after the end of the Great Patriotic War. *Purpose:* based on the analysis of the archival case to reveal the mechanism of criminal prosecution of collaborators. *Methods:* theoretical methods of formal and dialectical logic, empirical methods of description and interpretation, historical and biographical, textual and formal legal methods. *Results:* the study of archival materials demonstrates the tragedy of the fate of Soviet servicemen who were captured by the Germans during the Great Patriotic War. In relation to Soviet prisoners of war, the Nazis provided for a cruel regime that doomed them to gradual death from starvation and inhuman treatment. Persons who collaborated with the Nazis became accomplices of the criminal occupation policy. After the defeat of the German army and its surrender, most collaborators were sent to special (screening and filtration) camps of the NKVD (People's Commissariat for Internal Affairs). The Smersh Counterintelligence Department carried out operational and investigative measures to establish and document the facts of treason to the Motherland and cooperation with the Nazi occupiers. Persons whose criminal activity could be confirmed by evidence were tried by a military tribunal on the basis of Article 58-1 “b” of the Criminal Code of the RSFSR and Article 2 of the Decree of the Presidium of the Supreme Soviet of the USSR “On penalties for Nazi villains guilty of murder and torture of Soviet civilians and captured Red Army soldiers, for spies, traitors to the Motherland from among Soviet citizens and for their accomplices” of April 19, 1943. As a rule, accomplices of Nazi crimes served their sentences in penal camps of the Gulag.

Keywords: Great Patriotic War, Soviet prisoners of war, Nazi occupation policy, screening and filtration camps, collaborators, prosecution.

5.1.1. Theoretical and historical legal sciences.

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Introduction

Russian historical and legal science is interested in the events of the Great Patriotic War, its results and consequences. Previously inaccessible archival documents are introduced into scientific circulation, unknown facts are revealed, their interpretations and assessments are given, and complex and fundamental issues are discussed. Among insufficiently studied aspects of the war are special activities of the NKVD-NKGB and the Smersh Counter-intelligence Department considered as state inspection or filtration of Soviet citizens who found themselves in the territory occupied by the enemy.

The filtering mechanism and the activities of special NKVD camps for checking former prisoners of war and repatriates are considered in the works of A.F. Bichehvost [1], A.V. Latyshev [2–4], V.S. Khristoforov [5], V.V. Shevchenko [6], as well as the author of this article [7–10]. They reveal regulatory and organizational-structural aspects of filtration measures, a number and composition, life support and labor use of convicts, as well as organization of political work with them. The fate of the persons who passed special examination, namely circumstances of their capture in German captivity, cooperation with the Nazis and criminal prosecution for the illegal acts committed, are much less studied.

According to the four-volume book “The Great Patriotic War. 1941–1945” almost 85 million people, i.e. 45% of the population of the Soviet Union, lived in the regions captured by the Nazi occupiers [11, p. 116]. Besides, according to various estimates, 4–6 million Red Army soldiers were taken captive [12, p. 234; 13, p. 248; 14, p. 5; 15, p. 5; 16, p. 6]. Over 3 million Soviet citizens actively participated in the resistance movement, fighting in partisan detachments. Millions of compatriots sabotaged activities of the occupation authorities, supplied food to the partisans, and sheltered underground workers [17, p. 153]. However, there also were those who cooperated with the German authorities and even fought on the side of the enemy. According to researchers, from 200 thousand to 1.5 million Soviet citizens served in armed formations of the Wehrmacht and institutions of the German occupation administration [18, p. 154]. The nature, typology and manifestations of collaboration during the Second World

War are studied in detail in the monograph of the Doctor of Sciences (History), Professor M.I. Semiryaga [19], therefore, we will not delve into the description of the military-political and socio-psychological essence of this phenomenon, but will focus exclusively on historical and legal consequences.

After the liberation of the occupied territories, the internal affairs and state security agencies addressed the task of checking persons who had been captured or on the occupied territory in order to identify traitors to the Motherland, as well as saboteurs and enemy agents. For this purpose, special NKVD camps were formed by the Resolution of the USSR State Defense Committee No. 1069ss of December 27, 1941 and the NKVD Order No. 001735 of December 28, 1941, [2, pp. 134, 194]. By the Order of the NKVD of the USSR No. 00100 of February 20, 1945 special camps were renamed screening and filtration camps (SFC), and the Department of Special Camps of the NKVD of the USSR was renamed the Department of Screening and Filtration Camps (DSFC of the NKVD of the USSR) [1, p. 73].

In total, according to A.V. Latyshev, from January 1942 to March 1, 1946, 652 thousand people were sent to special and screening and filtration camps [8, p. 16]. Most of them passed the examination successfully and were sent to local military enlistment offices, and then to units of the active army. Suspects of betrayal and treason were arrested, and cases against them were sent to military tribunals of the NKVD of the USSR.

One of the 69 special camps [4, p. 16] operating in the USSR in 1942–1945 was the screening and filtration camp No. 0313, located in the Karelo-Finnish SSR. It was organized by the Order of the NKVD No. 001403 of November 20, 1944 for the inspection and labor use of Red Army prisoners of war who had previously been in Finnish captivity. Initially, the camp was stationed in Petrozavodsk and was designed to accommodate 4 thousand people. In accordance with the NKVD Order No. 00838 of July 13, 1945, the camp was relocated to Medvezhyegorsk for convicts to take part in the construction of the White Sea-Baltic Canal. The capacity of the camp was increased to 9 thousand people, and 4 camp departments were formed in the structure of the camp. As of September 20, 1945,

8,282 people were kept in the camp, 2,699 of whom were Vlasov's supporters and served in German formations [20].

The archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast has a partially declassified archival file on serviceman N., a native of the Vologda Oblast, who was interrogated at the SFC No. 0313 and convicted of treason and collaboration with German occupiers (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84).

The structure of the case includes a resolution on the solution of a preventive measure, a resolution and an arrest warrant, a search report, a questionnaire of the arrested person, interrogation protocols, a resolution on the indictment, an indictment in the investigative case, and a verdict of the military tribunal. It is possible that the case also contains protocols of interrogations of witnesses, but such documents probably have access restrictions.

It should be noted that archival cases of the NKVD–NKGB and the Smersh Counterintelligence Department belong to the category of the most difficult to study historical sources. This is due to the fact that the testimony of the accused may contain distorted or unreliable information, taking into account possible facts of physical and psychological pressure on the arrested and their being in pre-trial detention. On the other hand, these documents contain unique information that allows us to find out prerequisites and reasons that prompted a particular serviceman to embark on the path of cooperation with the enemy, study the mechanism of bringing to justice, and clarify his/her future fate. All this requires the researcher to know the specifics of the Soviet legal proceedings [21; 22] and the specifics of office documentation of the judicial investigative bodies of the NKVD–NKGB [23].

The purpose of the study is to reveal a mechanism of criminal prosecution of collaborators based on the analysis of a specific archival case. To achieve this goal, it was necessary to find out the specifics of office documentation of the judicial investigative bodies of the NKVD–NKGB and the Smersh Counterintelligence Department, circumstances of the capture of Red Army servicemen, motives for cooperation with

the enemy, organization of special checks in the NKVD camps, grounds for bringing former prisoners of war to criminal liability, the content of the indictment base, stages of investigative measures, and the court verdict.

The following research methods are used: theoretical methods of formal and dialectical logic and empirical methods of description and interpretation. Private scientific methods adapted to the tasks of historical and legal research are also used, in particular, a historical and biographical method aimed at describing, reconstructing and analyzing life circumstances and the socio-psychological portrait of a collaborator; a textual method focused on critical analysis of the information contained in the text with regard to possible distortions, contradictions and omissions; a formal legal method consisting in the interpretation of norms of law and existing legal practice. The chosen methodology helps achieve the purpose and objectives of the study.

To protect personal data, names and surnames of law enforcement officers, persons who underwent special verification and were brought to criminal liability, as well as witnesses and eyewitnesses mentioned in this article, are not published. Names of localities are original (according to the person involved in the criminal case), but are accompanied by necessary explanations and comments. When quoting the text of a document, text omissions are indicated by an ellipsis enclosed in square brackets.

Research

On August 19, 1945, the senior investigator of the Smersh Counterintelligence Department at the screening and filtration camp No. 0313 signed a decree for the arrest of a serviceman N., born in 1921, a native of the Ustyuzhensky District of the Vologda Oblast, suspected of committing crimes under paragraph “b” of Article 58-1 (treason was understood as actions committed by USSR citizens to the detriment of the military might of the Soviet Union, its state independence or the inviolability of its territory, including: espionage, revealing military or state secrets, defection to the enemy, escape or flight abroad. Paragraph “b” of Article 58-1 provided for the highest measure of criminal punishment – execution with confiscation of property) of the Criminal Code of the RSFSR. According to the decree, N., while at the front,

was captured by the Germans. Performing the duties of a food distributor in the camp, he treated prisoners of war roughly, did not give them the required products and systematically beat them. Later he served in the German army and was awarded a medal for his diligent service. He was exposed by the testimony of witnesses and his confessions (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 1).

In order to avoid the escape of the suspect, it was decided to place him in custody. On August 28, 1945, N. was arrested by the counter-intelligence department and transferred to the NKVD Belomorstroy detention center (Medvezhyegorsk). The search report indicates that nothing was seized from the detainee (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Pages 4 and 5 flesh side).

The arrest materials fixed his biographical data: a citizen of the USSR, Russian by nationality, non-partisan, single, primary education (1–4 grades), a firefighter, social origin – from peasants, after the revolution – a middle peasant, did not belong to counter-revolutionary organizations, was not engaged in socio-political activities, was not subjected to repression under Soviet rule. Until 1940, he worked in agriculture: first on his father's farm, then on a collective farm. In 1940, he moved to the Chagodoshchensky District of the Vologda Oblast and worked at a factory before being enrolled in the Red Army (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Pages 5, 9).

The first protocol of the interrogation was dated August 14, 1945 and signed by the senior investigator of the Smersh Counterintelligence Department of the 289th Infantry Division. Before the interrogation, N. was notified about liability for giving false testimony under Article 95 of the Criminal Code of the RSFSR. N. reported that on October 24, 1940, he was called up by the Chagodoshchensky district military commissariat and sent to one of the rifle units stationed in Lithuania. There he was trained, and then transferred to the 232nd rifle division, in which he served as a private until about August 1941. He took part in battles with the Germans in the Baltic republics. In the summer of

1941, near Staraya Russa, he was captured by the Germans (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 6).

N. described circumstances of the capture as such: "As a machine gunner, the squad commander ordered me to hold on as long as possible to cover the division's retreat. When people left, at least most of them, I loaded the machine gun on the wagon and wanted to catch up with the division myself, but it was too late. The Germans bypassed us. I was forced to surrender to save my life" (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 6 flesh side).

Further, the investigator's questions concerned N.'s behavior during his captivity and his subsequent stay in German camps. According to N., when captured, the Germans did not interrogate him, but only conducted a search, during which they seized his watch and a machine gun with ammunition. Until the summer of 1942, he was in the prison camp in the village Pochinok (it may be the village Pochinok in the Demyansky District of the Leningrad Oblast, since July 5, 1944 – the Novgorod Oblast), then he was transferred to the camp in village Pekashino (it may be the village Pekakhino in the Demyansky District of the Leningrad Oblast, today – the Novgorod Oblast). The document has different variants of the above mentioned village, such as Pekashino, Pekakhino, Pokashino), where he stayed until the beginning of 1943. In the camps, he worked in the camp kitchen as a laborer and then as a bread distributor, and brewed coffee for the Germans. On behalf of the camp administration, he stood at the post with a rifle, guarding the territory without fences from the intrusion of unauthorized persons. As a result, he received great privileges: he lived in a separate dugout, ate in the kitchen without restriction and had the right to freely stay outside the zone, which he used to communicate with women (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Pages 7 and 7 flesh side).

The investigator asked, "you had a possibility of free exit from the camp, why you did not flee?" and got a frank answer, "I did not run away, because the work was easy, they fed well and paid

enough. I lived better than in the Red Army and did not fear for my life. Coming out of this, I decided not to rush into the unknown" (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 7 flesh side). Thus, the main reason for cooperation with the Germans was the pragmatic factor, which consisted in the desire to save life and improve his position in captivity by occupying a privileged position in the camp.

Another part of the questions concerned N.'s relations with other prisoners of war. Initially, the interrogated person stated that "he had treated prisoners of war well and had not hurt anyone". Then, under pressure from the investigator, he admitted that in the spring

autumn of 1942 he hit a prisoner of war several times for picking up a bone from the ground near the camp kitchen and "often pushed prisoners of war away from the kitchen" (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 7 flesh side).

In conclusion, the investigator asked N. to disclose circumstances of enrollment in the battalion of the 30th German Division and service in these units. N. reported, "in February or March 1943, the prison camp in the village Pekashino was disbanded (in February 1943 the territory of the Demyansky District was freed by the Soviet army). [...] I was among 10 people enlisted in the battalion of the 30th German Division, where I served until the day of the German surrender, performing various jobs". Besides, N. mentioned that in 1943 he took the oath "to serve the Germans honestly", and in 1945 he received a bronze medal of the 2nd degree "for honest work" from the German command (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 8).

In the interrogation protocol of August 28, 1945, the arrested man gave new testimony regarding circumstances of his surrender: "our department worked on a machine gun. I was the 1st reserve number and was in the trench nearby the machine gun. When the Germans went on the offensive and came close, the soldiers loaded the machine gun on the cart and began to catch up with the units. I was afraid that I might be killed, stayed in the trench and surrendered to the Germans". When asked, why

he had previously given incorrect testimony, N. stated that he "had tried to hide the fact of voluntary surrender and thereby reduce guilt before the Motherland" (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 10 flesh side).

Then N. clarified the location of branches of the German prison camp (he did not report its number and name), which, due to the change in the front line, had been transferred several times from one settlement to another. So, he spent the first week in captivity in Staraya Russa, then he was kept in villages 45 km far from Staraya Russa for about a month, then in the village Pochinok until the summer of 1942, in the village Obran' (it may be the village Obran' in the Demyansky District of the Leningrad Oblast, today – the Novgorod Oblast) for two or three months and in the village Pekashino until January–February 1943 (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 11).

Further efforts of the investigators were aimed at encouraging N. to admit his guilt and confirm facts of criminal activity in German captivity. The interrogation protocol of September 1, 1945 had the following statements: "Working as a bread distributor in the prison camp in the villages of Pochinok and Pokashino, I criminally used my position and treated prisoners of war roughly, pushed them away from kitchen and often inflicted blows. There were cases when I beat prisoners of war without sufficient grounds. I recall certain events now. In the autumn of 1942, I kicked three times [...] for trying to lift bones near the kitchen. Somehow, when dividing bread in the village Pekashino I beat the prisoner of war Boris for expressing dissatisfaction with the distribution of bread. [...] In the spring of 1942, I beat [...], who also expressed dissatisfaction with the distribution of bread. I remember hitting him several times on the back with my fist. Perhaps there were other cases when I beat prisoners of war, but I don't remember now. Besides beating prisoners of war and pushing them away from the kitchen, I constantly insulted them. It is my fault that the prisoners of war did not always receive their bread allowance. When distributing additional pieces of bread to the main ration, they fell into the basket, and when prisoners of war made some

comments about this, I pushed them away. For some time, insistently demanding a fair distribution, I threatened to deprive them of bread, but I never did it. Once in Pekshino, because of my denunciation, the Germans beat a sergeant, who was especially dissatisfied with the bread distribution order. It was said that the sergeant was beaten in front of the formation, but I did not see it myself. [...] As a bread distributor, I was around the Germans. For fun the Germans and I could throw pieces of bread into the crowd of prisoners. Laughing at them, I cried, "Russian Schwein (pig), Vologodsky – good". Because of my addiction to using German words that I knew, I was called Franz in the camp. I lived with the Germans, and prisoners of war cleaned my boots along with theirs" (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Pages 13–14).

The interrogation protocols also included excerpts from witness statements read out by the investigator. So, a witness [...] testified that in December 1942, when N. was carrying a bowl of pea soup to the garbage, he asked to give him this soup. In response to the request, N. cursed him and said that "he would better give the soup to a dog of the Ober-Lieutenant than to a prisoner of war". N. replied that he did not remember it but this fact could be possible, "since the Germans forbade helping prisoners of war in any way" (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Pages 14–14 flesh side).

To the investigator's question: "What prompted you to embark on the path of assisting the Germans and criminal treatment of Soviet prisoners of war?", N. explained, "After becoming a bread distributor, I realized that in order to stay in this place, it was necessary to please the Germans and pursue their policy. I copied their rough treatment of prisoners. Besides, I was rude towards prisoners, because I did not believe in the Victory of the Red Army over fascist Germany" (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 14 flesh side). Thus, in addition to purely selfish considerations, the decision to cooperate with the occupiers was explained by military-political and moral-psychological factors, namely, successful offensive of the Wehrmacht and N.'s

conviction of the inability of Soviet troops to repel enemy aggression.

The interrogation protocol of September 2, 1945 reveals circumstances of N.'s enrollment in the German army. According to him, in January or February 1943, in the camp in the village Pekakhino, the German Ober-Lieutenant announced to the prisoners of war that they were enlisted in the German army and would be distributed among the units. For some time, the prisoners worked on logging, and then were sent to the working (sapper) battalion of the 30th German Infantry Division. There N. took the oath of allegiance to the German command. They took the oath in the village Suslovo near Staraya Russa (it might be the village of Suslovo of the Starorussky District of the Novgorod Oblast). According to N., before the formation of the battalion, a German Lieutenant read out the text of the oath of anti-Soviet content, after which everyone signed its acceptance. In the working battalion, N. was a private, received a monetary reward of 68 marks per month and got food in the amount of a German soldier. According to the interrogation protocol, N. had no weapons and did not participate in battles against the Red Army and partisans. The personnel of the battalion were engaged in the construction of roads and defensive structures in the German rear. As the Red Army advanced, the battalion retreated to Libava (or Liepaja – a city in the south-west of Latvia, on the Baltic Sea coast). Here, on May 9, soldiers of the battalion were transferred to the Soviet command and subsequently sent to special camps.

On September 6, 1945, the Deputy Head of the Smersh Counterintelligence Department No. 0313 approved a resolution on the indictment of N. under paragraph "b" of Article 58-1 of the Criminal Code of the RSFSR. According to this document, N. in the area of Staraya Russa in the summer of 1941, participating in battles against the Germans as a private of the 232nd Infantry Division, surrendered to them following his premeditated plan. During his stay in the prison camp, he worked as a bread distributor in the camp kitchen and often replaced the Germans at the camp guard post. Using his position, he treated Soviet prisoners of war roughly, called names and beat them. From January–February 1943 to the day of the German surrender, he served as a private in the working (sapper) battalion of the 30th Ger-

man Infantry Division, where he took the oath and received an award – a bronze medal of the 2nd degree. The document had the signature of the accused. A copy of the resolution was sent to the prosecutor of the Petrozavodsk garrison (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Page 17).

During the interrogation on September 6, 1945, in which the Deputy Military Prosecutor of the Petrozavodsk garrison took part, N. admitted all the charges and explained that he had surrendered in order to save his life and that he had carried out all further criminal activities in order to have good relations with the Germans.

The indictment on the investigative case No. 2170 of September 14, 1945, signed by the Head of the Smersh Counterintelligence Department No. 0313 and the Military Prosecutor of the Petrozavodsk Garrison, contained all of the above charges. In addition, it indicated that criminal actions of N. were exposed by witness testimony and confrontation with a witness [...]. Considering the investigation of the case completed and the guilt of N. proved, the senior investigator of the Smersh Counterintelligence Department of the Belomorsky Military District, Lieutenant [...], sent the case to the Military Prosecutor of the Petrozavodsk garrison in accordance with Article 208 of the Criminal Procedural Code of the RSFSR to bring the accused to a military tribunal. For further detention, N. was transferred to the Military Tribunal of the Petrozavodsk Garrison (Archive of the Office of the Federal Security Service of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Pages 38–39).

On September 18, 1945, the permanent session of the Military Tribunal of the Belomorsky Military District in a closed court hearing in Medvezhyegorsk, consisting of Presiding Captain of Justice K., Captain K., Red Army soldier N., Senior Lieutenant of Justice K. (secretary), considered case No. 0053 on charges of the former Red Army soldier of the 232nd Infantry Division N. The materials of the case and the judicial investigation revealed that the defendant N., being on the front line of the Western Front, in August 1941, during a battle in the area of Staraya Russa, voluntarily surrendered to the Germans with a machine gun and then was sent to a prison camp. Being in the prison camp, N. in September 1941 worked as a bread distribu-

tor for prisoners of war until February 1943, while periodically performing duties of a guard of this camp. While serving as a bread distributor, N. mistreated Soviet prisoners of war and beat the latter. So, in the autumn of 1942, he kicked a prisoner of war three times because the latter, being half-starved, picked up a bone from meat in the kitchen and wanted to eat it. In October 1942, he beat two prisoners of war with his fists because the latter demanded the issuance of a full ration of bread. At the same time, N. denounced Sergeant Fedor to the head of the camp, since the prisoner expressed dissatisfaction with the food. For this, the prisoner Fedor was beaten before the formation.

Mocking Soviet prisoners of war, N. systematically did not give them required norms of bread and threw the remaining pieces into the crowd of prisoners of war, calling them “pigs”. Having earned the trust of the Germans, in February 1943 he voluntarily joined the German army – the sapper battalion of the 30th Infantry German Division. He received a reward of 68 German marks (670 rubles) per month. He served there until May 9, 1945, i.e. until the day of the surrender of Nazi Germany. During his time in the German army, in early 1945, N. he received an award from the German command, in particular, a bronze medal of the 2nd degree and took the oath of allegiance to the service of Nazi Germany.

Having found N. guilty of committing a crime, but “not identifying in the circumstances of the case the need to apply the highest measure of criminal punishment (execution) to the defendant”, the permanent session of the Military Tribunal on the basis of paragraph “b” of Article 58-1 of the Criminal Code of the RSFSR and Article 2 of the Decree of the Presidium of the Supreme Soviet of the USSR “On penalties for Nazi villains guilty of murder and torture of Soviet civilians and captured Red Army soldiers, for spies, traitors to the Motherland from among Soviet citizens and for their accomplices” of April 19, 1943, sentenced N. to exile to hard labor for a period of 20 years, followed by a loss of rights for five years, without confiscation of property for the absence of such. The beginning of the term, taking into account pre-trial detention, was calculated from August 28, 1945. The verdict was declared final and was not subject to cassation appeal (Archive of the Office of the Federal Security Ser-

vice of the Russian Federation in the Vologda Oblast. Archive 25. Case 84. Pages 52–53 (flesh side).

Conclusion

The study of materials of the considered archival case clearly demonstrates the tragedy of the fate of Soviet servicemen in the initial period of the Great Patriotic War. In the summer and autumn of 1941, the Nazi invaders occupied the north-western regions of the USSR, including the territory of modern Leningrad, Novgorod and Pskov oblasts. As in other sectors of the Soviet-German front, a large number of Soviet soldiers were trapped here in the first months of the war. Being in an enemy environment, many of them sought to avoid fascist bondage at any cost, but not everyone managed to escape.

In relation to Soviet prisoners of war, the Nazis provided for an extremely cruel regime, condemning them to death from starvation and inhuman treatment. In these conditions, there were those who preferred to go over to the enemy amid hopes to save their lives. As a rule, such persons tried to earn the favor of the German camp administration in order to get a privileged position in the camp staff and regular meals. In some cases, as evidenced by the re-

viewed archival case, the path from an additional meal portion to the oath of allegiance to Hitler was quite fleeting, and the price of betrayal was very high. Persons who collaborated with the Nazis became accomplices of the criminal occupation policy, the instrument of murder and torture of their compatriots.

After the surrender of Germany, most collaborators were sent to special (screening and filtration) camps of the NKVD. The Smersh Counterintelligence Department carried out operative and investigative measures to establish facts of treason to the Motherland and cooperation with the Nazi occupiers. Persons whose treacherous activities could be confirmed by evidence were tried by a military tribunal in accordance with paragraph "b" of Article 58-1 of the Criminal Code of the RSFSR and Article 2 of the Decree of the Presidium of the Supreme Soviet of the USSR "On penalties for Nazi villains guilty of murder and torture of Soviet civilians and captured Red Army soldiers, for spies, traitors to the Motherland from among Soviet citizens and for their accomplices" of April 19, 1943. As a rule, accomplices of Nazi crimes served their sentences in penal camps of the Gulag.

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Punishment, Prevention and Protection of Rights as Areas of Combating Juvenile Delinquency

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Abstract

Introduction: the article indicates insufficient effectiveness of criminal punishment and traditional methods of countering juvenile delinquency in the conditions of modern socio-economic and socio-political reality. Criminal punishment has proved unable not only to solve the problem of preventing minors from criminal activity and achieve the goal of criminal punishment, but even to localize and contain criminal threats that are causing social tension. *Purpose:* systematic scientific substantiation of problems of criminal punishment, prevention and protection of the rights of juvenile convicts, definition of preventive measures. *Methods:* the methodology is characterized by traditional methods of cognition, based on modern principles and doctrinal approaches successfully applied in human and social sciences, including criminology, criminal law, legal psychology, sociology, and penal law. The research is interdisciplinary in nature, the following research methods are used: comparative-historical, systematic, content-analytical, sociological, statistical, contextual analysis, and perspective analysis. *Results:* prevention of crimes committed by minors, including through criminal law, is a complex, multifaceted and diverse phenomenon. Not only the state of crime, but also the achievement of goals of the criminal and penal policy of the state depend on its effectiveness. The main attention should be focused on preventive work with minors who are prone to antisocial and illegal behavior. As a rule, we are talking about criminological and psychological prevention of juvenile delinquency. Issues related to ensuring personal security are also important, including such an aspect as serving a sentence of imprisonment in juvenile correctional facilities. By studying and analyzing a whole range of causes, it is possible to boost effectiveness of crime prevention. *Conclusion:* the tightening and intensity of criminal repression measures do not bring a positive result and often lead to even worse results. A lack of proper rehabilitation work, re-socialization and social adaptation of minors who have served a criminal sentence in the form of imprisonment is one of the reasons for their repeated criminal behavior. A high scientific significance of the problem mediates the focus on obtaining new conclusions about criminal punishment as a socio-legal phenomenon, including psychological, political, and moral aspects.

Key words: victimological prevention; juvenile correctional facility; punishment; juvenile convict; prevention; juvenile delinquency.

5.1.4. Criminal law sciences.

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Introduction

The state of juvenile delinquency is one of the indicators revealing development of culture, morality, spirituality and universal values of modern society. Therefore, the fight against juvenile delinquency and the prevention of crimes committed by these persons are crucial tasks of our time and of every developed society.

About six thousand suspended sentences are appointed by the court annually [1]. However, it is widely believed that the appointment of a suspended sentence does not meet punishment goals in domestic criminal law, testifies to the impunity of a juvenile offender, reduces the authority of the power, and undermines a fundamental principle of inevitable punishment. Despite the existence of a wide variety of punishments not related to deprivation of liberty and isolation from society in criminal legislation, they are not used in practice, which indicates problems of law enforcement. However, it should be noted that a significant number of suspended sentences are due to the specifics of juvenile offenders.

Often, when sentencing a minor, there is no alternative to sanctions, which prevents courts from imposing milder types of punishments, while deprivation of liberty does not create significant obstacles. Such circumstances directly contradict international acts, for example, the UN Standard Minimum Rules concerning the Administration of Juvenile Justice. Therefore, criminal law and the court should have a wide range of measures for the administration of punishment against minors that are not related to deprivation of liberty.

Besides, penal law lacks norms that would regulate the specifics of punishment execution in relation to minors, namely: the exercise of mandatory and correctional work is hindered due to the fact that the provisions of labor legislation regarding the organization of work of minors are not defined; there is no alternative punishment for minors maliciously evading serving a sentence. In general, such circumstances reduce effectiveness of crimi-

nal law and penal policy of the state. Thus, we can identify the following problems: gaps in the legal regulation of the appointment and execution of punishment to a minor; a lack of uniformity of judicial practice in terms of the appointment and execution of a criminal punishment not related to deprivation of liberty; and a lack of legislative consolidation of the characteristics of minors as a socio-demographic group. Due to the above circumstances, in practice, the courts apply a penalty in the form of imprisonment.

Successful socio-economic development of the state is impossible without ensuring citizens' well-being in terms of their legal protection, confidence in the future, etc.

Not only positive historical experience, but also modern scientific achievements and technologies should be taken into account to promote legitimate behavior among minors.

The problems of studying juvenile delinquency in Russia and abroad have traditionally been the focus of attention of scientists. Among the foreign researchers, the works of E. Durkheim "Sociology and philosophy", G. Tarde "Young Criminals", E. Sutherland "Sociology of crime", etc., are worth mentioning.

Various aspects of juvenile delinquency were considered by Yu.M. Antonyan, M.M. Babaev, R.A. Bazarov, L.I. Belyaeva, V.Yu. Golubovskii, L.V. Gotchina, I.Ya. Kozachenko, M.F. Kostyuk, S.V. Maksimov, I.M. Matskevich, A.V. Naumov, Yu.E. Pudovochkin, A.V. Shesler, D.A. Shestakov, and V.E. Eminov.

The research

Prevention of juvenile delinquency should be based on a conceptual approach based on advantages of an individual approach. Countering juvenile delinquency should be considered as a set of interdisciplinary approaches aimed at suppressing, minimizing and reducing potential antisocial and criminal impact on these individuals.

In 2022, there was a decrease in the number of juvenile delinquents, as well as crimes committed with their participation (30,469) [2]. In

our opinion, the decline in crime rates was facilitated by activities of law enforcement and other agencies to prevent illegal behavior of minors. The search for effective ways to prevent crimes is currently underway.

Thus, the Ministry of Internal Affairs of Russia proposes to endow its employees with new responsibilities, such as monitoring violators of public order and conducting preventive conversations with drug addicts. Relevant amendments are to be made to the Order of the Ministry of Internal Affairs of Russia No. 205 of March 29, 2019 "On service of a district police officer at the serviced administrative area and organization of this activity". The main goal is to eliminate contradictions and legal and technical errors in various regulations. Drafters of the amendments refer to a legislative lacuna that persons who have violated Article 19.3 of the Administrative Code of the Russian Federation "Disobedience to the lawful request of a police officer" or are engaged in "discrediting authorities" and "public dissemination of extremist views" are not subject to registration. In addition, a district police officer will be able to conduct preventive conversations with drug addicts or issue official warnings to them; the previous version of the order implied the application of these measures only in relation to alcohol addicted people [3].

Criminal legislation has also been amended by increasing the number of criminally punishable actions against sexual inviolability and sexual freedom of the individual. So, in 2022, a special relapse was fixed in law; Part 5 of articles 131 and 132 of the Criminal Code of the

Russian Federation were set out in a new edition, extending its effect to the protection of victims up to 18 years (previously it was up to 14 years).

As a rule, these crimes are committed outside of school hours due to a lack of employment, organized leisure of children, and proper upbringing and supervision on the part of parents. The connection between the excess of free time, low culture of its use, on the one hand, and antisocial behavior, on the other, is indisputable. These factors contribute to the commission of crimes by minors.

We should also mention a significant increase in the number of drug crimes committed by minors (2,066). The number of children and adolescents died of drug overdose has increased 2.5 times since 2017 [4], possibly due to the emergence of new psychoactive substances, including synthetic ones, which are more accessible compared to classical types. Their use leads to severe poisoning, psychosis and suicide.

A rise in the number of underage drug addicts is also triggered by a general increase in the consumption of psychoactive substances in free circulation, as well as tranquilizers and sedatives with psycholeptic properties [5].

All this has an extremely negative impact on the structure of the distribution of convicted minors depending on the crimes committed. The share of minors serving sentences for crimes involving narcotic drugs and psychotropic substances is 27.5%.

The practice of courts to impose compulsory treatment on a minor causes concern.

Table 1
Data on compulsory treatment imposed on minors by the court (as of January 1, 2023) (%)

	Juvenile correctional facility	Men	Women
Not imposed	97.8	98	94.6
Imposed on people suffering from a mental disorder that does not exclude sanity	2.2	2	5.4
Imposed on people suffering from a mental disorder of sexual preference (pedophilia), not excluding sanity	–	–	–

A negative trend in some juvenile correctional facilities is worth mentioning: administration

staff rarely goes to court to prescribe compulsory treatment to underage convicts (Table 2).

Table 2

*Data on imposition of compulsory treatment
on a minor by the court on the recommendation
of the correctional institution administration (as of January 1, 2023) (%)*

	Juvenile correctional facility	Men	Women
Not imposed	99.4	99.4	100
Imposed on people suffering from a mental disorder that does not exclude sanity	0.6	0.6	–
Imposed on people suffering from a mental disorder of sexual prefer- ence (pedophilia), not excluding sanity	–	–	–

Along with solving social issues, systematic work is currently underway to improve domestic criminal legislation and implement policy documents aimed at creating a safe, comfortable and friendly environment for minors. Activities are being carried out to test and introduce the index of children's well-being and develop a methodology for calculating the child budget.

Despite the measures taken in the field of protection of children's rights, the problems remain acute and require close attention and comprehensive solutions from all interested structures responsible for the implementation of state policy in the field of protection of children's rights.

The facts of violence among minors are becoming a common phenomenon. In 2022, 24,031 criminal cases were initiated on crimes against minors, which is 1.1% less than in 2021. According to the results of the investigation, 12,930 criminal cases were sent to the courts for consideration, which is 4.2% more than in 2021 [6].

As part of the sociological research, a survey of parents related to the issues of physical and mental safety of the child is conducted. The most common parental fears are related to issues of physical and mental safety. Respondents' confidence in the safety of their children depends on their environment.

Historically, the institution of the family has been a factor in the stability of the state. One can assess development of the state according to the latter's attitude to the family. In this regard, all the problems related to the creation,

functioning and disintegration of the family will always remain crucial. Strengthening the institution of the family is at the same time protecting the rights of minors.

It is worth noting that age characteristics are taken into account by many authors when formulating typologies of victims. For example, B. Mendelsohn suggested "a completely innocent victim" as one of the categories. Such a victim, according to the author, can be a child or a completely insane person. Hans von Hentig, studying the relationship between the victim and the perpetrator, distinguished three classes of victims: general class of victims, psychological types of victims and the activating sufferer. The first category is the youth and children, they are physically weak and most likely to become victims of attacks, while childhood is the most dangerous period of life [7, p. 71].

Minors are a category characterized by increased victimity, since they cannot actively counteract the commission of a crime. Criminals take this fact into account when choosing an object of encroachment. It should be noted that the family and an educational institution are the most important subjects of preventive care. The family, as the closest social circle, plays a significant role in correcting teenagers' behavior. Attentive attitude of close relatives, as well as competent preventive action can significantly reduce the level of propensity to victim behavior. A psychologist of an educational institution can diagnose certain potentially dangerous features in the behavior of a minor. Monitoring of the psychological state should

be carried out systematically. A psychologist should focus both on the minor him/herself and his/her parents, clarifying causes and conditions of the development of potentially dangerous behavioral characteristics and their correction, as well as, if necessary, describing the mechanism of work of specialized institutions providing assistance to minors (crisis centers, trust services, psychological assistance centers, etc.).

It seems that the prevention of violence is facilitated by amendments to the Federal State Educational Standard of Basic General Education, which provide for the mandatory study by minors of the main dangerous situations of an illegal nature, mastering the skills of optimal behavior in dangerous situations and ways to overcome them.

The institute of school mediation plays a significant role in the prevention of violence against minors. This issue is most relevant in situations where a child suffers from violence from peers, persons who, due to their age, cannot be brought to criminal liability. However, it seems that this institution will also be effective in a situation of violence on the part of teachers. Nevertheless, it is worth paying special attention to the persons performing functions of a mediator. In order for the latter to work effectively and efficiently in the regions, it is necessary to organize special psychological, pedagogical, and legal training of mediators working in educational institutions and resolving disputes between peers and teachers.

Unfavorable trends in ensuring children's health remain relevant despite numerous policy documents adopted in the field of healthcare. The conducted analysis of the provision of the rights to health to children indicates the need for cardinal measures to form a healthy lifestyle in children and adolescents, increase effectiveness of existing preventive measures, involve parents, teachers, healthcare professionals, and the public in the implementation of joint activities, and ensure regular monitoring of children's exposure to behavioral, social and environmental risks.

In the early 20th century, an American criminologist R. Goddard noted that most criminals were persons with a weakened psyche, for which he was criticized in many later studies.

For example, in Japan, a weakened psyche is not considered a significant delinquency factor. This is due to the improvement of intelligence testing methods, introduction of greater clarity in the evaluation criteria, noticeable progress in the protection of persons with impaired mentality, and inclusion in the plans of programs to improve special education of such persons. It can be said that the problem of a weakened psyche and delinquency is connected rather not with personality traits of minors, but with social conditions of their life [8, pp. 222–223].

The spiritual world of a person has a significant impact on his/her spiritual and bodily health. This indicates the importance of the synthesis of genetics with psychology, sociology, philosophy, legal science, as well as with psychiatry, especially in the part devoted to socially dangerous acts of persons with mental illnesses [9, p. 267].

Mental illnesses are more common among minors who live in an urban environment, because the city infrastructure harms the psyche. An urban environment is more dangerous for mental health than a rural area. Regions with a greater number of children with mental disabilities are the following: the city of Moscow, the Moscow Oblast, Altai Krai, the city of Saint Petersburg and Krasnoyarsk Krai. Alcoholism and drug addiction are more common among adolescents living in rural areas [10], which entails committing crimes and, as a consequence, serving a sentence in juvenile correctional facilities.

We can bring an indicative example. Fifteen-year-old P. killed his own parents. According to P., his parents did not love him, did not show any care and affection towards him, and drank alcohol. P. was 9 years old when he started drinking alcohol. Half of the inhabitants of the rural settlement did not work and had casual earnings. While drinking alcoholic beverages, he had a quarrel with his father, and inflicted at least three blows with an axe to the father and killed the dozing mother [11].

Drunkenness, alcoholism, and crime are closely connected antisocial phenomena [12].

Current forms of statistical reporting do not contain the column "rural area", which negatively affects the study of juvenile delinquency indicators in this area and, accordingly, timely

response to ongoing negative processes and the formation of effective measures to prevent this type of crime.

Mental disorders of convicts significantly affect the implementation of their regime of

detention in juvenile correctional facilities. Undoubtedly, every convict is a certain direction in psychological prevention [13, p. 61].

The distribution of juvenile convicts depending on mental health is presented in Table 3.

Table 3

*Distribution of convicts depending on their mental health
(as of January 1, 2023) (%)*

State of mental health of convicts	Juvenile correctional facility	Men	Female
Do not suffer	97.8	98	94.6
Suffer from oligophrenia (the stage of debility)	0	0	0
Suffer from other mental disorders	2.2	2	5.4

So, it shows low effectiveness of criminal punishment. The census results indicate a significant deterioration in some characteristics of

convicted minors serving sentences, for example, according to severity of the crime committed (Table 4).

Table 4

Distribution of convicts in juvenile correctional facilities by crime categories (%)

Category of crimes	2009 census [14, p. 30]			2022 census		
	Juvenile correctional facility	Men	Women	Juvenile correctional facility	Men	Women
Of minor gravity	1	1	0	18.5	0.8	0
Of moderate gravity	11.1	11.5	6.3	4.5	5.5	5.6
Serious	61.9	61.9	62.1	29.7	32.9	30.5
Especially serious	26	25.6	31.6	47.3	60.8	63.9

Conclusions

Social and criminal responsibility are important to effectively combat juvenile crime. The inevitability of social responsibility is expressed in an appropriate reaction to antisocial behavior, since the impact mechanism of such a reaction on the behavior of children and adolescents is largely similar to the impact mechanism of punishment. At the same time, with regard to criminal law, we are talking about legislative consolidation of the principles of inevitability and individualization of liability (punishment), since criminal law protects public relations from encroachments that have an increased public danger. Such acts, for the most part, are the result of connivance and impunity in the process of educating children and underage adoles-

cents; therefore, the principles of inevitability and individualization of liability, mandatory response to undesirable actions in the most diverse forms (conversation, persuasion) should be applied not as principles of criminal law, but those of legal awareness and morality, inevitability and individualization of social responsibility, since these requirements are not fixed in the law or any other normative acts, and their implementation, including the choice of forms and methods of influence, depends on the conscience and qualification of the educator [15, p. 215].

For correct and reasonable implementation of these requirements in the process of preventive work with minors, it is necessary to take into account age and psychological charac-

teristics. Upbringing of a child begins from the moment of his/her birth. At the same time, in early childhood concrete thinking prevails and it is instinctive and reflex reactions that mostly influence the psyche. When a person gets older, the second signaling system plays a decisive role, and he/she can perceive and evaluate phenomena independently and make decisions [15, p. 216].

Daily educational work is the main means of persuasion and coercion methods in the fight against undesirable acts, including the most socially dangerous.

Punishment is also a measure that affects the psychology and behavior of people, and in this sense it can be considered in the system of educational measures. The process of education is characterized, first of all, by continuous interaction between the educator and the edu-

cated; the educated person shows an attitude to the surrounding reality by his/her actions. It should be borne in mind that the methods of persuasion and coercion are different, but interrelated.

Domestic penitentiary institutions in the process of executing criminal punishment experience difficulties in methodological, informational and resource provision and are in dire need for non-traditional scientifically based algorithms of activity, as well as perfection of regulatory legal acts directly or indirectly affecting the problem of criminal punishment for crimes committed by minors.

The above gives rise to the need for comprehensive, interdisciplinary research in the problems of appointment and execution of penalties against minors, as well as prevention of antisocial and illegal behavior.

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Principles of Penitentiary Crime Prevention: Conditioning Factors, Sources and Their Classification

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Abstract

Introduction: the article shows a special place of penitentiary crime in criminological research and law enforcement and substantiates the importance of understanding methodological foundations of its prevention. *Purpose:* to determine theoretical prerequisites and the structure of crime prevention principles in places of deprivation of liberty. *Methods:* the research methodology mainly covers the analysis and synthesis of socio-legal phenomena, generalization and concretization, formal and system-structural analysis of legal doctrine, hermetic study of legal norms, as well as taxonomic classification. *Results:* the features of preventive impact on penitentiary crime are due to a number of factors that lie in the plane of theoretical understanding and practical significance of the prevention system. The identified factors determine the nature of penitentiary crime prevention principles. Normative and doctrinal sources of principles for the prevention of penitentiary crime should be singled out. *Conclusions:* conditioning factors express objectively existing problems of penitentiary reality, connected, first, with the personality of the convicted person as an object of prevention, second, with the implementation of preventive functions of subjects of prevention and, third, with measures of preventive impact on penitentiary crime. Transformation of conditioning factors leads to the objective need to revise principles of penitentiary crime prevention. The classification of principles provides an understanding of the extent of coverage of the relevant areas, levels and trends reflecting an object of the penitentiary crime prevention system, conceptual provisions, guided by which an effective preventive effect can be achieved. In the conditions of building a new security architecture of the penal system of the Russian Federation, there is an objective increase in the number of principles of the prevention of penitentiary crime and their acquisition of a complex character, in which the guiding principles express features of several interrelated scientific branches of knowledge.

Key words: isolation of convicts from society, correctional and preventive impact, criminal threats, prevention of recidivism.

5.1.4. Criminal law sciences.

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Introduction

Penitentiary crime occupies a special place in criminological research and law enforcement activities. This type of crime has specific patterns, requires special criminological knowledge in its cognition, leads to undermining the significance of the relevant type of state activity. According to V.S. Ishigeev and A.A. Protasevich, crimes committed in places of deprivation of liberty “pose a serious scientific, theoretical and practical problem, since the corresponding socially dangerous acts undermine the authority of the penal system, hinder the achievement of punishment goals, destabilize the situation in correctional institutions, and have a negative impact on convicts, reducing capacities of correctional and preventive effects on them” [1, p. 59]. In this regard, M.S. Krasil’nikova correctly sums up that the criminality of “convicts in places of deprivation of liberty is to some extent a criminological phenomenon, since the purpose of penitentiary institutions is to purposefully correct criminals” [2, p. 53]. Therefore, it is necessary to understand methodological foundations of the prevention of penitentiary crime, have an idea of the cornerstones of its implementation and thereby develop valid features of criminopenology, which actualizing the relevant socio-legal problems “represents a set of ideas, views, theories about the patterns of formation and development of penal crimes and criminality, causes, conditions of penalized crimes and criminality, persons committing penalized crimes and their victims, prevention of penalized crimes and criminality” [3, p. 85].

The analysis of penitentiary crime prevention ideas is possible on the basis of prerequisites of their scientific justification, which, with a certain degree of conditionality and in relation to the current study, can be called conditioning factors. Such a scientific justification allows us to outline not only the legally taken into account the discussed prevention principles, but also to identify promising doctrinal ideas that claim to be included in the list of penitentiary crime prevention principles. Thus, features of preventive impact on penitentiary crime are determined by a number of key factors that lie in the plane of theoretical understanding and practical significance of the prevention system, the construction and implementation of which is based on the relevant principles.

Results

Taking into account conditioning factors makes it possible to optimize the system of building principles for the prevention of penitentiary crime.

Thus, the first factor indicates the existence of a certain specifics and closeness of the corresponding object of preventive action. This specifics is manifested in objective-subjective patterns of the formation and gradual modification of penitentiary crime. In addition, the mentioned object exists against the background of a steadily recurring relationship between the state and the convict, who is mostly isolated from society, which reduces the transparency of relevant phenomena and processes accompanying criminal manifestations in the penitentiary reality. In addition, persons serving a criminal sentence in the form of imprisonment are primarily the object of correctional influence, while prevention of new offense commission has only a secondary character. Such prevention should be focused both on eliminating criminal tendencies of the convict’s personality that have led him/her to commit a crime(s) and, accordingly, on imposing criminal punishment, and on preventing the causes and conditions that may determinate new manifestations of his/her socially dangerous behavior during detention in places of deprivation of liberty.

The indicated features of penitentiary criminality should be perceived through the prism of the increase in the share of convicts serving imprisonment for the third or more time, which indicates their significant criminal involvement, subcultural absorption and personal resistance to correctional and preventive effects.

The second factor lies in the fact that there is a competitive looseness or a secondary nature of preventive functions of the subjects of countering penitentiary crime. A comprehensive analysis of the system of such subjects (both specialized, partially specialized, and non-specialized), as well as their content characteristics, demonstrates isolation of the tasks and functions of preventive activities as derivatives of the main competence. The primary competence in correctional institutions is correction, general management and coordination in bodies of criminal penalty execution, supervision of the execution of criminal penalties in prosecutors’ office, and investigation investigative

bodies. Undoubtedly, operational units and security departments of correctional institutions are focused on the priority implementation of preventive measures, but these units, being structural transitional units, are closely related to the achievement of the primary goal of penal legislation, enshrined in Part 1 of Article 1 of the Penal Code of the Russian Federation – correction of convicts. Moreover, all departments of a correctional institution will be engaged in the implementation of penitentiary probation, enshrined in the Federal Law No. 10-FZ of February 6, 2023 “On Probation in the Russian Federation” (hereinafter referred to as the Probation Law).

The third factor presupposes the isolation of officially fixed means and forms of crime prevention from the actually required tools for preventing recidivism in places of deprivation of liberty. Thus, Part 2 of Article 6 of the Federal Law No. 182-FZ of June 23, 2016 “On the Basics of the System of Prevention of Violations in the Russian Federation” (hereinafter referred to as the Prevention Law) fixes means of implementing key directions to prevent offenses in the Russian Federation. However, both directions and means of their implementation do not sufficiently informatively correlate with the specifics of penitentiary crime. After all, the Prevention Law is not focused on closed social systems in which the emphasis of integrational relationships of the relevant organization and the environment is laid on interpersonal relationships, each part (level) of the organization performs strictly defined functions and is based on procedural coordination of its levels, and one of the main indicators of effectiveness is the formation of socially adaptive abilities of individuals, leaving it. The fundamental difference between a closed social system and an open one is that the effect of external influence is significantly ignored (in relation to the performance indicators of its functioning). This thesis is also supported by Yu.Yu. Tishchenko, stating that “when a convicted person enters places of deprivation of liberty, his/her communication circle is significantly narrowed” [4, p. 230]. Consequently, we may consider the penal system as a closed social system. It seems possible to extrapolate such criticism to forms of preventive impact, which are fixed in Part 1 of Article 17 of the Prevention Law. In addition, it should be noted

that the legislator in Part 2 of this article fixes the right of officials of penitentiary institutions, within the established competence, to prevent offenses by conducting preventive measures provided for in paragraphs 2-6 of Part 1 of Article 17 of the Prevention Law. However, since the Probation Law becomes effective on January 1, 2024, it is required to normalize the right of officials of penitentiary institutions to prevent offenses within the established competence and in such forms of preventive impact as social adaptation, resocialization, social rehabilitation (paragraphs 7–9 of Part 1 of Article 17 of the Prevention Law). After all, penitentiary probation is a set of measures aimed at both correcting convicts and preparing convicts (which in one way or another involves the implementation of social adaptation, resocialization, and social rehabilitation) serving sentences in the form of forced labor or imprisonment for release from these institutions.

Thus, the stated conditioning factors express objectively existing problems of the object, subject and measures of the penitentiary crime prevention system.

In the context of the factors outlined above, which lie in the plane of theoretical understanding and practical significance of the elements of the penitentiary crime prevention system, the principles of such prevention are of a significant scientific interest. These principles are the fundamental ideas on the basis of which the corresponding end result is achieved, the work of all subjects of preventive activity is consolidated, and the measures of influence applied by them are synchronized. The structure and content of the principles to prevent penal criminality are predetermined both by general tasks to prevent offenses, including crime, and by private ones, reflecting the specifics of relevant penal relations. Therefore, we cannot but consider principles of prevention of offenses, enshrined in Article 4 of the Prevention Law, which is largely of a framework nature and establishes general guidelines for influencing illegal behavior. In this case, the normative legal act is a source of the corresponding principles.

At the same time, in terms of the legal technique, the norms disclosing subjects and key directions for preventing offenses are fixed after Article 4 of the Prevention Law, that is, only after principles. This testifies to the meth-

odological priority of the principles to prevent human rights violations over elements of the prevention system and confirms the thesis put forward earlier about the fundamental role of ideas before the activities of subjects to implement appropriate measures of influence.

The legislator lists six points covering relevant principles of crime prevention. In the first two paragraphs, general legal principles are fixed, in particular, the priority of the rights and legitimate interests of a person and a citizen in the prevention of offenses and legality. The following two points unite the principles that can be qualified as systemic and procedural: ensuring the consistency and unity of approaches in the implementation of crime prevention, openness, continuity, consistency, timeliness, objectivity, sufficiency and scientific validity of the measures taken to prevent violations. The remaining fifth and sixth paragraphs consolidate the ideas reflecting fundamental requirements for the subjects of preventive activity: competence in the prevention of offenses, liability of these subjects and their officials for ensuring the rights and legitimate interests of man and citizen.

Considering normative legal acts as sources of relevant principles, it should be pointed out that, in accordance with Part 1 of Article 4 of the Probation Law, one of the probation goals is to prevent convicts from committing new crimes. Consequently, when implementing probation, it is necessary to be guided by the basic ideas enshrined in Article 3 of the Probation Law. Probation principles fixed in this norm can be divided into the following three groups depending on the functional purpose: 1) principles characterizing the legal basis for the implementation of probation (priority of the rights and legitimate interests of a person and citizen, compliance with the rule of law); 2) principles reflecting the status of its participants, or other organizational and legal principles (taking into account individual characteristics, circumstances and needs, voluntariness); 3) principles that characterize the procedure for the implementation of probation, or otherwise procedural principles (humanism, rationality of the use of coercive measures, corrective, social and other measures and measures to stimulate law-abiding behavior, openness (transparency), continuity). As can be seen, these fundamental ideas dif-

fer somewhat from the principles enshrined in Article 4 of the Prevention Law.

Comparing the principles of these laws, it is important to pay attention to the following points. So, on the one hand, from a theoretical and practical point of view it is reasonable to determine those principles of probation that most closely reflect fundamental ideas of preventing convicts from committing new crimes. On the other hand, all the probation measures, such as correction of social behavior, resocialization, social adaptation and social rehabilitation, protection of the rights and legitimate interests of these persons, are aimed, among other things, at preventing convicts from committing new crimes. Consequently, the principles underlying the implementation of these measures are also indirect postulates of the probation preventive process.

It is also necessary to focus attention on the fact that the probation principles can "cover" the architecture of prevention, including penitentiary crime, due to the presence of penitentiary probation, which, according to Paragraph 3 of Part 1 of Article 5 of the Probation Law, is applied to convicts serving imprisonment. In this regard, it is advisable to note that modern foreign studies also indicate a significant role of successful rehabilitation of prisoners in preventing recidivism of crimes [5; 6].

It can be summarized that the regulatory framework of penitentiary offense sources, including crimes, covers both relevant provisions of the Prevention Law and the Probation Law.

However, the sources of the penitentiary crime prevention principles can include not only normative legal acts, but also the corresponding criminological and scientific-branch doctrine. On this basis, the principles under consideration can be supplemented taking into account theoretical views of a number of researchers and a personal vision of the general paradigm of the issue.

To understand the socio-legal reality, it is advisable to use the methodology of taxonomic research. Therefore, to make the process of analyzing penitentiary crime prevention principles clear and scientifically representative, we apply a classification approach. This approach has already been used in the grouping of principles, with the normative legal acts being its sources.

It should be noted beforehand that the doctrinal application of penitentiary crime prevention principles depends on various grounds (criteria), the number of which, in fact, is unlimited and is in a permanent state of constant rotation and increase. Thus, considering the sectoral legal affiliation of preventive measures, we can talk about the existence of principles to prevent penitentiary crime based on relevant branches of law, legislation and science. For example, it is possible to form principles of intelligence-gathering prevention of penitentiary crime. According to S.S. Galakhov and N.B. Malikova, they "are the fundamental system ideas (principles) used in conducting law enforcement intelligence measures for the prevention of penitentiary offenses. Due to them, the process of implementing functions related to the execution of punishment in penal institutions and ensuring law and order and legality in them is improved" [7, p. 31]. In relation to the science of penal law, we can also assert the existence of a process of transformation of principles, which, among other things, are focused on guiding support and generalizing requirements for effective prevention of penitentiary crime. In particular, in the theoretical model of the General Part of the Penal Code of the Russian Federation (hereinafter referred to as the model), Article 2 fixes preventing convicts from committing new crimes as one of the goals of penal legislation. Accordingly, Article 9 contains principles of legal regulation, among which there is expediency, that is the combination of punishment with corrective and preventive action [8, pp. 63, 73–75, 77–79].

Consequently, by virtue of the sectoral criterion, the principles of penitentiary crime prevention can also have constitutional (administrative-legal), criminal-legal, criminal-procedural, and, of course, criminal-executive origin. At the same time, the doctrinal nature of the sources of relevant sectoral principles to prevent the type of crime under consideration presupposes a scientific interpretation of the fundamental ideas that are fixed in the norms of specific legal acts (in particular, Article 3 "Principles of law enforcement intelligence operations" of the Federal Law No. 144-FZ of August 12, 1995 "On law enforcement intelligence operations"). Attention should also be drawn to criminology that is also engaged in

the development of penitentiary crime prevention principles. Thus, penitentiary conflict is a particular direction of this scientific legal discipline, within the framework of which guidelines are also developed for the preventive impact on socially dangerous manifestations in places of deprivation of liberty. For example, A.P. Detkov states that analyzing "the nature of penitentiary conflicts, we come to the conclusion that there can be two or more subjects in the genesis of a conflict situation ("principle of layering"). During a conflict situation, objects of conflict can be correlated and modified depending on the level of complexity, or given a false character" [9, p. 38]. In turn, David Garland, a well-known foreign sociologist engaged in the study of criminological problems suggests using criminological expertise of relevant problems as an effective tool for the prevention of penitentiary crime in order to develop concrete proposals to reduce the level of criminal manifestations in this area, believing that it "also includes practical knowledge of how criminal justice institutions work" [10, p. 273].

Having chosen such a classification criterion as the criminological characteristics of persons in respect of whom the prevention of juvenile delinquency is carried out, it seems possible to identify a group of general fundamental ideas that should be guided by the prevention of delinquent behavior of each convict and groups of special ones involved in preventive work with certain categories of convicts. Thus, in the context of conceptual principles of prevention of neglect and juvenile delinquency, enshrined in Article 2 of the Federal Law No. 120-FZ of June 24, 1999 "On the Fundamentals of the System for the Prevention of Neglect and Juvenile Delinquency", E.G. Telegina draws attention "to basic principles that should include the legal basis for the prevention of penitentiary crimes among adolescents" [11, p. 96]. Accordingly, we can talk about principles of prevention of legal violations among women serving imprisonment, persons re-detained in correctional institutions, those with individual personality characteristics, etc.

Depending on the mechanism of preventive impact and configuration of criminal threats, it can also be argued that there are various groups of penitentiary crime prevention principles. In the context of the described classification

K.A. Nasreddinova points out the expediency of highlighting the principles of victimological prevention in places of deprivation of liberty. According to the researcher, such prevention has its own characteristics (in particular, presence of broader opportunities for interaction with convicts, connection with the prevention of “inversion” crimes, where roles of a criminal and a victim are changed) and helps put forward fundamental ideas of its implementation [12, pp. 47–48]. In addition, it is possible to distinguish a group of principles of prosecutorial supervision over the observance of legality in activities of correctional institutions, or, for example, as K.A. Kadyrova notes, “the principle of acts of prosecutorial response” [13, p. 33]. It seems that within the framework of this classification it is permissible to single out “principles and rules of missionary activity in places of deprivation of liberty” [14, pp. 26–30], that is, as fundamental ideas of the measures of spiritual and moral prevention of penitentiary crime.

Considering scientific and sectoral affiliation of preventive measures, we can assert the existence of criminal offense prevention principles based on relevant branches of knowledge. This criterion corresponds to the identification of corresponding groups of principles in penitentiary psychology and pedagogy [15], penitentiary administration [16], architectural penology [17, pp. 16–18; 18, pp. 321–328], penitentiary ecology [19, pp. 408–410] (“green” criminology [20, pp. 79–102]) and a number of other branches of knowledge used for general and private prevention of socially dangerous acts committed in correctional institutions and pre-trial detention facilities.

Proceeding from the criminological and scientific-branch doctrine, extremely diverse criteria can act as the basis for the classification of penitentiary crime prevention principles – a level (hierarchy) of legal acts containing sources of initial principles, a degree of scientific elaboration of relevant guidelines, and their legal significance. This list of criteria is not exhaustive. The emergence of new grounds is preceded by the expansion of the scope of guidelines for preventive action on potential crime, which, in turn, is a response to the growth of practically significant preventive tasks, transformation of trends and needs for the development of the Russian

penal system and ensuring public safety, emergence of new challenges and threats, that is, for a very wide range of circumstances.

Conclusions

The presented material allows us to formulate a number of basic theoretically significant conclusions that demonstrate the existence of pressing research issues related to the prospects of further effective impact on penitentiary crime.

1. The conditioning factors indicate objectively existing problems of penitentiary reality, connected, first, with the personality of the convicted person as a prevention object, second, with the implementation of preventive functions of specialized, partially specialized and non-specialized prevention subjects and, third, with measures (means and forms) of preventive action on penitentiary crime.

2. The identified factors determine the nature of penitentiary crime prevention principles. The conditioning factors and the underlying principles of preventive impact on criminal manifestations in places of deprivation of liberty correlate with each other, therefore, the transformation of relevant penitentiary problems necessitates the revision of penitentiary crime prevention principles.

3. Normative and doctrinal sources of penitentiary crime prevention principles should be identified. In terms of dialectical cognition of their immanent properties, it seems possible to perceive normative sources as a form of the essence of preventive impact on penitentiary crime, while doctrinal ones – as content.

4. The classification of the principles considered shows the extent of coverage of the relevant areas, levels and trends reflecting an object of the penitentiary crime prevention system by guidelines, governed by which effective preventive impact can be achieved.

5. In the conditions of intensive transformation of penitentiary relations, increased amount of substantive tasks that the Russian penitentiary system addresses nowadays and the construction of a new architecture of its security, there is, first, an objective rise in the number of penitentiary crime prevention principles, and second, their acquisition of a complex character, in which the guiding principles express features of several interrelated scientific branches of knowledge.

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Modern Trends in the Development of Military Criminal Law in Russia



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Abstract

Introduction: the article is devoted to the analysis of modern trends in the development of military criminal law in Russia through the prism of its September 2022 reform. *Purpose:* to study changes in the Criminal Code of Russia introduced by the legislator in September 2022 and to identify their positive and negative aspects. On the basis of generalization of Soviet and modern experience of some post-Soviet countries to determine necessary changes in the current domestic and international situation to maintain a high combat readiness of the Russian army by improving the maintenance of military law and order. *Methods:* historical, comparative-legal, empirical methods of description and interpretation, theoretical methods of formal and dialectical logic, legal-dogmatic method and a method of legal norm interpretation. *Results:* consideration of historical and contemporary military events and a socio-political situation in general shows merits of the changes introduced by the legislator, however, there is a need for their significant improvement. *Conclusion:* since military service during wartime is of paramount importance for national security, it is necessary to improve legislation on crimes against military service, especially during mobilization, and law enforcement practice, which would enhance protection of state interests during wartime. Evasion of mobilization and unjustified surrender of means of warfare to the enemy should be criminalized. This will in one way or another affect combat effectiveness of the Russian army. Stiffening responsibility for military crimes will have a preventive effect.

Key words: military policy; military criminal law; reform of military law; military crimes; responsibility of servicemen; special military operation; partial mobilization.

5.1.4. Criminal law sciences.

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Legal relations related to military service, particularly in wartime, are always extremely important due to the special role of the army in protecting vital interests of society and the state. A comprehensive study of topical issues of criminality among military personnel is one of the important means of solving military-legal problems of public and state importance.

For many years, crimes against the order of military service have occupied an insignificant place in the share of crime in Russia. However, the state of affairs has changed since the beginning of a special military operation on February 24, 2022, the outcome of which will influence the geopolitical situation in the world and Russia. This circumstance also leads to significant amendments to criminal law, as well as law enforcement practice.

The Decree of the President of the Russian Federation No. 647 of September 21, 2022 "On the Announcement of Partial Mobilization in the Russian Federation" and the Federal Law No. 365-FZ "On the Introduction of Amendments to the Criminal Code of the Russian Federation and Article 151 of the Criminal Procedural Code of the Russian Federation were to ensure proper legal protection of relations that have arisen in connection with the conduct of military operations, namely, execution of the state defense order, mobilization and the associated procedure for military service.

Given the importance of the amendments to ensure the state security and the haste of their adoption, their scientific understanding is required from the standpoint of the criminal law doctrine and law enforcement, given that some of them, unfortunately, have certain flaws.

In 2022, the legislator introduced amendments to criminal law. However, the September package of amendments to the Criminal Code of the Russian Federation could be called a reform of military criminal law.

The legislator introduced a clarification of the aggravating circumstance provided for in paragraph "I" of Article 63 of the Criminal Code of the Russian Federation, in the form of committing a crime not only in conditions of armed conflict, but also "during mobilization or martial law, during wartime or in conditions of warfare", determined aggravating and specially aggravating elements of crime in the above conditions, and also criminalized acts in the form of voluntary surrender, looting, violation of terms

of the contract and the state contract for the state defense order (articles 201.2, 201.3, 285.5, 285.6 of the Criminal Code of the Russian Federation¹).

Major amendments concerned tightened liability for the commission of crimes during the period of mobilization or martial law, in wartime or in conditions of armed conflict or warfare. Despite the existence of legal definitions of the introduced special circumstances, the application of the concept of mobilization may be complicated, since legislation lacks a definition of the moment of its termination. Senior officials' statement about its completion seems clearly insufficient; this fact should have a legal formalization, for example, in the form of Presidential decree.

New elements of crime provide for more severe punishment. With such high terms of imprisonment, the probability of a suspended sentence is significantly reduced. In the current complex military-political conjuncture, public danger of consequences of committing these acts is increased. For example, mass unauthorized abandonment of positions on the front line can lead to their occupation by the enemy. To return the territories lost, assault actions are conducted, as a rule, with greater losses than those of the defending side. At the same time, those soldiers who did not succumb to cowardice and violate discipline, would bear losses. Even one copy of the new equipment left on the neutral front line can lead to its capture by the enemy and further study by reverse engineering to improve the tactics of fighting it. All this can even affect the strategic situation at the front, and therefore the course of the armed conflict and the defense capability of the state as a whole.

Ya.N. Ermolovich gave approximately such reasons for determining an aggravating circumstance of committing crimes in wartime or in a combat situation in criminal legislation [1].

Another amendment is related to correcting a concept "crime against military service" fixed in Article 331 of the Criminal Code of the Russian Federation. Earlier Russian criminal legislation did not contain a criminal qualification of crimes against military service committed during wartime or in a combat situation. The amendments

¹ Since these articles are related only to executors of the state contract for the state defense order and not to the military, they will not be considered in this paper.

are made to eliminate legal gaps in the present and future. Recognizing paragraph 3 of Article 331 of the Criminal Code as invalid, the legislator restored the principle of legality, confirming the status of the Criminal Code as the only codified legislative act establishing criminality and punishability of the act. Special legislation on criminal liability for crimes against military service is not required to be adopted now [2, p. 889]. Paragraph 3 of the said article in the previous edition referred to the legislation of wartime. However, no such legislation was adopted either in 1996, at the time of the counter-terrorist operation in Chechnya, or in September 2022, at the time of the special military operation, but crimes were also committed in peacetime, but in a combat situation. One of the authors of the draft law Deputy Ernest Valeev described the problem as follows, "When the Criminal Code was adopted, the moments that the country could conduct a special military operation were not taken into account ..., now there is a need to fix it in criminal legislation" [3].

According to Kh.A. Musaev, more than three thousand crimes were committed by military personnel during the period of counter-terrorism operations in the North Caucasian region from 1999 to 2005 [4]. The scientist presents an example from judicial practice: an ordinary soldier voluntarily left a self-propelled artillery division in a combat position near the airport of Grozny and tried to go home, but was detained. At the same time, the court qualified the described act as negligence under Article 293 of the Criminal Code of the Russian Federation, and not as a crime against military service, despite the fact that it also referred to the violation of articles of the combat charter, which operated in a combat situation. The author, based on the statistics of the Main Military Prosecutor's Office of the Russian Federation, according to which 2,290 cases were initiated in the military Prosecutor's Office for crimes committed in a combat situation, concludes about the problem of conflict between norms of law and law enforcement: acts recognized as criminal only in peacetime and actually decriminalized in wartime and in a combat situation are recognized crimes in the presence of combat operations [4].

So, Kh.A. Musaev criticizes current (at the time before the introduction of new amendments to the Criminal Code of the Russian Fed-

eration) law enforcement practice, pointing to conflicts between general norms of law and the real situation in a combat situation, where many acts are essentially decriminalized, although formally recognized as crimes. The essence of the problem is the discrepancy between the legal qualification of such acts and the specifics of their commission during combat operations.

Now, the term "combat situation", mentioned only in Part 3 of Article 331 of the Criminal Code of the Russian Federation, for the application of which a special law was required, is absent, and terms "conditions of armed conflict" and "conduct of combat operations" in qualified and specially qualified elements of crimes against military service are present. Legislative definition of these terms is provided by the Supreme Court in paragraph 2 of the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 11 of May 18, 2023 "On the Practice of Consideration by Courts of Criminal Cases of Crimes against Military Service", eliminating legal uncertainty.

Having restored the principle of unified criminal legislation consisting only of the Criminal Code of the Russian Federation, the legislator adopted the Federal Law No. 270-FZ of June 24, 2023 "On the Specifics of Criminal Liability of Persons Involved in a Special Military Operation" and introduced new norms of criminal law without amendments to the Criminal Code of the Russian Federation, thus, in our opinion, contradicting to Article 1 of the Code. In addition, attention should be paid to violation of the legislative technique in the wording of Article 1 of the law that stipulates regulation of relations related only to exemption from criminal liability, while Article 5 refers to exemption from punishment. The legislator also did not consider it necessary to introduce the practice of applying postponement of execution of punishment to military personnel in wartime, which proved its value and effectiveness back in the years of the Great Patriotic War.

Separately, it is necessary to pay attention to the amendments to Article 332 of the Criminal Code of the Russian Federation. From now on, the mere fact of non-execution of an order during martial law, wartime, or in conditions of armed conflict or combat operations is an act that entails criminal liability regardless of the consequences; the penalty for the crime committed is already up to 10 years in prison, which

is twice as much as the maximum sanction in this article before amendments.

Determination of an act in the form of refusal to participate in military or combat operations is justified due to a large number of refusals of military personnel from being sent to the zone.

It should be pointed out that the legislator, by introducing Note 2 to Article 337 of the Criminal Code of the Russian Federation, established liability for unauthorized abandonment of a unit or place of service by citizens being in reserve and undergoing military training on an equal basis with contract servicemen.

The Criminal Code of the Russian Federation was supplemented with new compositions in the form of voluntary surrender (Article 352.1) and looting (Article 356.1) in the section of crimes against peace and security of mankind. The need to introduce Article 352.1 of the Criminal Code of the Russian Federation is related to the current state of the special military operation. Long time fighting, as well as the most serious losses in the 30-year history of armed conflicts, encourage the enemy to urge Russian soldiers to surrender into captivity. This is done in various ways: from the time-tested distribution of propaganda leaflets to the launch of entire projects to ensure traitor's escort, starting with expressing a desire to surrender and ending with the transition to the trench of Ukrainian military formations. Cases of voluntary surrender can demoralize other servicemen and be used by propaganda of the enemy and their allies to discredit combat capabilities of the Armed Forces of the Russian Federation. Moreover, further, both voluntarily and by blackmail, a prisoner can join collaborationist formations, which happened during the Second World War.

Due to the absence of the composition of "voluntary surrender" before the amendments, there were difficulties in studying criminal-legal characteristics of this act [5]. It hampered qualification of the specified composition; it could be considered as desertion (Article 338 of the Criminal Code of the Russian Federation) [6] and high treason (Article 275 of the Criminal Code of the Russian Federation), to which the current Article 352.1 of the Criminal Code of the Russian Federation has a reference.

The issue of applying provisions of the Criminal Code of the Russian Federation to military personnel on circumstances excluding the criminality of an act, such as extreme necessi-

ty, physical or mental coercion, remains debatable, since it is not clear whether participation in combat operations precludes the prevalence of life over the rest of goods. The Resolution of the Plenum of the Supreme Court of the Russian Federation No. 11 of May 18, 2023 "On the Practice of Consideration by Courts of Criminal Cases on Crimes against Military Service", in fact, does not disclose these circumstances.

In general, the amendments and additions are aimed at eliminating some legal gaps that have become more relevant than ever, as well as tightening responsibility in order to strengthen the overall prevention of acts that have an increased public danger in the conditions of warfare.

At first glance, voluminous changes in criminal law do not cover such an important legal relationship provided for by the Constitution of Russia as the fulfillment of the most important civil duty to protect the Fatherland. To date, there is an obligation to appear upon notice of local body of military administration, and there is no liability of persons subject to mobilization for evading it. At the moment, the compositions provided for in Chapter 33 of the Criminal Code of the Russian Federation cannot be applied to evaders from mobilization. According to Article 331 of the Criminal Code of the Russian Federation, subjects of military crimes can only be military personnel undergoing military service on conscription or under contract, as well as citizens who are in reserve during their military training. Currently, liability for non-appearance upon notice of local body of military administration during the mobilization period is provided only by articles 21.5 "Non-Fulfillment of Military Registration Duties by Citizens" and 21.6 "Evasion of Medical Examination" of the Administrative Code of the Russian Federation. The disposition of Article 328 of the Criminal Code of the Russian Federation provides for liability for evading conscription in the absence of legal grounds for exemption from this service. However, paragraph 2 of the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 3 of April 3, 2008 "On the Practice of Consideration by Courts of Criminal Cases on Evasion of Conscription and from Military or Alternative Civil Service" stipulates that subjects of this crime are male citizens who have reached the legal age from which they are subject to conscription or those who are liable

for military duty and are not in reserve, subject to conscription for military service in accordance with the procedure established by law. The Supreme Court of the Russian Federation indicates that after reaching the age limit for conscription, only persons who committed this crime before they reached the specified age may be subject to criminal prosecution for evading conscription, provided that the statute of limitations for bringing them to criminal liability has not expired.

Thus, Article 328 of the Criminal Code of the Russian Federation provides for liability for evasion from military service or alternative civilian service. At the moment, there is no judicial and even investigative practice for repeated failure to arrive at a recruitment office after receiving a summons without valid reasons by a person in reserve during the mobilization period. So, for example, the first criminal case initiated by the Zarechensk Interdistrict Investigative Department of the Investigative Directorate of the Investigative Committee of Russia in the Penza Oblast on September 28, 2022 for draft evasion during the mobilization period was terminated due to the recognition by the Prosecutor's Office of the Penza Oblast of the illegal decision on initiation [7]. The absence of liability was also confirmed by the head of the Federation Council Committee on Constitutional Legislation and State Construction Andrei Klishas, stating that "the issue of the need to make any amendments to the legislation in this part is subject to detailed discussion with the State Duma" [8]. Now a citizen is subject to liability only within the framework of Article 337 of the Criminal Code of the Russian Federation, if he passes a medical commission, an order is issued for him to enroll in the ranks of the Armed Forces of the Russian Federation, but he decides to run away, thereby really committing unauthorized abandonment of a unit or a place of service. In this case a soldier has already passed the conscription stage and therefore does not evade from mobilization. At the moment, the authorities, having officially successfully completed partial mobilization, are unlikely to make changes to the Criminal Code of the Russian Federation or even to the above-mentioned resolution of the Plenum of the Supreme Court of the Russian Federation. The only thing that now fills this gap is the above-mentioned precedent of the Penza Regional Prosecutor's Office, therefore it is

necessary to bring clarity at the legislative level.

The creation and maintenance of an effective defense system is the key to the sovereignty and security of any state. Mobilization for military service plays an important role in ensuring the combat capability of the country's armed forces. The existence of criminal liability for evading conscription serves as a deterrent for potential draft dodgers, thereby contributing to ensuring the country's defense capability.

Thus, in order to eliminate the legal gap, it is necessary to introduce criminal liability for evading conscription by a separate article of the Criminal Code of the Russian Federation, ranking liability for committing evasion in wartime.

The punishment provided for in Article 328 of the Criminal Code of the Russian Federation for committing a crime in these conditions does not meet the principle of proportionality. It is currently impractical to correct the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 3 of April 3, 2008 due to the lenient punishment provided for by the current legislation, which does not correspond to the principle of justice and is thus unable to implement a preventive task. We assume that some people consider punishment more acceptable than taking part in combat operations [9].

Experience of post-Soviet countries, for example, Belarus, is worth considering. Article 435 of the Criminal Code of Belarus, which is analogous to Article 328 of the Criminal Code of the Russian Federation, provides for liability for "evasion of conscription measures" in the form of punishment by community service, fine, arrest, restriction of liberty for up to 2 years, or imprisonment for the same term. At the same time, "evasion of conscription measures during mobilization" is fixed in Article 434 of in the Criminal Code of Belarus and is already punishable by imprisonment for a term of 2 to 7 years.

Article 336 of the Criminal Code of Ukraine provides for imprisonment for a term of 3 to 5 years for "the evasion of conscription for military service during mobilization, in a special period, for military service on conscription of reservists in a special period. We believe that classification of such acts as crimes of moderate gravity, as it is enshrined in the Criminal Code of Ukraine, does not correspond to the real nature of public danger of this act. Therefore, we find it reasonable to take the Soviet

criminal legislation as an example. Article 81 of the 1960 Criminal Code of the RSFSR for evading conscription provided for imprisonment for a term of 3 to 10 years, but the same act committed during wartime was already punishable by imprisonment for a term of 5 to 10 years or the death penalty.

We believe that introduction of this composition will ensure a serious attitude for mobilization measures or, in any case, will create an effective general prevention. The introduction of criminal liability for evading mobilization will contribute to an equal and fair distribution of the burden of military duty to protect the interests of the state and its people among citizens. This will prevent unpunished neglect of this duty.

Maximum sentences for evaders should be also differentiated. Introduction of different terms of punishment reflects the severity of the crime committed and takes into account the specific circumstances under which the evasion occurred. During the period of participation in an armed conflict, the political situation in the state becomes more tense and the need for military personnel to protect national interests is even more acute. Thus, tougher penalties for evading service during special military periods is a reasonable measure designed to ensure that citizens fulfill their duty to the Fatherland during a period of aggravated threat to national security.

Therefore, we propose to supplement the Criminal Code of the Russian Federation with Article 328.1 "Evasion of conscription for military service during mobilization" with the following content:

"1. Evasion of conscription for military service in the Armed Forces of the Russian Federation is punishable by imprisonment for a term of three to seven years.

2. The same act, as well as evasion of further conscription for military service in the Armed Forces of the Russian Federation, committed during martial law, during wartime or in conditions of armed conflict or combat operations are punishable by imprisonment for a term of five to ten years".

Undoubtedly, a high term of imprisonment and thereby classification of this crime as serious will significantly reduce a number of evaders. However, some people will prefer to serve a sentence in the form of imprisonment. In this regard, it is worth paying attention to Article 46

of the Criminal Code of the RSFSR "Postponement of the execution of a sentence to a serviceman or a person liable for military service in wartime" and introduce a similar institution into the modern Russian Criminal Code (Article 82.2) with modern formulations that meet the realities of participation in military confrontations, namely:

"1. During the period of mobilization or martial law, during wartime or in conditions of armed conflict or combat operations, the court may postpone the actual serving of the sentence imposed on a serviceman or a reservist subject to conscription or mobilization until the end of combat operations with the transfer of a convicted person to the army and further transfer to the zone of combat operations. In these cases, the court may postpone the execution of additional punishments.

2. In case a convicted person sent to the army has been promoted by a commander in accordance with the Disciplinary Statute of the Armed Forces of the Russian Federation or awarded a state award, then, on the recommendation of the relevant military command, the court may release him from serving his sentence or the rest of the sentence with the removal of his criminal record or replace the remainder of the sentence with a milder type of punishment.

3. In case, during the period of postponement of serving a sentence, a convicted person specified in Part 1 of this Article commits a new crime, the court shall impose punishment on him according to the rules provided for in Article 70 of this Code".

A negligent attitude to products of the military-industrial complex on the battlefield is another problem. So, according to the telegram channel "Military Informant", on February 24, during the landing at the Gostomel airfield, the Ka-52 helicopter was shot down by MANPADS. The crew made an emergency landing in a field near the airfield and was successfully evacuated. However, further, the helicopter had been left there for almost 40 days before the retreat of the Armed Forces of the Russian Federation from Kiev, where it was later found by Ukrainian soldiers. The helicopter was neither evacuated nor at least destroyed, while the Ukrainians took out the wreckage of the damaged modern equipment. The helicopter was left with all the technical component. After its discovery,

Ukrainian soldiers took the helicopter away and, most likely, studied it thoroughly together with specialists of the Armed Forces of NATO countries [10].

This loss can at least help the enemy and its allies in the fight against helicopter units of the Russian army and even further contribute to the development of military helicopter construction and, thus, the military-industrial complex as a whole. The possibility of the occurrence of these consequences can be confirmed by the fact provided by the "Free Press". The American MQ-9 Reaper UAV shot down and raised from the seabed in March 2023 gave the relevant units of the Russian Defense Ministry significant information about characteristics of some critical electronic components of this reconnaissance and strike drone [11].

To prevent such a situation, the authors suggest introducing Article 340.1 with such a composition as "surrender or abandonment of the means of warfare to the enemy" into of the Criminal Code of the Russian Federation. The wording can be taken from Article 261 of the Criminal Code of the RSFSR, following the example of Kazakhstan and Ukraine.

Public danger of the crime "surrender or abandonment of the means of warfare to the enemy" is obvious, since it encroaches on the ability of the chief to perform his duties under any conditions and decisively direct actions of his subordinates in the interests of military law and order [12].

In Soviet legislation, in case the chief of the military forces surrendered the military to the enemy and/or abandoned fortifications, military equipment and other means of warfare not in a combat situation, but these actions did not pursue the purpose of assisting the enemy, he was punishable by imprisonment for a term of three to ten years or the death penalty.

In the Criminal Code of Ukraine, this act is enshrined in Article 427, which is similar to the above article, except for the presence of capital punishment. In the Criminal Code of Kazakhstan, the disposition of the article is the same, but the sanction already provides for imprisonment for a term of ten to twenty years or life imprisonment with or without deprivation of citizenship of the Republic of Kazakhstan.

The authors propose to supplement the Criminal Code with Article 340.1 of the following content:

"Surrender of the military to the enemy by the chief of military forces, as well as abandonment of fortifications, military equipment and other means of warfare to the enemy not in a combat situation, in the absence of elements of a crime provided for in Article 275 of this Code".

The sanction in this case should be no milder than a similar norm of the Soviet criminal law, with the exception of the death penalty.

Summing up, it should be noted that military service during military conflicts is of paramount significance for the protection of vital interests of society and the state, and therefore the legal relations associated with it are of particular importance. The issue of crimes against military service, both in general and committed during or in connection with mobilization, remains relevant in connection with Russia's participation in armed conflicts, both on the territory of the former Soviet Union and other restive regions of the world. This requires constant comprehensive research, including taking into account modern challenges and threats in the military sphere.

Proceeding from the above, it is possible to predict further development of criminal legislation, which does not always keep up with changing social relations, remaining imperfect.

In particular, it is necessary to resolve the issue of introducing criminal liability for evading mobilization, especially when the country needs to replenish the ranks of the armed forces. Probably, in the September 2022 socio-political conjuncture, the legislator did not want to immediately introduce criminal liability for evading mobilization, so as not to provoke additional complications of the domestic political situation associated with the population's disapproval of mobilization measures introduced for the first time after the Great Patriotic War. However, in the current geopolitical situation, it is necessary to introduce liability for evading mobilization to prepare for possible large-scale military conflicts, in which the quality of mobilization measures at the first stages of the war can play a decisive role.

In order to form a responsible attitude to products of the military-industrial complex and national security directly on the battlefield, it is reasonable to introduce criminal punishment for unjustified surrender or abandonment of the means of warfare to the enemy. Competent

handling of the means of warfare will mainly prevent the enemy from gaining access to Russian weapons technologies.

Tightening of the responsibility for military crimes is justified already in terms of creating a preventive effect for the population, which will undoubtedly work against one or another part of unstable persons and increase the vigilance of the authorities.

It is important to note that committing crimes against military service during the mobilization period undermines combat readiness of the army and poses a threat to the national security of the state. Therefore, criminal law protection of military service during mobilization needs further improvement both at the level of legislation and law enforcement practice in order to boost legal protection of state interests in wartime.

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Criminal Registration in the Service of the Penitentiary System



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Abstract

Introduction: the article deals with problems of information and analytical support of law enforcement intelligence operations conducted by bodies and institutions of the penal system, considered in dissertations defended in dissertation councils at educational and scientific organizations of the Federal Penitentiary Service of Russia. Specific attention is paid to the use of personal biometric data of persons held in places of deprivation of liberty. The author analyzes a fairly long historical retrospective of the use of criminal registration in penitentiary practice. This work is evaluated from the point of view of obtaining results of law enforcement intelligence operations and is positioned as an informational basis for operational investigative identification. The legal basis of modern criminal registration in the penal system is evaluated. The author also considers modern hardware and software complexes designed for personal identification, as well as issues of interaction between the Federal Penitentiary Service of Russia and other departments, primarily internal affairs bodies, in addressing these issues. *Purpose:* based on a retrospective analysis of the essence and content of criminal registration in the penal system, to make a conclusion about prospects for its development in the modern period and foreseeable future. *Methods:* universal method of cognition – dialectical materialism based on the laws of dialectics; formal logical methods – analysis, synthesis, induction, deduction, abstraction, analogy; general scientific methods – observation, comparison, description, etc.; and private scientific method of historical analogy. *Results:* the analysis of the criminal registration development in the penitentiary system shows that further improvement of this area of information support for operational investigative activities is associated with the use of modern hardware and software and the establishment of close interdepartmental interaction. *Conclusions:* the modern Russian penal system needs to ensure further development of criminal registration, taking into account the experience gained in this area by other law enforcement agencies and special services, including foreign ones. It is also necessary to initiate the adoption of normative legal acts regulating interdepartmental interaction in the field under consideration.

Keywords: penal system; criminal registration; penitentiary legislation; personal biometric data; operational search identification; interdepartmental interaction.

5.1.1. Theoretical and historical legal sciences.

5.1.4. Criminal law sciences.

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Introduction

The author of this article has repeatedly been an official opponent for candidate and doctoral dissertations, where in one aspect or another the problems of information and analytical support of law enforcement intelligence operations of bodies and institutions of the penal system are touched upon. These scientific studies are, as a rule, of a closed nature, and therefore names of the latter, as well as data of their authors, are not given in this article. Nevertheless, some questions considered in these works and related to information and analytical topics can also be considered in the framework of an open publication.

It will focus on the problems of criminal registration of arrested and convicted persons in conditions of their detention in penal institutions. Unfortunately, almost all applicants in the course of their scientific research in one way or another distance themselves from the consideration of issues related to the distribution of personal biometric data of the specified categories of persons. The issues of organizing information interaction in this matter with other law enforcement agencies and special services interested in creating a unified identification record of representatives of the criminal community are also poorly viewed.

Brief historical retrospective of applying criminal registration. When considering early stages of the development of information and analytical support for law enforcement intelligence operations of the penal system, for some incomprehensible reason, external doctorate students overlook the fact that key types and methods of criminal registration at one time originated in places of deprivation of liberty and were used exclusively for criminalization of convicts. Later, having been tested in the prison system, they were borrowed by the police and other law enforcement agencies to identify and search for suspects.

As it is known, the ancestor of criminal registration in the penitentiary system was the Englishman G. Wilkinson, who in 1774 published a two-volume “The Newgate Calendar” with a

detailed description of the most serious crimes committed by its inhabitants in the 17th–18th centuries. Similar reference books were subsequently published by other prisons in England [1, p. 241]. A similar register of persons subjected to criminal punishment was introduced in the second half of the 18th century by the Paris Police Prefecture. In 1790, this register was reorganized into the “Special bureau of references”. According to the law in force at that time, each French administrative court had its own criminal registry, compiled in alphabetical order. Similar reference books or card files with information about convicts and persons under investigation, in particular card files of preliminary registration and search, were then distributed in other countries [2, p. 9].

These organizational measures further contributed to the development of a criminal registration method according to *modus operandi*, which was widely in demand by the penitentiary and police practice, since it demonstrated high efficiency in the process of identifying professional criminals, especially nomadic criminals.

In 1860, Stevens, a head of the prison in Louvain (Belgium), introduced results of measurements of certain body parts into convicts’ registration cards. He ordered his subordinates to fix a size of the head, ears, legs, chest, as well as a height of convicts [3]. In fact, this measure was the prologue to the creation of a scientific anthropometric method of criminal registration, developed in 1882 by the French criminologist A. Bertillon. In 1885, in addition to anthropometry, he also introduced a method of verbal portrait (*Portraitparle*) and further a so-called identification or *signaletic* photograph, for the classification of which he used a scheme of making a verbal portrait [4, pp. 22–23]. In 1888, the Bertillon system received government approval and began to be distributed in penitentiary institutions and the criminal police of France and other countries [2, p. 22].

Around the same period, the English official W. Herschel, who worked in India, for the first time proposed to use finger prints for identification of prisoners in one of the Indian prisons.

Further it was done on a regular basis [5, pp. 32–36]. Almost simultaneously with W. Herschel, the English physiologist H. Faulds, who worked in Japan, came to the conclusion about the possibility of using fingerprints to establish prisoners' identity. Somewhat later, the English natural scientist F. Galton considered this problem at a fundamental level. In 1895, Galton's system gained official recognition in England, was called dactyloscopy, and in combination with anthropometry became widely used to register criminals [6, pp. 243–258].

In the course of criminal registration, a system of knowledge was accumulated, which revealed morphological characteristics of offenders. The information obtained was used to identify the latter in case they committed new crimes. By the beginning of the 20th century, all the above-mentioned scientific methods of criminal registration had been applied in the Russian Empire. The police and employees of the prison department were extremely interested in the use of its results. In 1907–1910, within the Department of Police of the Ministry of Internal Affairs of the Russian Empire specialized structures began to appear – registration bureaus, designed, along with the systematic collection of data on specific criminals and crimes committed, to conduct regular analysis of other criminal information received by them.

Activities of registration bureaus of the detective police during this period was associated with the entry into force of the Law of the Russian Empire "On the Organization of the Detective Unit" of July 6, 1908, which prescribed "as part of the police departments of the Empire to form detective departments of four categories for the production of search in cases of a general criminal nature in cities and counties". Detective departments were established in 89 large provincial and county centers of Russia. Their internal structure was determined by the Instruction for detective departments of the Russian police, issued on August 9, 1910. Section 29 of this Article noted that "the main part of the internal organization of the detective department is the reference registration bureau". Section 30 presented a detailed description of their activities.

However, even earlier, criminal registration of criminals, mainly related to the use of fingerprinting, had been officially introduced in the

Russian penitentiary service. To familiarize with a system of fingerprinting in 1906 in Germany, officials of the prison service visited the foreign country. In their report afterwards they clearly showed advantages of this method of criminal registration. As a result, on December 16, 1906, the Central Dactyloscopic Bureau (CDB) under the leadership of N.F. Luchinskii within the Main Prison Department was established at the request of the Minister of Justice I.G. Shcheglovitov, as well as the Rules on the production and registration of fingerprint images were approved. The latter stipulated that persons accused of serious crimes and vagrancy were subject to mandatory fingerprinting [7].

The Central Dactyloscopic Bureau had a special room in the building of the Main Prison Administration, 4 cabinets with 24 drawers in each for storing fingerprint cards and one cabinet with 24 drawers for an alphabetical card file containing personal and anthropometric data of prisoners, as well as their photographs made according to identification photography. They prepared 1,024 folders, magnifying glasses, letter and digital signs, as well as other stationery materials. Workshops of the Saint Petersburg Solitary Prison produced about 1 thousand sets of fingerprint accessories (a metal plate on a tree, a rubber roller, a box with printing ink), as well as up to 10 thousand copies of forms of fingerprint sheets, and the necessary number of instructions were printed.

These sets together with the above Rules were sent to governors and mayors in accordance with the number of places of detention as an appendix to the circular of the Ministry of Justice No. 32 of December 30, 1906 "On the Introduction of Dactyloscopy in the Prison Department for the Registration of Criminals". It was reported on the successful use of fingerprinting and its advantages over other types of criminal registration (anthropometry and verbal portrait) in the fight against recidivism and vagrancy. The circular also spoke about the need to create a single centralized fingerprint registration of all convicts in the Central Dactyloscopy Bureau [8]. The bureau actually carried out complex criminal registration of convicts and closely interacted with the Central Registration Bureau of the Police Department of the Ministry of Internal Affairs, established on April 9, 1907.

Thus, it was the prison system that was the “cradle”, if one can say so, of criminal registration in world criminal practice, and it predetermined further use of its results by the Police Department of the Ministry of Internal Affairs, the Separate Corps of Border Guards, the Customs Duties Department of the Ministry of Finance and other law enforcement agencies of the Russian Empire. It makes perfect sense, since places of deprivation of liberty objectively have all the necessary organizational and legal prerequisites for the implementation of criminal registration, both in the interests of the penal system and other law enforcement agencies.

By the way, the so-called “pre-scientific” methods of criminal registration – mutilation (cutting off certain body parts from convicts) and branding – simultaneously performed two main functions – additional punishment for what they had done and identification of criminally dangerous persons among the general human mass [9, pp. 20–21], which indirectly testified to general interests of punitive penitentiary bodies.

The well-known Soviet criminologist I.N. Yakimov, as a basis for systematizing registration information during the rapid development of criminal registration, identified key elements of the crime, such as a subject, an object and a criminal act. He also divided registration data into three main groups.

In the first group (information characterizing the identity of the criminal), he included materials of fingerprinting, anthropometry, descriptions of a layered portrait and identification photography, as well as the so-called little-practiced methods of registration (special signs, palm prints, data on persons previously convicted, involved in the investigation, wanted and serving a sentence, and nicknames).

The second group of registration data (information characterizing elements of the crime object) included materials relating to the so-called “paired” systems, such as objects obtained illegally and victims; unidentified corpses and missing persons; etc.

The third group of registration data (information that characterizes elements of a criminal act) consisted of materials related to the classification of crimes by their types, categories, methods of commission, techniques and handwriting [10, p. 29, 97–98].

These principles in relation to the systematization of registration data are largely relevant to this day. Unfortunately, in the subsequent periods of the development of domestic forensic science and then the theory of law enforcement intelligence operations many scientific approaches associated with the implementation of complex criminal registration were lost [11, pp. 174–176], and a single intelligence accounting for all law enforcement agencies to contain biometric data of criminal elements was never created.

Criminal registration and results of law enforcement intelligence operations. In some dissertations, external doctorate students do not associate the data obtained in the course of criminal registration with the concept of results of law enforcement intelligence operations, although they are such in essence. In addition, considering the essence of registration data used in the activities of operational units of penitentiary bodies and institutions, external doctorate students implied, as a rule, information in general, without disclosing its specific content.

In order to understand these issues, it is necessary to briefly touch upon the essence of both registration data and the most modern criminal registration. The concept of registration data (information) is based on the duality: information itself and the material carrier on which it is displayed in the form of symbols, signs, letters, waves, etc. As a result of documentation, there is a kind of materialization and reification of information that is fixed on a material carrier or attached to it, while separating from its creator [12, pp. 23–24].

The content of any operational information (registration data in this case are not excluded) reflects the state of the objects fixed on material carriers, representing operational and investigative interest. External manifestation of the displayed objects is a set of their elements (characteristic features). Therefore, criminal registration in the field of law enforcement should be carried out in accordance with the requirements of forensic science and the theory of law enforcement intelligence operations, which identifies categories of objects, information about which should be accumulated and further analyzed in order to combat crime. First of all, these are individuals, objects (in-

cluding complex ones), corpses, animals, substances, buildings, structures, terrain areas, events, phenomena, and mental acts of a person. It seems that for each area of law enforcement activity, the essence and totality of these objects can be specified based on the competence of a particular agency.

The state of depicted objects, which is actually the subject of operational search analysis, is characterized by a change in the totality of static and dynamic features inherent in them, without studying which it is impossible to talk about processing, recording and further analysis of incoming information, including registration data. In this regard, we cannot agree with some applicants stating that the information used in law enforcement intelligence operations has a system of elements in general. It is not the information that has a specific set of characteristic features, but objects that appear in certain information. Therefore, a specific feature of the object should be considered as a unit of information connecting it with a subject of law enforcement intelligence operations. Thus, it is the study of elements that allows the latter to analyze the state of an object.

It is quite obvious that the choice of the carrier of registration data is determined by the method of criminal registration. As already noted, in the "pre-scientific" period, the results of criminal registration were displayed directly on the convict's body. At an early development stage of forensic science, aimed primarily at ensuring the effectiveness of investigative activities and identifying detained and convicted criminals, such methods of criminal registration as anthropometry, fingerprinting, verbal portrait, identification photography and *Modus Operandi* were practiced. The results obtained were presented on paper. Today, experts use audio, video, photo, and computer (digital) recording, as well as other modern types of information fixation, providing for the use of appropriate media, which ensure more effective integration and study of registration data.

It seems reasonable that both legal and operational means of obtaining registration data can be used in the course of criminal registration carried out during law enforcement intelligence operations; so, it can be of public or secret nature.

Criminal registration presupposes implementation of the following key stages: search and gathering of registration information (i.e., obtaining necessary information through the study of certain information fields). After the completion of these processes, the received registration information is processed (indexed) by employees involved in the formation of operational and investigative accounting. In this regard, it is extremely important that the submitted information contains at least a minimum amount of registration features for indexing (selection of the necessary and sufficient number of the latter) for their further fixation on the corresponding material carriers.

Criminal registration in law enforcement intelligence operations pursues the following purpose: its subjects with the help of appropriate methods and means form registration documents that record objects of operational interest, provided there is a sufficient number of registration elements intended for operational investigative accounting.

Undoubtedly, registration documents themselves are nothing more than documented results of the law enforcement intelligence operations, which can be received both publicly and in an unspoken (secret) way.

Results of criminal registration as an information basis for operational search identification. During the analysis of the essence and content of the information and analytical support of law enforcement of the Ministry of Internal Affairs, almost the only form of analytical work was singled out – forecasting changes in the operational situation, practiced for the preparation of reviews, recommendations, information bulletins, etc. Such an approach significantly reduces possibilities of analytical activity, since along with the organizational and analytical analysis there is another important direction of analytical activity – the so-called operational investigative analysis, the objects of which are criminogenically active persons and illegal acts. In this context, such a form of analytical work as operational search identification is very significant [11, pp. 69–86]. Criminal registration is required for its provision. Moreover, according to the authoritative opinion of Professor T.A. Sedova, the main object of any identification research both in criminology and law enforcement intelligence operations,

in relation to which all other objects of identification play a secondary role, is their owner or user – a person [13, p. 86].

Intelligence identification is a form of analytical work of operational units, including bodies and institutions of the penal system, which consists in correlating elements of identified objects with identifying objects – displays of stable features of individuals, objects, documents, events, etc. on the corresponding media in the form of traces, images, mental images, descriptions, as well as establishing on this basis of the identity, difference or group affiliation of these objects. When conducting operational investigative measures, forensic and other scientific methods of research can be used. Only the subject of law enforcement intelligence operations can be a subject of operational search identification and their results can be considered as results of law enforcement intelligence operations from two perspectives:

1) they can play an auxiliary role, only indicating to the inquiry, investigation or court where and how to look for sources of factual data in a procedural way;

2) under certain conditions, they can be the cause for initiating criminal cases, as well as the basis for obtaining additional evidence in newly initiated criminal cases (paragraphs 6, 14 of the Instructions on the procedure for submitting results of law enforcement intelligence operations to the inquiry, investigation or court; Article 11 of the Federal Law “On Law Enforcement Intelligence Operations”).

In this regard, we cannot agree with statements of some external doctorate students about possible use of results of identification activities by operational units of penitentiary bodies and institutions as evidence in criminal cases without carrying out procedural verification of the latter. In order to use results of law enforcement intelligence operations as a reason and basis for initiating a criminal case, as well as in proving criminal cases in accordance with the requirements of the criminal procedure legislation regulating the collection, verification and evaluation of evidence, they must undergo mandatory procedural verification by conducting the necessary investigative actions. Figuratively speaking, in this case they should go through a “sieve of procedural actions” so that, in accordance with the provisions of Article 84

of the Criminal Procedural Code of the Russian Federation, they could be accepted by bodies of preliminary investigation or by the court as evidence.

Operational search identification consists in carrying out of the operational search measures: study of objects and documents; identification of persons; and searching accounting records. Moreover, each of them can be an element of any other method provided for in Part 1 of Article 6 of the Federal Law “On Law Enforcement Intelligence Operations”, as well as one or another operational search method.

The most common type of operational search identification in the activities of operational units of penitentiary bodies and institutions is identification of the personality, which is based on theoretical foundations of the private forensic theory – habitoscopy. Along with various types of examinations, the latter systematizes forms of displaying the external appearance of a person (mental images, material subjective displays, images of a person, etc.), as well as all special technical and forensic means and methods of collecting data on the external appearance of a person (drawing up a verbal portrait; making subjective portraits; death masks, etc.). Its methods are widely used both in forensic practice and in law enforcement intelligence operations.

It should be noted that external doctorate students often mistakenly use the term “recognition” (“operational recognition”) in the meaning of identification, which is not of an identification character, but is one of the types of operational search diagnostics.

It should be emphasized that operational recognition objects are not known to an operations officer during the operational search. He/she has only a stereotypical list of static and dynamic features that are characteristic of the studied category of objects. In this way, this method, which is also of an empirical character, is fundamentally different from the identification of a person, during which elements of the identified object, fixed in memory or on certain maps, are known to the operational officer beforehand.

In places of deprivation of liberty, for example, one can recognize convicts’ criminal qualification, experience, and attitude to a particular hierarchical group, depending on their authori-

ty and real influence in the criminal environment [14, p. 19], by studying tattoos on their body.

Legal basis of modern criminal registration. If the need to form databases of personal biometric data of persons under investigation and convicted persons in places of deprivation of liberty is recognized in the above-mentioned dissertations, then the possibility of implementing this measure, nevertheless, is questioned due to a set of restrictions provided for by regulatory legal acts in force in the field of information security. However, this statement is not entirely justified. The legal basis of criminal registration exists and is quite universal. Without having the opportunity to analyze it in detail due to the limited scope of this article, we only note that legal sources regulating implementation of information technologies are divided into four main categories. The first unites international regulatory legal acts legitimizing the use of personal data in the interests of law enforcement activities. The second is key federal laws aimed at creating an information basis for law enforcement agencies. It should also include those laws that introduce basic concepts associated with this process. The third group of sources combines federal laws related to the creation of the information basis of law enforcement intelligence operations directly in bodies and institutions of the penal system. The fourth group of sources is a set of subordinate and interdepartmental regulatory legal acts related to activities of law enforcement agencies (including organizations of the penal system) in the field of formation of operational search accounting.

The objects of legal regulation in all these cases are information technologies, as well as received and accumulated registration information. Provisions of articles 10, 11, 14 and 22 of the Federal Law No. 152-FZ of July 27, 2006 "On Personal Data" are of great interest in this aspect, since they stipulate that the processing of personal data of citizens, including their special and biometric categories, can be carried out without the consent of their subjects in a number of cases, including those provided for by Russian legislation on defense, security, countering terrorism, transport security, cooperation corruption, law enforcement intelligence operations, enforcement proceedings, as well as by penal legislation. In addition, the

right of subjects to access their personal data may be restricted in cases where the processing of personal data, including personal data obtained as a result of intelligence, counterintelligence and reconnaissance activities, is carried out for the purposes of national defense, state security and law enforcement. For the same reasons, registration of such databases in the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) is not required.

It is worth separately highlighting provisions of paragraph "g" of Article 9 of the Federal Law No. 128-FZ of July 25, 1998 "On State Dactylographic Registration in the Russian Federation" stipulating that citizens of the Russian Federation, foreign citizens and stateless persons who are suspected, accused, or convicted of committing a crime, are subject to mandatory dactylographic registration.

According to provisions of the Federal Law No. 8-FZ of February 6, 2023 "On Amendments to the Federal Law "On State Genomic Registration in the Russian Federation" and Certain Legislative Acts of the Russian Federation", all categories of the persons convicted and serving sentences in the form of imprisonment, as well as all the persons suspected and accused of committing crimes, are subject to mandatory genomic registration (paragraphs 1, 3 of Part 1 of Article 7 of the Federal Law No. 242-FZ of December 3, 2008 "On State Genomic Registration in the Russian Federation").

According to Article 9 of this laws, mandatory state genomic registration of persons specified in Paragraph 1 of Part 1 of Article 7 is carried out by institutions executing criminal penalties in the form of deprivation of liberty, together with subdivisions of the internal affairs bodies of the Russian Federation, whose competence includes this type of activity.

Undoubtedly, we should also mention Paragraph 7 of Article 14 of the Law of the Russian Federation No. 5473-I of July 21, 1993 "On Institutions and Bodies of the Penal System of the Russian Federation" stating that institutions executing sentences are entitled to register convicts, as well as make photographs, sound, film and video recording and fingerprinting.

Thus, if there are sufficient grounds, state bodies carrying out law enforcement intelligence operations, including penitentiary bod-

ies, are entitled to search, collect, extract, store, process and provide information, including confidential and subject to special regulatory regimes, which relates to various objects of this activity. Indispensable conditions for the inclusion of such information in information technologies are the following: guaranteed compliance with the status of the latter as an information restriction of access, and, second, appropriate legal grounds for their receipt and use. These conditions are specified in domestic regulatory legal acts, which are of a closed nature and are not considered within the framework of this article.

At the same time, the lack of legal regulation associated with the formation of an integrated intelligence data bank, which includes personal biometric data of representatives of criminality, remains a rather serious problem today.

Modern hardware and software complexes for identity identification and issues of interdepartmental interaction in this area. The dissertations submitted for the preparation of the official opponent's review have not always addressed the problem of using modern hardware and software tools capable of real-time operational recognition of illegal acts in institutions of the penal system and identification of plotters by their static and dynamic characteristics. Similar complexes based on the use of artificial intelligence analyzing personal biometric data have been already used by Russian and foreign law enforcement agencies to combat criminal, economic, customs and other crimes, as well as to detain the wanted. Therefore, it would be quite justified to widely introduce them into activities of penal institutions for ensuring constant monitoring of the behavior of arrested and convicted persons [15, p. 150]. In this regard, automated logic-analytical systems (ALAS) can identify not only individuals, but also intangible objects – events, phenomena, mental acts of a person characterized by a set of special identification features. This circumstance contributes to the definition of criminalistically significant grounds for the systematization of crimes committed in penitentiary institutions with regard to the specific place of the latter in their generic system [16, p. 180].

As already noted, external doctorate students do not clearly formulate principles of

interdepartmental information interaction in order to create a unified identification record systematizing personal biometric data of persons brought to criminal liability. In this regard, it should be emphasized that in the post-Soviet period, the implementation of criminal registration was organized most competently from a scientific point of view in specialized divisions of the Ministry of Internal Affairs of Russia in Moscow. In the mid-1990s, when the latter were created and formed, they were called information and analytical units of the criminal militia. In 2003, they were renamed intelligence information units. In the initial period of their existence, automated data banks of intelligence and other information were created at all levels of the criminal police service of the Main Department of Internal Affairs in the city of Moscow (city-administrative district – municipal district), including those containing personal biometric data of persons of operational interest. In order to ensure comprehensive criminal registration of the latter, criminal registration offices were created in municipal police departments. In general, about 450 employees were involved in criminal registration. About 120 employees worked in district police departments, while 25 – in the head structure – the Information and Analytical Department of the criminal militia of the Main Department of Internal Affairs in the city of Moscow.

The Main Directorate installed an automated software complex "CRIME", consisting of an automated system of operational dactyloscopic identification (ASODI) "Uzor-3", an automated system of operational portrait identification (ASOPI) "Figurant", designed to keep registration data about 100–200 thousand registered persons, as well as ALAS "CRIME", developed for real-time analytical processing of over 1 million full-text documents in Russian and foreign languages. There was also a data bank containing information about members of organized criminal formations, criminals, nomadic criminals, persons who had committed serial crimes, as well as missing persons.

At the level of district internal affairs departments, it was planned to expand the complex "CRIME", consisting of ASODI "Uzor-3" and ASOPI "Figurant", designed to keep registration data about 50–60 thousand applicants, as well as ALAS "CRIME", developed for real-time

analytical processing of over 500 thousand full-text documents. In district internal affairs departments, it was planned to form a data bank containing information about persons who lived on the territory of the district and had been previously convicted.

It was planned to equip criminal registration offices of municipal internal affairs departments with specialized equipment for identification photography and fingerprinting. A single-machine network version of ASOPI "Figurant" was to be kept in the same office.

It was assumed that automated hardware and software complexes located in the Main Department of Internal Affairs in the city of Moscow, district and municipal internal affairs departments would form a single information space of the Moscow criminal militia due to their connection to the fiber-optic network. It would accelerate the process of identifying suspects for specific crimes significantly. Experts calculated that the one-time integrated implementation of these systems would allow for operational recording of more than 600 thousand criminals on a city scale. In the future, it was planned to increase the volume of the integrated data bank to 1.5 million registered persons. According to the most cautious forecasts, in a year and a half after the introduction of this system into operation, the real detection rate of crimes in the city could have been increased by 10–15%.

Many of these approaches have been implemented and are still used in activities of operational search information units in the city of Moscow. Some problems have not been solved due to a number of objective and subjective reasons. At the same time, at all stages of the formation of this method of conducting criminal registration, which, by the way, was borrowed from registration bureaus of the detective police of the Russian Empire, opportunities were sought to ensure coordination with operational units of the Federal Penitentiary Service of Russia. To establish the stated interaction, employees of the intelligence information department of the Ministry of Internal Affairs of Russia visited some territorial bodies of the penal system. However, these contacts turned out to be useless due to interdepartmental disunity. It should be noted that in the second half of the 1990s, when the penal system was still a part of the Ministry of Internal Affairs of Russia, specialists of the Main

Criminal Investigation Department and the Main Punishment Execution Directorate practically adopted a draft order of the Ministry on the issues related to the creation of joint recording. However, in 1998, the Main Punishment Execution Directorate was transferred to the Ministry of Justice of Russia in accordance with the Decree of the President of the Russian Federation No. 904 of July 28, 1998 "On the Transfer of the Penal System of the Ministry of Internal Affairs of the Russian Federation to the Jurisdiction of the Ministry of Justice of the Russian Federation", this issue was automatically removed from the agenda and was not raised during development of interdepartmental orders.

As already emphasized, interdepartmental information interaction between Russian law enforcement agencies and special services is insufficiently organized, which cannot be said about foreign practice. It should be noted that European member states have a single interdepartmental system for recording operationally significant information. For this purpose, a centralized electronic data bank, along with forensic and criminological information, has data on persons and events of operational interest. Each law enforcement agency or special service of an EU member state, having a computer connection with a centralized data bank, can constantly obtain the necessary information, the use of which, according to some specialists, is even more effective than border control measures. Thus, Western countries are intensively developing structures that allow for effective police intelligence [17, p. 224].

National departments of operational data collect information of operational interest in European countries. They are staffed by representatives of various law enforcement agencies and special services (border service, correctional institutions, customs authorities, financial intelligence, coast guard, police, intelligence and security services, tax authorities, etc.), which, under intelligence-led policing, have access to operational information of their department and are authorized to carry out information exchange with representatives of other interested structures within the national department of operational data. The latter is also responsible for maintaining a national database of operational crime data and for conducting strategic and operational analysis, including

assessing threats arising at the national level. It also assists regional (local) units in operational information analysis.

It is also worth mentioning that EU member states have mutually dependent, compatible or single-platform information and telecommunication systems supporting an integrated data bank, as well as appropriate mechanisms for protecting operational information [18, pp. 48–49].

Thus, in Western countries, a single interdepartmental information array of law enforcement agencies has long been created and is effectively used in the interests of all departments. It is not achieved in Russian law enforcement agencies, including bodies and institutions of the penal system.

Conclusion

Summing up the arguments presented in this article, we can come to the following key conclusions.

1. Taking into account available operational capabilities and historical experience of criminal registration, priority attention in bodies and institutions of the penal system should be given to the issues of obtaining and systematizing personal biometric data of arrested and convicted persons.

2. At various levels of the management vertical of the Federal Penitentiary Service of Russia, these data, together with other operationally relevant information, should be systematized and integrated with the relevant reports of other law enforcement agencies, primarily internal affairs bodies.

3. The problems of forming a single integrated intelligence data bank for all intelligence agencies containing personal biometric data of persons representing the operational interest have not been settled by federal legislation, although there are a number of objective prerequisites for this.

4. As an integrated bank of personal biometric data functioning on a single information space of law enforcement agencies and special services, it is necessary to consider the combination of relevant databases, technologies for their maintenance and use, as well as protected information and telecommunication systems functioning on the basis of general principles and according to general rules.

5. The creation of such an information structure, acting through the mediation of a special body, an analogue of the National Department of Operational Data, will solve many problems in the field of law enforcement intelligence operations of the penal system.

6. The use of ALAS based on the use of artificial intelligence is intended to contribute to the creation of an effective single integrated intelligence data bank, for the purpose of operational knowledge and identification of objects of operational interest, taking into account the current assessment and forecasting of their condition.

7. The issues discussed in this article should be more clearly identified and considered in dissertations defended in dissertation councils at educational and scientific organizations of the Federal Penitentiary Service of Russia.

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On Reforming State Regulation of Educational Activities and Its Impact on the Higher Education System of the Federal Penitentiary Service

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Abstract

Introduction: the system of state regulation of educational activities has recently undergone changes. The control and supervision model is changing due to the introduction of a risk-oriented approach, organization of constant monitoring of the education system, and conduct of preventive measures in relation to activities of educational organizations. The procedure for state accreditation of higher education programs is also reorganized, in particular, new accreditation indicators are developed and accreditation monitoring of the higher education system is introduced. These changes are aimed at reducing the administrative impact on the sphere of higher education by reducing verification measures with appropriate procedural rules and documentation support. Control measures are replaced by constant monitoring of the implementation of educational activities by universities, their compliance with established requirements, provision of advisory assistance, and correction of possible violations. In these conditions, the role of self-control of educational organizations over the implementation of educational programs and self-regulation in this area is increasing. The higher education system of the Federal Penitentiary Service operates within the framework of the education system of the Russian Federation and is subject to any changes. State bodies (Ministry of Science and Higher Education of the Russian Federation, Federal Service for Supervision of Education and Science), new standards of educational activities, control measures, monitoring, etc. are significant factors of the external environment. Changes in the system of state regulation of educational activities have a significant impact on functioning of the departmental education system and require detailed study in order to determine directions of its improvement. The *purpose* of this study is to analyze modern mechanisms of state regulation of educational activities and formulate proposals for improving certain aspects of functioning of the higher education system of the Federal Penitentiary Service. *Methods:* general scientific (induction and deduction, system analysis, synthesis and generalization, comparison) and private (comparative legal, formal legal) methods of cognition allowed us to provide an integrated approach to this study. *Results:* based on the analysis of transformation of the state regulation of educational activities in the Russian Federation and its impact on the higher education system of the Federal Penitentiary Service, proposals for improving practical activities of educational

organizations are formed. The necessity of developing an order of the Federal Penitentiary Service approving the procedure for accreditation monitoring of the higher education system of the Federal Penitentiary Service with the definition of appropriate criteria, revision of the regulatory framework for the organization and inspection of educational organizations is substantiated. *Conclusion:* the reform of state regulation of educational activities determines priority directions to develop the higher education system of the FPS of Russia, encouraging construction of new integration links between its elements – educational organizations and the Federal Penitentiary Service.

Keywords: accreditation; accreditation monitoring; state regulation; quality of education; educational activities; educational organizations.

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Introduction

An important element of the development of the higher education system of the Federal Penitentiary Service (FPS of Russia) that requires increased attention is control of the quality of training specialists for institutions and bodies of the penitentiary system. An effective system for assessing graduates' attainment levels contributes to achieving key goals of functioning of the system of departmental higher education organizations, such as regular replenishment of the staff with highly qualified specialists, improvement of the quality of educational programs in various fields, introduction of modern educational technologies, and bringing learning closer to real needs of practical activity.

Quality of education and key activities to ensure it

The higher education system of the Federal Penitentiary Service should function in full compliance with uniform requirements for the implementation of educational activities established by the state and ensure a certain quality level of education. The term "quality of education" has several meanings [1–3]; various definitions are proposed by researchers studying problems of jurisprudence [4], pedagogy [5–7], management processes [8], while "this category is interpreted in various disciplinary contexts: philosophical, sociological, psychological, and economic" [9, p. 21]. Taking into account the variety of approaches, we adhere to the definition of the Federal Law No. 273-FZ of December 29, 2012 "On Education in the Russian Federation"

(hereinafter referred to as the Education Law), according to which the quality of education is "a comprehensive characteristic of educational activities and training of a student, expressing the degree of their compliance with the Federal State Educational Standard (FSES), educational standards, federal state requirements (FSR), needs of the individual or legal entity in whose interests the educational activity is carried out, including the achievement degree of planned results of the educational program".

The analysis of the category presented in the law allows us to identify two main areas of activity to ensure compliance of educational activities with this complex characteristic. The higher education system of the Federal Penitentiary Service, activities of its educational organizations, on the one hand, should comply with the established FSES, educational standards, and FSR; on the other hand, training of personnel in the departmental system of higher education should meet requirements of the department, in whose interests educational activities are carried out, as well as students' needs. Accordingly, control measures in relation to higher education institutions of the Federal Penitentiary Service include two blocks: 1) regulatory, control and supervisory activities in the field of education and science on the part of federal state authorities with relevant powers in the field of education; 2) assessment of personnel training by interested subjects (the Federal Penitentiary Service and territorial bodies) and students (future employees of the

penal system). We will consider the system of state regulation and control measures in relation to educational institutions of higher education of the Federal Penitentiary Service in the light of modern trends in changing principles of control and supervisory activities on the part of the state and developing the Russian penal system. At the same time, it should be emphasized that the scope of this publication does not allow us to present a detailed analysis of state regulation of educational activities, and our attention will be focused on results of the study conducted in order to formulate proposals for improving practical activities of educational organizations of the Federal Penitentiary Service in accordance with the revised requirements of legislation.

Key directions of state regulation of educational activity

Authorized bodies are responsible for state regulation of educational activities; higher education organizations of the Federal Penitentiary Service, providing training of students in certain specialties and areas of training, are objects of management processes. State regulation of educational activities is aimed at establishing uniform requirements for the implementation of educational activities and procedures related to the establishment and verification of educational organizations' compliance with these requirements. According to the Education Law, the state regulation of educational activity includes 1) licensing of educational activities; 2) state accreditation of educational activities; and 3) state control (supervision) in the field of education.

Educational activities are subject to licensing. According to provisions of the Federal Law No. 99-FZ of May 4, 2011 "On Licensing of Certain Types of Activities", this is the activity of licensing authorities to grant licenses, extend the validity period of licenses if the limitation of the validity period of licenses is provided for by federal laws, assess the license applicant's compliance with licensing requirements, suspend, renew, and terminate licenses, form and maintain a register of licenses, form a state information resource, as well as provide information on licensing issues as applicable. A license is a special permit for the right of a legal entity or individual entrepreneur to carry out a specific type of activity (performing works, render-

ing services that make up the licensed type of activity), which is confirmed by an entry in the register of licenses. Licensing of educational activities is carried out by types of education, levels of education, professions, specialties, areas of training, scientific specialties (for vocational education), subtypes of additional education. Educational organizations of higher education of the Federal Penitentiary Service train specialists on the basis of licenses obtained in accordance with the established procedure.

State accreditation of educational activities by the main educational programs of higher education is carried out in order to confirm the conformity of the quality of education in an educational organization with the established accreditation indicators. Accreditation indicators are a set of mandatory requirements that are established by law for the quality of education. Accreditation indicators, methods of their calculation and application are approved by the federal executive authority responsible for the development and implementation of state policy and regulation in the field of higher education (Ministry of Education and Science of the Russian Federation), in coordination with the federal executive authority responsible for control and supervision in the field of education (Federal Service for Supervision of Education and Science). The Order of the Ministry of Science and Higher Education of the Russian Federation No. 409 "On Approval of Accreditation Indicators for Educational Programs of Higher Education, Methods of Calculation and Application of Accreditation Indicators for Educational Programs of Higher Education" was adopted on April 18, 2023.

State accreditation is carried out by the Federal Service for Supervision of Education and Science according to the applications of organizations engaged in educational activities. State accreditation is carried out based on results of the accreditation examination, which is based on the principles of objectivity and responsibility of experts. The procedure is defined by the Decree of the Government of the Russian Federation No. 797 of May 19, 2023 "On Approval of the Regulations on State Accreditation of Educational Activities and on Invalidation of the Decree of the Government of the Russian Federation No. 3 of January 14,

2022". State accreditation of educational activities is of unlimited duration.

State regulation of educational activities includes state control (supervision). According to provisions of the Federal Law No. 248-FZ of July 31, 2020 "On State Control (Supervision) and Municipal Control in the Russian Federation", state control (supervision) in the Russian Federation is an activity of control (supervisory) bodies to prevent, detect and suppress violations of mandatory requirements by preventing violations of mandatory requirements, assessing citizens and organizations' compliance with mandatory requirements, identifying their violations, and adopting legal measures to prevent the identified violations of mandatory requirements, eliminate their consequences and (or) restore the legal situation that existed before the occurrence of such violations. In relation to educational institutions of higher education, the subject of state control (supervision) is compliance with mandatory requirements established by the legislation on education, including licensing requirements for educational activities, FSES requirements, requirements for the implementation of accreditation indicators; requirements to ensure accessibility for disabled people of social, engineering and transport infrastructure and services provided. The implementation of control powers is entrusted to the Federal Service for Supervision of Education and Science.

In general, the analysis of regulatory prescriptions shows that the structure of state regulation of educational activities has independent elements, such as licensing, state accreditation, and requirements for control and supervisory activities in the field of education. Licensing of educational activities is nothing more than an "input filter" that prevents unscrupulous entities from entering the educational services market. State accreditation is aimed at confirming the compliance of educational activities with the FSES and FSR, and control and supervision in the field of education are focused on assessing the quality of educational activities and its legality [10]. Each of these areas of state regulation contains elements of verification and control measures.

These areas of state regulation of educational activities are constantly discussed by legal scholars analyzing licensing procedures

[11–14], accreditation processes [15–17] and control and supervisory activities [18–20]. A comprehensive in-depth analysis of the modern model of state regulation of higher education could be the subject of a separate study. Within the framework of this article, we will analyze certain aspects of this type of activity in order to determine its impact on the development and functioning of the higher education system of the Federal Penitentiary Service, while taking into account scientists' positions affecting certain aspects of activities of departmental universities.

Transformation of certain areas of state regulation of educational activities and its impact on the higher education system of the Federal Penitentiary Service

The system of departmental higher education functions within the framework of the education system of the Russian Federation and is affected by any changes. State bodies (Ministry of Science and Higher Education of the Russian Federation, Federal Service for Supervision of Education and Science), new standards of educational activities, control measures, monitoring, etc. are significant factors of the external environment. Training of future employees in various specialties is carried out on the basis of appropriate licenses; educational programs of higher education are built in accordance with the Federal State Educational Standard; universities create all the necessary conditions (material, financial, information technology, etc.) for implementing educational activities. Control and supervisory measures on the part of the Federal Service for Supervision of Education and Science in relation to higher education institutions of the Federal Penitentiary Service are carried out in accordance with the established rules. Due to these circumstances, the higher education system of the Federal Penitentiary Service constantly receives external impulses of a managerial nature, is modified and adapts to conditions of the external environment.

For example, licensing and accreditation of educational activities as areas of state regulation have a serious impact on the higher education system. Higher education organizations of the Federal Penitentiary Service have licenses for implemented educational programs, the vast majority of which have termless state accreditation. At the same time, educational or-

ganizations comply with licensing requirements in their activities and are constantly working to achieve compliance of educational activities with accreditation criteria, as well as to improve the relevant indicators.

Individual departmental universities are expanding their capabilities to prepare specialists for penitentiary institutions and bodies by obtaining permits to carry out educational activities in new areas of training or specialties. For example, in 2022, the Vologda Institute of Law and Economics of the Federal Penitentiary Service received a license for the right to carry out educational activities under two higher education programs “Economic security” and “Ensuring law and order”, as well as two programs of secondary vocational education [21]. In 2022, the University of the FPS of Russia expanded the scope of educational services, having received the permission to carry out educational activities under the higher education program “Fire safety” [22]. Implementing new educational programs, these educational organizations are improving their work to successfully pass accreditation examination in these areas of training in the near future. Consequently, licensing and accreditation necessitate the maintenance of a proper functioning level in accordance with licensing requirements and accreditation indicators, as well as determine development frameworks of individual elements of the system, in particular, educational organizations.

The change in accreditation principles also has a significant impact on the development of the higher education system of the Federal Penitentiary Service. The year of 2022 witnessed introduction of accreditation monitoring and an updated model to assess the quality of implemented educational programs according to the accreditation indicators approved by the Ministry of Education and Science of the Russian Federation. Besides, state accreditation received under educational programs is of unlimited duration. The introduction of indicators has changed approaches to state accreditation, since “according to the wording of Article 92 of the Education Law in force up to March 1, 2022, state accreditation was carried out in order to confirm compliance with federal state educational standards for educational activities and training of students” [16, p. 180] and was fixed-term, that is, the checks were car-

ried out with a certain frequency. Some authors believe that changing criteria for the quality of education leads to the creation of a situation in which obtaining state accreditation will not depend on meeting the overwhelming majority of requirements of educational standards. So, I.Yu. Goltzapina notes that “the mechanism of the “regulatory guillotine” for the education sector was clearly premature... The most negative impact of the introduction of such a mechanism will be vivid only after years of its implementation, since in the absence of control and liability, educational organizations will take pains to meet indicators of accreditation monitoring and not to improve the content of educational programs” [16, p. 181]. In our opinion, the novelties of educational legislation should still contribute to the enhancement of management processes in the field of education and, as a result, will lead to a reduction in the bureaucratic burden on educational organizations. Let us consider certain aspects of this type of state regulation of educational activities.

The accreditation indicators approved by the Order of the Ministry of Education of the Russian Federation No. 409 of April 18, 2023 represent a set of mandatory requirements to the quality of education established in accordance with the Education Law. Besides, state accreditation is of unlimited duration for all organizations received it up to March 1, 2022, as well as for organizations that successfully pass the accreditation procedure after this period.

Organizations with state accreditation automatically get into accreditation monitoring, which is a remote monitoring of an educational organization, conducted once every three years in order to analyze the quality of education and develop appropriate recommendations. This procedure does not require interaction with an educational organization [10]. According to the Order of the Federal Service for Supervision of Education and Science, the Ministry of Education of the Russian Federation, the Ministry of Science and Higher Education of the Russian Federation No. 660/306/448 of April 24, 2023 “On the Implementation of Accreditation Monitoring of the Education System by the Federal Service for Supervision of Education and Science, the Ministry of Education of the Russian Federation and the Ministry of Science and Higher Education of the Russian Federation”,

the first accreditation monitoring starts on September 1, 2023 and is aimed at analyzing activities of educational organizations and their compliance with accreditation indicators. When identifying problematic aspects for educational organizations, recommendations will be formulated to improve the quality of education. It is assumed that 1,398 universities (749 parent universities and 649 branches) will engage in the monitoring [23].

According to provisions of regulatory legal acts on the monitoring of the education system, federal state organizations under the jurisdiction of the Prosecutor General's Office of the Russian Federation, the Investigative Committee of the Russian Federation, the Foreign Intelligence Service of the Russian Federation, and the Federal Penitentiary Service that implement professional educational programs containing information, which constitute a state secret, are not subject to accreditation monitoring; they are monitored by the federal state body exercising functions and powers of the founder in relation to these organizations. These powers are determined by the Decree of the Government of the Russian Federation No. 662 of August 5, 2013 "On the Monitoring of the Education System", which also determines that the procedure for monitoring, including accreditation, of federal state organizations is established by the federal state body exercising functions and powers of the founder in relation to these organizations.

Thus, to date, departmental universities have not been included in the number of educational organizations that fall under the accreditation monitoring procedures from September 1, 2023, while there are no clear criteria for its implementation by federal state bodies exercising functions and powers of the founder. The current state of affairs creates the need to create normative legal acts on the regulation of these issues in relation to educational organizations that train personnel in the interests of defense and security of the state, ensuring law and order. The Federal Penitentiary Service should also join this norm-setting activity.

Educational organizations of higher education as departmental institutions are subject to constant inspection and evaluation of the effectiveness of their activities by the Federal Penitentiary Service.

The inspection includes a set of measures to study, verify and assess the state of educational, research, financial and economic activities, service and physical training of employees of educational institutions of the Federal Penitentiary Service and is carried out every five years. The procedure for organizing work on the inspection of activities of departmental educational organizations is fixed in the Order of the FPS of Russia No. 385 of August 28, 2010 "On Approval of the Procedure for Organizing Work on the Inspection of Activities of Educational Institutions of the Federal Penitentiary Service". However, the analysis of this normative legal act shows that it does not contain clear criteria and indicators for assessing the quality of educational programs. Accordingly, it is impossible to use inspection procedures of departmental universities instead of accreditation monitoring on the basis of existing departmental acts, since evaluation indicators of educational activity and frequency do not coincide with those established by the Ministry of Education and Science of Russia (accreditation monitoring is carried out every three years).

Based on the above, it seems appropriate to issue an order of the Federal Penitentiary Service approving the procedure for accreditation monitoring of the higher education system of the FPS of Russia with the definition of appropriate criteria. At the same time, it is necessary to revise the regulatory framework for the inspection of departmental universities in order to increase terms (at least once every six years) and adjust individual criteria for their compliance with accreditation indicators. The adoption of these departmental legal acts will make it possible to organize accreditation monitoring every three years: once as a separate procedure, and then as part of the inspection of activities of departmental universities. The regulatory legal acts proposed for development, in our opinion, will become the legal basis for the organization of quality control of education in departmental universities.

Having discussed issues to organize monitoring of the higher education system of the FPS of Russia, we will consider substantive aspects of the mandatory requirements, on the basis of which the quality of education in certain higher education programs is recognized as satisfactory.

Accreditation indicators for higher education programs are approved by the Order of the Ministry of Science and Higher Education of the Russian Federation No. 409 of April 18, 2023 "On Approval of Accreditation Indicators for Higher Education Programs, Methods of Calculation and Application of Accreditation Indicators for Higher Education Programs" and include six positions, accreditation monitoring indicators include eight positions. Let us analyze certain indicators that have significant impact on the higher education system of the Federal Penitentiary Service.

The first accreditation indicator (AI1) is the average score of the unified state exam (USE) of students accepted according to its results for training in educational programs of higher education. Its criterion value should be at least 60 to receive points (from five to ten) during accreditation or monitoring. The analysis of admission campaigns for the last three years shows low values of this indicator in most higher education institutions of the FPS of Russia.

Another accreditation indicator that requires restructuring of activities of individual elements of the higher education system and has the greatest impact is the proportion of students who have completed 70% or more of the diagnostic work tasks formed from the collection of learning assessment materials of the organization carrying out educational activities under the relevant higher education program, in the total number of those who performed the diagnostic work (AI5). It is used during accreditation; its minimum criterion value amounts to 55% of the students. The fulfillment of this indicator generates the need for systematic work to form a collection of learning assessment materials that meet criteria of the Ministry of Education and Science of Russia [24] and the Federal Service for Supervision of Education and Science and have students perform control tasks in class.

Thus, the introduction of new criteria for checking the quality of higher education determines priority directions for the development of the higher education system of the Federal Penitentiary Service, prompting construction of new integration links between its elements – educational organizations and the FPS of Russia.

The higher education system of the FPS of Russia should also adapt to changes in another

area of state regulation of educational activities, such as control and supervision. The system of state control (supervision) in the Russian Federation is currently undergoing serious changes due to the construction of a new control and supervision model in the Russian state. Due to the entry into force of federal laws No. 247-FZ of July 31, 2020 "On Mandatory Requirements in the Russian Federation" and No. 248-FZ of July 31, 2020 "On State Control (Supervision) and Municipal Control in the Russian Federation", the system of state management of educational activities have undergone serious changes. The model of control and supervisory measures based on systematic planned and unscheduled inspections leading to the application of punitive measures (issuance of prescriptions, suspension of license, revocation of accreditation, etc.) is being rebuilt according to new principles: introduction of a risk-oriented approach, constant monitoring of activities of higher education institutions, and formation of recommendations for development.

Educational organizations of higher education as objects of state control (supervision) are subject to classification into categories of high, medium and low risk of causing harm (damage) to legally protected values (hereinafter referred to as risk categories). The category of high and medium risk includes universities whose activities were proved violating legal requirements by the relevant state authorities (Federal Service for Supervision of Education and Science). The assignment of an object of state control (supervision) to one of the risk categories is carried out by the Federal Service for Supervision of Education and Science annually by comparing its characteristics with the criteria fixed in the Decree of the Government of the Russian Federation No. 997 of June 25, 2021 "On approval of the Regulations on the Federal State Control (Supervision) in the field of education".

As for low risk control objects, instead of planned control (supervisory) measures, preventive explanatory work is carried out. The Federal Service for Supervision of Education and Science informs controlled and other interested persons on compliance with mandatory requirements established by Russian legislation on education, including licensing requirements for educational activities and requirements established by federal state educational

standards, by posting relevant information on its official website on the Internet and through personal accounts of controlled persons in state information systems.

Being an object of state control, higher education organizations of the FPS of Russia should analyze materials of control measures of the Federal Service for Supervision of Education and Science [25] and relevant recommendations in order to prevent violations of the established requirements. At the same time, the Federal Penitentiary Service plays an important role in the organization of constant monitoring of compliance with the established requirements, since timely management decisions and methodological assistance will contribute to the effective functioning of the entire system of departmental higher education.

Conclusion

The analysis of state regulation of educational activities and its transformation at the present stage shows the existence of unresolved issues in the higher education system of the FPS of Russia, such as organization of accreditation monitoring, development of criteria for the formation of collections of learning assessment materials, etc.

In the presented study, proposals are formulated to address individual issues. Thus, it is advisable to issue an order of the Federal Penitentiary Service approving the procedure for accreditation monitoring of the higher education system with the definition of appropriate criteria. At the same time, it is also necessary to revise the regulatory framework for the inspection of departmental universities in order to increase the terms (at least once every six years) and adjust individual criteria for their compliance with accreditation indicators. The adoption of these departmental legal acts will

allow organizing accreditation monitoring every three years: once as a separate procedure, and then as part of the inspection of activities of departmental universities. The normative legal acts proposed for development, in our opinion, will become the legal basis for the organization of quality control of education in departmental universities.

The introduction of updated indicators of the quality of educational activities has also become a significant factor of influence on the higher education system of the FPS of Russia. So, for example, during accreditation or accreditation monitoring, educational organizations of higher education of the Federal Penitentiary Service would receive zero points according to indicators of the average USE score. The current situation encourages higher education organizations to intensify career guidance counseling and interaction with territorial authorities to select candidates for training with higher USE scores. Another accreditation indicator that requires restructuring activities of individual elements of the higher education system and, therefore, has the greatest impact is the proportion of students who have completed 70% or more of the diagnostic work tasks. The fulfillment of this indicator creates the need to organize systematic work on the formation of a complex collection of learning assessment materials that meet criteria of the Ministry of Education and Science of Russia and the Federal Service for Supervision of Education and Science and having students perform control tasks in class.

The need to develop mechanisms for the implementation of these tasks is a new impetus for the development of the higher education system and the construction of internal ties and interactions.

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Role of Personal Characteristics of Juvenile Delinquents in the Formation of Defects in Legal Socialization

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Abstract

Introduction: the article presents results of the empirical study conducted in the period from October 2021 to February 2022 with the participation of 167 minors aged 14 to 17 years who committed offenses and (or) crimes. *Purpose:* to identify personal characteristics of juvenile offenders underlying the formation of defects in legal socialization (legal negativism, legal infantilism, legal nihilism, conscious criminal behavior) for further construction of adapted (depending on the form of defectiveness) psycho-correction programs aimed at preventing recommitment of crimes. *Methods:* to solve the tasks, the appropriate methodological tools are selected: Rogers-Diamond Methodology for Diagnosing Socio-Psychological Adaptation, High School Personality Questionnaire by R. Cattell, the Strategic Approach to Coping Scale (SACS) (as adapted by N.V. Vodop'yanova and E.A. Starchenkova), questionnaire "Diagnostics of Value Orientations of Adolescents" by V.F. Sopova and L.V. Karpushina, methodology "Attitude to Law" by S.P. Beznosov. Statistical processing of the empirical study results was carried out using Microsoft Excel 2010 and IBM SPSS Statistics 22. The obtained results were subjected to primary, frequency, and correlation analysis. *Results:* it is established that legal socialization of a person is understood as person's acquirement of lawful ways of behavior, formation of a sense of legal and social responsibility, and solidarity with the norms of law, provided by the transfer of values protected by society and law into the value-normative system of the individual. The highest level of legal socialization is the law-abiding behavior of a person as a result of a stable moral need to follow norms of law. Forms of defectiveness of legal socialization are models of attitude to norms of law, expressed in legal negativism, legal infantilism, legal nihilism, and conscious criminal behavior. Personal characteristics contributing to the formation of

defects in legal socialization of minors are revealed. *Conclusions*: defects of legal socialization in the form of legal skepticism, cynicism, nihilism and infantilism are established in the sphere of legal awareness of juvenile offenders. At the same time, juvenile offenders who reject law are emotionally unstable, communicatively closed, externalized and maladapted. While juvenile offenders with an infantile attitude to law are communicatively open, adapted to the environment, and differ in conformity and accountability.

Key words: legal awareness, legal socialization, minors, criminal behavior, defects of legal socialization, legal nihilism, legal skepticism, legal infantilism.

5.3.9. Legal psychology and accident psychology

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Introduction

Effective prevention of delinquent behavior of minors is possible only if the attention of society and the state is focused on the individual as a carrier of the crime causes and an important link in the mechanism of criminal behavior. Identification of the characteristic personality traits inherent in juvenile offenders and contributing to the commission of criminal acts helps choose the most effective methods and technologies of working with them within the framework of individual and group psychological correction.

Considering the state of crime in Russia, we note that at the end of 2021, 29,126 juvenile offenders were identified, which comprised 3.4% of the total number of criminals. The qualitative characteristics of these persons shows that 7,213 minors (24.8%) were repeat offenders, 3,402 (11.7%) committed a crime under the influence of alcohol, 83 (0.3%) – under the influence of drugs, and 13,151 (45.2%) as part of the group. Minors committed 9,055 (28.4%) grave and especially grave crimes [1]. These characteristics of offenders indicate that legal socialization of minors is defective, which contributes to the use of alcohol and narcotic drugs, joining criminal communities, and ignoring socially oriented groups and organizations. Despite the punishment and condemnation of society that followed after the commission of the first crime, minors continued to follow the criminal path. These circumstances determined the relevance of the study of relations between personal characteristics and defects of legal socialization.

The empirical study was aimed at studying personal characteristics of juvenile offenders underlying the formation of defects in legal socialization.

Personal characteristics of juvenile offenders was an object of the research, while communicative, emotional, regulatory properties, coping strategies, adaptation indicators, value orientations and forms of legal awareness of juvenile offenders were its subject.

Theoretical basis of the study

Formation of socialization defects is a phenomenon that requires a multidisciplinary approach to research and as an object of scientific knowledge is developed in the framework of disciplinary areas: pedagogy (K.S. Milevich [2]; R.T. Bakirov [3]), sociology (A.A. Bochkov, A.A. Sukharev [4]; E.B. Rudenskii [5]), criminology (Kh.I. Gadzhiev [6]; V.G. Pichugin [7]), etc.). However, in the framework of the psychological approach, researchers (K.A. Romanenko, A.Yu. Esenova [8]) are focused on its comprehensive analysis in order to build effective and timely psychoprophylactic and psychocorrective work with minors.

Legal socialization of a person is understood as person's acquirement of lawful ways of behavior, formation of a sense of legal and social responsibility, solidarity with the norms of law, provided by the transfer of values protected by society and law into the value-normative system of the individual [9]. The highest level of legal socialization is the law-abiding behavior of a person as a result of a stable moral need to follow norms of law [10]. The function of legal socialization is to integrate an individual into the

legal environment, accompanied with adaptation to established legal norms, self-control of legal behavior, and development of personal activity in the field of law.

A.A. Sukharev emphasizes that legal socialization of minors is also hampered by the blurring of its boundaries caused by the decades-long transformation of social values and attempts of spontaneous expansion of the Western destructive ideology based on the proclamation of consumer society values [11].

In the Decree No. 809 of November 9, 2022 “On the approval of the Foundations of State Policy for the Preservation and Strengthening of Traditional Russian Spiritual and Moral Values”, the President of the Russian Federation Vladimir Putin emphasizes that traditional values are preserved and strengthened, including in the field of education, upbringing and work with the youth. Indeed, the instability of value orientations, as one of the psycho-age characteristics of minors, leads to their vulnerability to the destructive influence of the external environment, and the ideas of consumer society [12] and priorities of the material world broadcast in the media and television contribute to the formation of defects in legal socialization [13].

Defectiveness of legal socialization is accompanied by the assimilation of stereotypes of behavior, knowledge and attitudes in the field of law that distort the legal picture of an individual, contributing to a negative or neutral attitude to compliance with legal norms [14]. Forms of defectiveness of legal socialization are models of attitude to the norms of law, expressed in:

- legal negativism (underestimating the value of law),
- legal infantilism (irresponsible, frivolous attitude to the norms of law),
- legal nihilism (active rejection of legal norms up to public disregard),
- conscious criminal behavior [15].

Z.N. Kalandarishvili considers conscious criminal behavior as its most difficult form to

study – “a form of legal consciousness that is reborn” to such an extent that its bearer becomes a deliberate violator of the law. The scientist is sure that under the influence of the unstable system of ideas about true human values, different forms of defectiveness of in legal socialization can be developed a minor: from negativism to a reborn legal consciousness. It proves the relevance and urgency of developing methods of psychological correction of defects in legal socialization of the individual [6].

Materials and methods

Organization of empirical research. An empirical study of the personality characteristics of juvenile offenders was carried out in the period from October 2021 to February 2022. The study covered 167 male minors aged 14 to 17 years (16.4 ± 1.1 years) who committed various offenses (mainly, petty stealing, theft, mugging), entailing administrative and (or) criminal liability. The research base: a special educational institution of a closed type, a division for juvenile affairs of the Department of Russian Ministry of Internal Affairs in the Slantsevsky District of the Leningrad Oblast.

To solve the tasks, we used the following methodological tools: Rogers-Diamond Methodology for Diagnosing Socio-Psychological Adaptation, High School Personality Questionnaire by R. Cattell, Strategic Approach to Coping Scale (SACS) (as adapted by N.V. Vodop'yanova and E.A. Starchenkova), questionnaire “Diagnostics of Value Orientations of Adolescents” by V.F. Sopova and L.V. Karpushina, methodology “Attitude to Law” by S.P. Beznosov. Statistical processing of the results of the empirical study was carried out using Microsoft Excel 2010 and IBM SPSS Statistics 22. The obtained results were subjected to primary, frequency, and correlation analysis.

Research results and their discussion

Personal characteristics of juvenile offenders. Table 1 presents data of the primary statistics calculated for the study indicators.

Table

Personality characteristics of juvenile offenders

Indicator	M	σ	Indicator	M	σ
1	2	3	4	5	6
Factor A: schizotimia-affectothymia	6.05	1.93	Dominance	22.90	6.83

1	2	3	4	5	6
Factor: emotional stability degree	3.61	1.23	Escapism	13.20	6.59
Factor D: phlegmatism - excitability	5.99	2.01	Assertive actions	19.67	3.94
Factor: passivity - dominance	6.01	1.94	Entering into social contact	22.34	3.43
Factor F: Caution - frivolity	7.27	1.24	Search for social support	23.20	2.79
Factor G: moral norms acceptance degree	4.34	1.18	Cautious actions	22.65	3.59
Factor H: Courage	6.15	1.35	Impulsive actions	22.30	4.16
Factor I: realism - sensitivity	5.63	1.68	Avoidance	16.52	2.95
Factor J: neurasthenia	4.73	1.03	Manipulative actions	19.72	4.36
Factor O: self-confidence – propensity for guilt	5.11	1.07	Antisocial actions	21.07	2.67
Factor Q2: dependence group degree	4.95	1.31	Aggressive actions	21.65	3.53
Factor Q3: self-control degree	4.29	1.31	Legal realism	1.89	0.74
Factor Q4: internal stress degree	5.61	1.63	Legal skepticism	3.71	1.67
Adaptability	81.67	20.64	Legal conformity	2.11	1.01
Maladaptivity	160.93	21.70	Legal cynicism	3.83	1.33
Statement	19.75	8.36	Legal fetishism	1.90	0.77
Self-acceptance	47.39	10.04	Legal infantilism	2.93	1.59
Self-rejection	24.09	6.15	Legal idealism	1.71	0.70
Acceptance of others	23.48	5.39	Legal nihilism	2.86	1.60
Rejection of others	17.37	5.65	Cognition as a value	4.95	1.31
Emotional comfort	14.80	7.87	I am a value	5.97	1.43
Emotional discomfort	26.54	5.38	The other person is a value	4.77	1.67
Internal control	21.27	6.59	Socially useful activities	4.01	1.45
External control	34.07	7.69	Responsibility	3.82	1.64

Communicative properties of juvenile offenders are moderate openness and propensity to establish and maintain interpersonal contacts. When communicating with other people, they are not always critical of their statements and behavior. They are prone to group activities, open to new experiences and are characterized by flexible attitudes. Juvenile offenders are prone to self-affirmation, leadership in personally significant situations. In other

cases, they show less enthusiasm and may be influenced by other people. They are characterized by bold adventurous actions and a careless attitude to social and other norms. They do not always respond to danger signals, and therefore, they can get into an unpleasant situation. They strive for new impressions; in their activities they waste their potential on unnecessary conversations. Juvenile offenders prefer to make decisions and act in a group, love at-

tention, are self-centered and demonstrative. They are full of energy, but lack determination. They are characterized by a high degree of acceptance of group norms and assessments, conformity.

Emotional properties of juvenile delinquents are emotional instability and increased sensitivity to external influence. They are irritable, impulsive, tend to avoid demands of the environment and emotionally excitable. They become easily frustrated and impatient, which manifests itself in the need for immediate problem solution and satisfaction of desires. They tend to self-demonstration, self-confidence, and egocentrism, often feel resentment and jealousy. Juvenile offenders often experience negative feelings in a situation of restrictions and prolonged monotony.

The personality of juvenile offenders is characterized by impulsivity, activity, and frivolity. They are excitable, impatient, and motivated to succeed, as well as adventurous, socially brave, and confident. Liveliness and spontaneity are characteristic of emotional manifestations. Despite their well-developed organizational skills, they tend not to finish what they have started, preferring to switch to another occupation. They are often negligent in their activities, which leads to ignoring dangerous signals. Being artistic, they succeed in creative activity.

Regulatory properties of juvenile delinquents are propensity to avoid responsibility, both in activities and interpersonal relationships, impatience, capriciousness, lack of independence and dependence on the help of others. Juvenile offenders are characterized by a low degree of acceptance of moral norms. Achievement of goals is irregular, rules and requirements are circumvented, the sense of responsibility is low. These young people are selfish and narcissistic. Volitional self-control of juvenile offenders is insufficiently developed, which is reflected in their behavior by impulsivity, inconsistency, propensity to make mistakes, ignoring social requirements.

Characterizing adaptive abilities of juvenile offenders, we should note their insufficient degree of adaptation to the existence in society together with general satisfaction with the specifics of their character and modest desire for

interaction with other people. They tend to have a more positive emotional attitude to reality. It is not typical for them to take responsibility for the events happening to them, on the contrary, they tend to avoid personal responsibility in problematic situations.

Analyzing the data from the study of conscious coping mechanisms of juvenile offenders, we come to the conclusion that their coping strategies are of low constructiveness. The coping strategy "Impulsive actions" is often applied by juvenile offenders. Minors tend to act on the first impulse, under the influence of external circumstances or emotions, without premeditating their actions and weighing all the pros and cons and making the most appropriate and reasonable decisions. The values of antisocial strategies "Aggressive actions" and "Antisocial actions" are located above normative ones. They manifest themselves in actions directed at other people, negative feelings during failures and conflicts with other people, blaming others for something, anger, irritation, internal tension, frustration and dissatisfaction. Hostility, distrust, destruction of social ties, egocentrism and the desire to be right in everything are characteristic of this strategy. Besides, juvenile offenders also use an active strategy for overcoming stressful situations "Assertive actions", prosocial strategies "Entering into social contact" and "Seeking social support", passive strategies "Cautious actions" and "Avoidance", and an indirect strategy "Manipulative actions". Thus, among the possibilities of conscious coping with stress, juvenile offenders most often choose strategies of impulsive, antisocial and aggressive actions. These strategies cannot be considered adequate, on the contrary, they can aggravate the conflict situation and make it difficult to solve the problem.

As for the value sphere of juvenile delinquents, they refuse engaging in new types of activities and solving cognitive tasks, as well as denying their responsibility for their own behavior, actions, and problems in relationships with others. Juvenile offenders are characterized by positive self-perception and interest in ways of self-expression. They can demonstrate earnestness in relation to other people, though experiencing difficulties in assuming these

people's individuality. The value of the indicator showing the desire to do good to society is at the lower limit of the normative range. Juvenile offenders are dependent on encouragement and support and are not inclined to show initiative and creativity.

The study of legal consciousness of juvenile offenders reveals the presence of defects in the forms of its manifestation: infantilism (47%), nihilism (60%), skepticism (35%), and cynicism (38%). At the same time, legal realism is characteristic of only 20% of the juvenile offenders. The data obtained indicate the presence of defects in legal socialization of the surveyed, which, in our opinion, requires psychocorrective intervention.

At the next stage of the study, we established significant correlations between indicators of personal characteristics of juvenile offenders and various forms of defects in legal consciousness (Spearman correlation coefficient). Legal skepticism and legal cynicism of juvenile offenders is significantly associated with their communicative closeness ($r=0.52$, $p\leq 0.01$), desire to dominate communication ($r=0.47$, $p\leq 0.01$), impulsivity ($r=0.42$, $p\leq 0.01$), excitability ($r=0.42$, $p\leq 0.01$), inclination to adventurous acts ($r=0.39$, $p\leq 0.01$), laziness ($r=0.33$, $p\leq 0.01$), and low moral normativity ($r=0.29$, $p\leq 0.01$).

Minors who are skeptical of legal norms are maladapted, prone to rejection of others, emotional discomfort, and external locus of control ($r=0.42$, $p\leq 0.01$).

When coping with stress, they mainly use maladaptive strategies of avoidance, antisocial and aggressive actions ($r=0.34$, $p\leq 0.01$). Legal skepticism is significantly associated with a low value of a responsible attitude to business and a lack of respect for others, as well as a lack of the ability to communicate kindly and constructively with them ($r=0.29$, $p\leq 0.01$).

Legal infantilism of juvenile offenders is significantly associated with their communicative openness ($r=0.41$, $p\leq 0.01$), phlegmatism ($r=0.37$, $p\leq 0.01$), compliance and obsession in behavior ($r=0.36$, $p\leq 0.01$), frivolity ($r=0.34$, $p\leq 0.01$), dependence on others ($r=0.33$, $p\leq 0.01$), and laziness ($r=0.29$, $p\leq 0.01$). Minors

who show infantilism in relation to legal norms are well adapted, tend to accept others, and experience emotional comfort ($r=0.47$, $p\leq 0.01$). Legal infantilism is significantly connected with a minor's positive attitude towards him/herself ($r=0.52$, $p\leq 0.01$).

Legal nihilism of juvenile offenders is significantly associated with their communicative closeness ($r=0.46$, $p\leq 0.01$), emotional lability, excitability, overactivity, impulsivity ($r=0.37$, $p\leq 0.01$), and low moral normativity ($r=0.29$, $p\leq 0.01$). Minors showing nihilism are maladapted ($r=0.31$, $p\leq 0.01$), prone to self-acceptance while rejecting others ($r=0.31$, $p\leq 0.01$), emotional discomfort ($r=0.29$, $p\leq 0.01$), external locus control ($r=0.28$, $p\leq 0.01$) and nonconformism ($r=0.28$, $p\leq 0.01$). When coping with stress, a non-adaptive strategy of aggressive actions is mainly used ($r=0.29$, $p\leq 0.05$). Legal nihilism is significantly associated with an irresponsible attitude to business, unwillingness to engage in socially useful activities, a lack of respect for others, and a lack of ability to communicate kindly and constructively with them ($r=0.43$, $p\leq 0.01$).

Conclusions

Thus, the empirical study of personal characteristics of juvenile offenders reveals their emotional lability, impulsivity, excitability, low normativity of behavior combined with a lack of self-control and externality. Communicative programs require psychocorrective interference, as well as coping strategies, which manifest themselves as unconstructive aggressive, antisocial and impulsive behavior.

In the sphere of legal awareness of juvenile offenders, defects of legal socialization in the form of legal skepticism, cynicism, nihilism and infantilism are established. At the same time, juvenile offenders who reject the law are emotionally unstable, communicatively closed, externalized and maladapted. While juvenile offenders who demonstrate an infantile relation to the law, are communicatively open, adapted to the environment, differ in conformity and accountability.

The conducted research makes it possible to expand existing ideas about the role of personal characteristics in the formation of defects in legal socialization of juvenile offenders.

The revealed characteristics contribute to the development of psychocorrection programs adapted depending on the form of legal socialization defects, which, in our opinion, will be an effective means of preventing further offenses by minors.

Prospects

The results obtained will form the basis for the development and testing of psychocorrection programs, taking into account the form of defectiveness of legal socialization of juvenile offenders.

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Describing Manifestation of Aggressive Behavior of Male Convicts of Various Social Status

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Abstract

Introduction: the article presents an empirical study of the relationship between manifestations of aggressive behavior of male convicts and their social status in a correctional institution. *Purpose:* to identify typical features of manifestations of aggressive behavior of convicts with different social status for the development of a psychocorrection program taking into account these features. *Methods:* the study used methods of theoretical, theoretical and applied qualitative analysis, generalization; analysis of personal files of convicts; questionnaire survey; a survey of expert employees to obtain information about the social status of respondents, their relationships with other convicts and the administration of the institution. A complex of psychodiagnostic techniques was used to diagnose aggressive behavior of convicts of various social status. *Results:* having analyzed personal cases, the questionnaire survey of convicts and points of view of experts – employees of the institution, the authors singled out five groups of convicts. The respondents included in a certain group had similar individual psychological characteristics. The diagnostic study results show typological features of behavior of male convicts of various social status in a correctional institution. *Conclusion:* aggressive behavior of convicts in places of deprivation of liberty manifests itself in physical, emotional, objective, verbal aggression and self-aggression. The developed psycho-diagnostic complex for the study of aggressive behavior of male convicts can be used by penitentiary psychologists. Further research can be directed to the study of the specifics of the diagnosis and correction of aggressive behavior of convicts, depending on the penitentiary status, gender, and age.

Keywords: aggressive behavior of convicts; male convicts; social status of convicts; diagnosis of aggressive behavior; typological features of behavior; psychological characteristics of convicts; aggression types.

5.3.9. Legal psychology and accident psychology.

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Introduction

In conditions of isolation in places of deprivation of liberty, convicts' negative feelings and experiences can transform into aggressive behavior [1–3]. Against the background of a low level of adaptation to new conditions, the most acceptable form for self-defense is aggressive behavior, which is focused on harming another person and which is often a consequence of social learning [4; 5]. In this regard, one of the main goals of the Concept for the Development of the Penal System in the Russian Federation for the period up to 2030, approved by the Decree of the Government of the Russian Federation No. 1138-r of April 29, 2021, is the improvement of educational, psychological and social work aimed at correcting convicts, taking into account their individual psychological characteristics.

The study of aggressive behavior of convicts depending on their social status is an important direction in the activities of penitentiary psychologists focused on correction of convicts, which contributes to their successful re-socialization after release and prevention of destructive changes and recidivism of crime [2; 6–11].

Subjects of aggressive behavior in places of deprivation of liberty are convicts who are under stress and have post-traumatic syndrome from falling into isolation conditions; convicts with psychopathic abnormalities; drug or alcohol-addicted convicts; convicts with high and medium levels of criminal infection [3; 6; 7; 11–14].

Diagnosis and correction of aggressive behavior in convicts is based on a comprehensive study of individual psychological characteristics, taking into account the social status and characteristics of the stage of serving a sentence, which contributes to improving the effectiveness of corrective action [2; 7; 10; 15; 16].

Researchers propose various typologies of the social status of convicts [6; 13; 17]. Our research is based on the typology of convicts depending on their social status in a correctional institution and the nature of interpersonal relations developed by A.P. Evgrafov. It includes the following groups: activist group; convicts who have embarked on the path of correction and support the activist group, but behave passively; convicts with unstable behavior who

can violate regime requirements; convicts who systematically violate discipline and do not respond to educational influence; timeservers who, for the purpose of early release, behave and even participate in public life; religious fanatics [17, p. 275].

The purpose of the study is to identify features of aggressive behavior of convicts of various social status in order to develop a psychocorrection program taking into account these features.

In accordance with the purpose, the following research tasks were put forward: to analyze current approaches to the study of aggressive behavior in foreign and domestic psychology, to study various forms of convicts' aggressive behavior in penitentiary psychology; to develop and test a diagnostic complex for the study of aggressive behavior of convicts, taking into account their social status in a correctional institution; to highlight groups of male convicts depending on their social status in a correctional institution; to make a psychological characteristic of each group and describe features of aggressive behavior for each group of convicts.

Research hypothesis: manifestations of aggressive behavior of male convicts have typological features due to social status, which should be taken into account when developing a psychological program for correcting aggressive behavior.

The study was conducted as part of the final qualifying work by Yuliya I. Feshchuk under scientific supervision of Irina V. Cheremisova.

Materials and methods

The study covered 82 male convicts of the medical treatment and preventive care facility of the Federal Penitentiary Service No. 2 in the Ryazan Oblast.

To solve the tasks, we used the following methods: analysis of personal files of convicts (to identify characteristics of convicts' behavior in the period of the crime commission, the degree of guilt and nature of the crime committed were taken into account; to study convicts' behavior in the pre-trial detention center; results of the forensic psychiatric examination conducted during investigation, medical reports of psychiatrists and narcologists and social characteristics from the place of work/study and from neighbors were considered); questionnaire survey (to study the attitude towards

the institution administration, other convicts, the regime of serving a criminal sentence and the measure of criminal punishment imposed by the court); survey of expert employees to obtain information about the social status of respondents, their relationships with other convicts and the facility administration.

To diagnose the readiness of convicts of various social status for aggressive behavior, we applied a set of psychodiagnostic techniques, such as "Hostility Inventory" (A. Buss, A. Durkee), "Hostility Test" (L.G. Pochebut), "Personal Aggressiveness and Conflict" (E.P. Il'in, P.A. Kovalev), "Assessment of Aggressivity in Relationships" (A. Assinger).

Mathematical processing of the obtained psychodiagnostic data was carried out on the basis of a comparative analysis of indicators with the help of methods of mathematical statistics using Fisher criterion, Spearman rank correlation criterion, and Wilcoxon signed-rank test. Mathematical and statistical data processing was conducted with the help of the STATISTICA 17.0.1 program.

Results and discussion

Based on the analysis of personal files of convicts and data of the questionnaire survey, we drew up a socio-demographic characteristic, summarizing information about the specifics of convicts' behavior in the process of their socialization.

So, the average age of convicts is 27 years; most of them (77%) have secondary education (incomplete secondary – 42.1%, secondary – 34.9%), only a small part of convicts (5.8%) – higher education; most of them are convicted for the first time (64.4%); almost half of the respondents (48.3%) have relatives; before the conviction, 37.5% of the convicts were previously registered with the penal enforcement inspections, some of whom (17.2%) were sentenced to suspended sentences, correctional labor or restriction of liberty (as persons under 18 years of age); almost half of the convicts (44.1%) were registered with the narcological dispensary (they were admitted there in a state of acute narcotic drug intoxication (cannabinoids, opium); more than half of the convicts (66.2%) are not officially married, 33.6% are married; 66.4% of the convicts stayed less than 5 and 10.9% over 10 years at the medical treatment and preventive care facility of the Federal

Penitentiary Service No. 2 in the Ryazan Oblast.

Thus, the results of the analysis of personal files of convicts shows that the factors influencing the formation and predisposition to aggressive behavior in convicts are the presence of criminal experience and the effect of psychoactive substances.

Having considered disciplinary practice and survey of expert employees in relation to convicts (based on the typology of A.P. Evgrafov), we identified groups of convicts depending on their social status in a correctional institution: 1) convicts of a negative orientation (44.8%); 2) convicts who systematically violate discipline, do not respond to educational influence (34.6%); 3) convicts characterized by unstable behavior who violate regime requirements (12.9%); 4) timeservers who, for the purpose of early release, behave and even participate in public life; religious fanatics (5.4%); 5) convicts who have embarked on the path of correction (2.3%).

Hence, in most cases convicts of the first (29.3%) and second groups (14.5%) violate discipline in the institution. It is important to note that this category is on preventive registration as prone to systematic violation of internal regulations, which is confirmed by information from the hardware and software solution of the automated filing system of the special contingent (HSS AFSSC).

Based on the questionnaire data, information was obtained reflecting the attitude of convicts to the institution administration, other convicts, as well as the regime of serving and the measure of criminal punishment imposed by the court. The analysis of the responses shows that slightly more than half of the convicts (56.2%) have a positive attitude to the regime of serving sentences, conditions in the correctional institution and the administration; a significant part of the convicts (74.9%) have positive relationships with other convicts and the administration. However, some convicts (25.1%) indicate conflicting relationships with other convicts or the administration because of stress, irritation or "nagging" of the administration.

Having considered the questionnaire survey results and criminal-legal characteristics, we compiled a preliminary psychological portrait of the convicts, depending on their social status in the institution. Thus, the first group is charac-

terized by a high percentage of discipline violations, which, in their opinion, is due to excessive demands of the administration. 47% of the convicts in this group are transferred from correctional facilities for medical treatment. They serve criminal sentences for the commission of crimes against life and health or terrorism and extremism-related crimes. Convicts of the second group periodically violate regime requirements to demonstrate disagreement with any actions of the administration; they serve criminal sentences under articles for crimes against life and health. Convicts of the third group regularly violate discipline due to conflicts with administration or accumulated nervous irritation; they serve criminal sentences under articles for property crimes, crimes against public health and public morality or crimes against life and health. Convicts of the fourth group are characterized by the desire to build positive relationships with the administration, however, as the convicts themselves note, due to nervous tension or irritability caused by being in isolation conditions, they violate discipline; they serve criminal sentences for crimes against life and health or against health of the population and public morality. Convicts of the fifth group are characterized by a small number of violations and the desire to build conflict-free relationships with other convicts; there are criminal penalties under articles for crimes against public health and public morality or property crimes.

1. The "Hostility Inventory" by A. Buss and A. Durkee was used to assess the severity of aggressive and hostile actions of each group of convicts. The analysis conducted shows that convicts, depending on their social status, are characterized by various forms of hostility.

Thus, the first group of convicts is characterized by physical, indirect, verbal manifestation of aggression. The statistical significance of differences ($p \geq 0.005$) between the scales "irritation" and "verbal aggression"; "suspicion", "indirect aggression" and "guilt" is found out. The analysis of correlation between the scales "irritation" and "verbal aggression" shows that convicts of this group tend to express negative feelings through the content of verbal responses in raised tones, which illustrates a high degree of predisposition to aggressive behavior. The analyzed correlation between the scales "suspicion", "indirect aggression" and "guilt"

demonstrates convicts' conviction in possible harm on the part of other people. They are ready to demonstrate their strength in the form of indirect aggression as aggression directed at another object, which is combined with a low degree of guilt and pity towards the object of aggression.

Physical and verbal aggression is characteristic of convicts of the second group. The statistical significance of the differences ($p \geq 0.005$) is revealed between the scales of "physical aggression", "suspicion" and "resentment", which proves convicts' predisposition to the use of physical force.

Convicts of the third group may also show physical aggression, as proved by the statistical significance of the differences ($p \geq 0.01$) between the scales "physical aggression", "resentment" and "guilt". However, afterwards they feel pity towards an object of aggression and remorse.

Verbal expression of aggression prevails among convicts of the fourth group. The revealed statistical significance of differences ($p \geq 0.01$) between the scales "irritability", "resentment" and "verbal aggression" demonstrates a predisposition to express negative feelings provoked by envy through verbal responses in raised tones as a result of causing imaginary or real harm. However, it is worth mentioning that high values on the "guilt" scale indicate remorse after verbal aggression.

Convicts of the fifth group are characterized by indirect expression of hostility, which manifests itself in the form of non-directional aggression. The statistical significance of the differences ($p \geq 0.01$) between the scales of "indirect aggression" and "guilt" indicates a low degree of predisposition to aggressive behavior in the indirect expression of aggression, however, when it is implemented, convicts tend to feel remorse and pity for an object of aggression.

Having applied the "Hostility Inventory" by A. Buss, A. Durkee, we found out that convicts of the first group were characterized by a high degree of predisposition to aggressive behavior, those of the second, third, and fourth group – by an average degree, and convicts of the fifth group – by a low degree.

In this regard, there are common characteristics for each of the identified groups: the first

and second groups of convicts are characterized by a high level of resentment, and the third and fourth – by an average level of irritability

and a low degree of indirect aggression. Also, convicts of the fourth and fifth groups have a low level of verbal aggression (Figure 1).

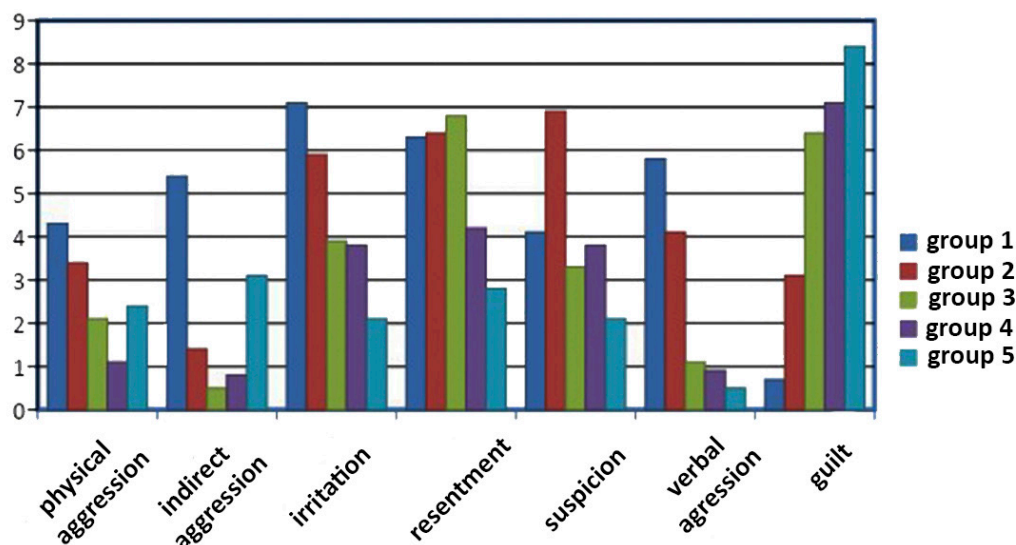


Figure 1. Average value of indicators on the scales of the "Hostility Inventory" (A. Buss, A. Durkee)

Note: group 1 – convicts of a negative orientation; group 2 – convicts who systematically violate discipline, do not respond to educational influence; group 3 – convicts characterized by unstable behavior who violate regime requirements; group 4 – timeservers who, for the purpose of early release, behave and even participate in public life; religious fanatics; group 5 – convicts who have embarked on the path of correction.

2. The "Hostility Test" (L. G. Pochebut) was applied to assess the degree of aggressiveness and adaptive capacities of the individual. So, certain variants of aggression expression are characteristic of each group of convicts, depending on their social status, which affects their adaptive potential.

Thus, convicts of the first group show a high level of physical, objective and emotional aggression, which is expressed in the use of physical force against another person or object on the basis of formed emotional alienation from other people, accompanied by the perception of hostility and ill-will of others. Thus, hostility is as an acceptable way for them to adapt to a social environment, which is based on self-defense against adverse environmental factors.

Convicts of the second group have an average degree of focused, verbal and emotional aggression, which manifests itself in insults towards the offender, but physical actions are directed at surrounding objects.

Convicts of the third group are characterized by objective aggression and self-aggression. When being aggressive, they demonstrate re-

morse and self-accusation, thus increasing nervous tension. In turn, unstable convicts are capable of verbal expression of aggression, which reduces nervous tension.

Convicts of the fourth group are characterized by verbal and emotional aggression, which manifests itself in the form of verbal insults to the offender.

Convicts of the fifth group are characterized by emotional aggression and self-aggression, weakened mechanisms of psychological defenses, emotional alienation, and self-blame, which leads to decreased adaptation to conditions in the institution in a stressful or frustrating situation. Thus, they may passively support actions of active convicts.

In this regard, there are common characteristics for each of the selected groups: the first, third and fifth groups of convicts have an average level of severity of objective aggression, the fourth and fifth convicts have a low level of physical aggression. However, the first and fourth groups are characterized by a high level of emotional aggression; a high level of self-aggression is characteristic of convicts of the fourth and fifth groups (Figure 2).

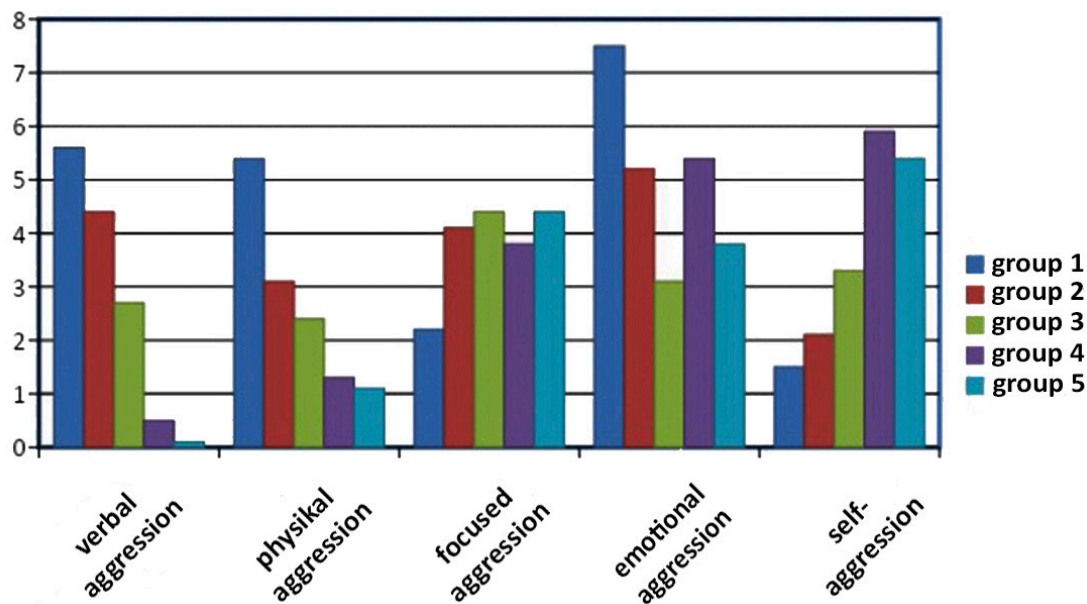


Figure 2. Average values of indicators on the scales of the "Hostility Test" (L.G. Pochebut)

Note: group 1 – convicts of a negative orientation; group 2 – convicts who systematically violate discipline, do not respond to educational influence; group 3 – convicts characterized by unstable behavior who violate regime requirements; group 4 – timeservers who, for the purpose of early release, behave and even participate in public life; religious fanatics; group 5 – convicts who have embarked on the path of correction.

3. To establish proneness to conflict and aggressiveness, we applied the method "Personal Aggressiveness and Conflict" developed by E.P. Il'in and P.A. Kovalev. So, convicts of the first group are characterized by quick temper, resentment, intransigence and intolerance; those of the second group – by resentment, quick temper and vindictiveness; the third group – by intolerance and quick temper; the fourth group – by quick temper, resentment, assertiveness, and obstinacy; and the fifth group – by suspicion and resentment.

Thus, convicts of the first group are conflictive and aggressive, their actions or verbal expressions bring discomfort to other people. The statistical significance of the differences ($p \geq 0.01$) between the scales "quick temper", "resentment" and "uncompromising attitude" indicates the commission of impulsive actions against the background of nervous tension triggered by other convicts' disagreement with views and actions of this category of convicts.

Convicts of the second group are characterized by proneness to conflict, which is expressed in high provocation of conflict situations and easy involvement in them. The revealed statistical significance of the differences

($p \geq 0.005$) between the scales "resentment", "quick temper" and "vindictiveness" demonstrates the desire to resolve the conflict situation in all possible ways in order to punish the offender.

Convicts of the third group have an average degree of proneness to conflict, they easily get involved in conflict situations, but do not spark them.

Convicts of the fourth group are characterized by positive aggression, which serves as a tool for achieving the desired goal (obtaining parole), which is combined with a low degree of proneness to conflict. The statistical significance of the differences ($p \geq 0.005$) between the scales of "assertiveness", "quick temper" and "obstinacy" shows convicts' reorientation of aggression into a socially desirable form of behavior (compliance with requirements of the administration and internal regulations, participation in various events), as well as the desire to cede and not to defend their point of view if others disagree with it.

Convicts of the fifth group have a low degree of aggressiveness and proneness to conflict, they do not want to participate in conflict situations and express aggression.

The analysis of the results using the method “Personal Aggressiveness and Conflict” (E.P. Il'in, P.A. Kovalev) shows that convicts of the first group are characterized by negative aggressiveness and proneness to conflict; the second group – by increased proneness to conflict; the third group – by an average degree of proneness to conflict; the fourth group – by positive aggressiveness; the fifth group – by

the desire to avoid conflicts and a low degree of aggressiveness.

In addition, we especially note high rates of quick temper of convicts of the first, the second and third groups; assertiveness of the fourth group; resentment of the first and second groups; vindictiveness of the second group; intolerance of the first group; and suspicion of the fifth group (Figure 3).

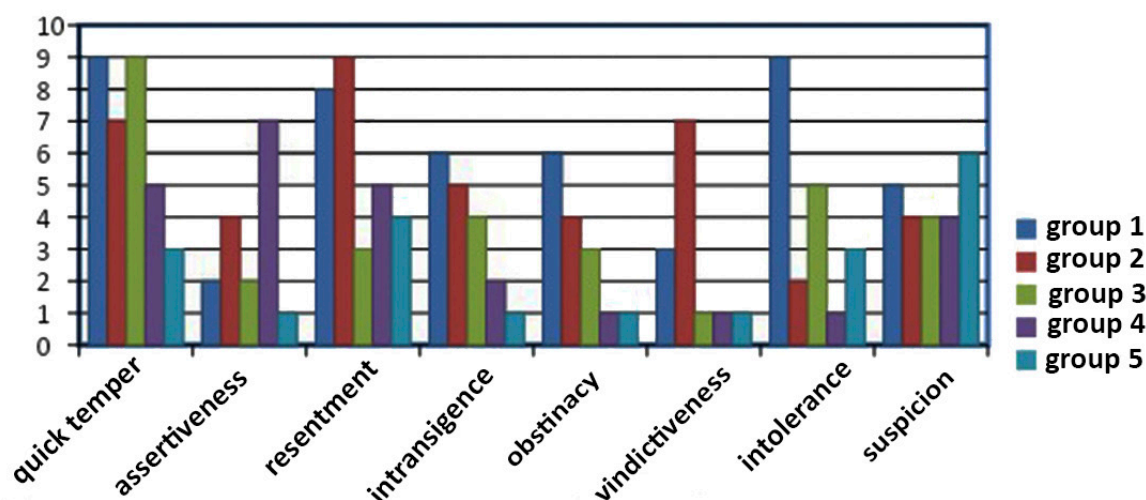


Figure 3. Average values of indicators on the scales of the “Personal Aggressiveness and Conflict” method (E.P. Il'in, P.A. Kovalev)

Note: group 1 – convicts of a negative orientation; group 2 – convicts who systematically violate discipline, do not respond to educational influence; group 3 – convicts characterized by unstable behavior who violate regime requirements; group 4 – timeservers who, for the purpose of early release, behave and even participate in public life; religious fanatics; group 5 – convicts who have embarked on the path of correction.

4. The analysis of the results according to the method “Assessment of Aggressivity in Relationships” by A. Assinger reveals that the first and second groups of convicts are characterized by a high degree of aggressiveness, expressed in instability and cruelty towards other people. The indicators of the fifth group of convicts correspond to a low degree of aggressiveness, their peaceful attitude is based on self-doubt. The average degree of aggressiveness is characteristic of the third and fourth groups of convicts.

What is more, it is found out that aggressive behavior of surveyed is characterized by quick temper, suspiciousness or suspicion, which is

combined with intolerance and depends on the level of conflict.

Conclusion

The results of the theoretical and experimental study of the specifics of manifestation of aggressive behavior of convicts, depending on their social status, allow us to draw the following conclusions.

Aggressive behavior of convicts in places of deprivation of liberty is realized in the forms of emotional, objective, physical, verbal aggression and self-aggression. Manifestations of aggressive behavior of male convicts have typological features depending on their social status in a correctional institution.

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Informal Learning of Novice Teachers of Higher Education Institutions of the Federal Penitentiary Service as a Factor in the Development of Their Teaching Competencies

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Abstract

Introduction: the article is devoted to the problem of informal learning in the context of development of teaching competencies of novice teachers of higher education institutions of the Federal Penitentiary Service for their professional self-realization and pedagogical self-development. *Purpose:* to show the importance and identify capacities of informal learning to develop teaching competencies of novice teachers. *Methods:* theoretical analysis of literature, methods of comparison, classification, and generalization. *Results:* not only formal, but also informal education takes place throughout life. Informal learning guarantees the right of access to education for all novice teachers, is designed for any age and does not imply a continuous education structure. Novice teachers of universities of the Federal Penitentiary Service, who have legal or other, but not pedagogical education, have certain difficulties in teaching employees who have experience working in a departmental structure. The development of teaching competencies of novice teachers can be considered as the acquisition of new pedagogical skills and practical experience in the process of informal learning in the workplace, communication with more experienced colleagues, mentors, and managers. *Conclusions:* informal learning of novice teachers contributes to the formation of a professional attitude to pedagogical activity, increases self-assessment, improves awareness of pedagogical behavior and the specifics of students' behavior. In addition, in order to facilitate informal learning of novice teachers, it is important to provide both personal (self-awareness and desire to learn) and organizational contexts. Informal learning of novice teachers can improve teaching competencies.

Key words: lifelong learning; informal learning; formal learning; novice teachers; teaching competencies; adult education.

5.8.1. General pedagogy, history of pedagogy and education.

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Introduction

In recent years, the scientific community has been rethinking the value of lifelong learning. This trend is taken into account all over the world when developing educational policies and mechanisms for its implementation. Lifelong learning is described in UNESCO resolutions as purposeful educational activities carried out on an ongoing basis with the aim of improving knowledge, skills and competencies. This is no longer just one of the aspects of education and training; it should become a guiding principle for ensuring and participating in the entire continuum of learning contexts. Therefore, lifelong learning includes informal learning acquired on the basis of experience and, therefore, runs through the professional career of a novice teacher [1; 2, p. 5].

When developing teaching competencies of novice teachers of higher education institutions of the Federal Penitentiary Service (FPS of Russia) for self-realization and pedagogical self-development, informal education has undoubted capacities.

Features of informal learning

Informal learning is considered additional, alternative to formal as part of the lifelong learning process [3]. Informal learning guarantees the right of access to education for all novice teachers, is designed for teachers of all ages and does not imply a continuous education structure: it can be short, low-intensity and is usually conducted in the form of short courses, workshops or seminars at the workplace [4]. Informal learning of novice teachers mainly leads to obtaining qualifications that are not recognized by the relevant state educational authorities as equivalent to formal qualifications, but there are no special courses for acquiring teaching competencies. It is

no coincidence that novice teachers of higher education institutions of the FPS of Russia, who have legal or other, but not pedagogical education, have certain difficulties in teaching employees who have experience in departmental structures.

To begin with, within the framework of the problem state, it is important to define a “novice teacher”. Age limits can be unlimited: this may be a middle-aged man who has recently been transferred from penal system bodies and started his/her teaching career, or recently graduated from the university. For some researchers, novice teachers are those who have been teaching in higher education institutions for less than four years, while others extend this period to 5–7 years. In our opinion, novice teachers are those having teaching experience in a departmental university of up to 7 years.

Professional competencies of a teacher

To organize informal learning and identify its key constructs, it is also important to understand what teaching competencies need to be formed in novice teachers of departmental universities of the FPS of Russia.

Traditionally, the professional profile of the teaching staff includes three main functions: teaching, research and administration. Focusing on the function of teaching, scientists have not yet developed a consensus on who is a “good teacher”. Nevertheless, the concept of higher education focused on learning and innovation cannot be understood without taking into account professional competencies of teachers. To do this, we propose a set of teaching competencies of novice teachers that determine their pedagogical skills (table).

Teaching competencies of novice teachers

Teaching competencies	Indicators
Proficiency	Knowledge of the discipline and its relationship with other disciplines
Interpersonal competencies	Interaction with students, motivation, trust, empathy and ethical obligations
Methodological competencies	Application of methodological strategies that are consistent with needs, context, and goals; assessment
Communication competencies	Establishing effective, adequate communication when contextualizing it in various learning situations
Learning planning and management	Development of the content of lessons
Assessment competencies	Evaluation of the educational process
Team work competencies	Cooperation in a group at the level of an educational organization, institute, and department
Learning	Guiding the learning process of students by promoting their autonomy
Innovation	Reflecting on one's own practice and taking initiatives to improve teaching

So, the development of teaching competencies of novice teachers of departmental universities of the Federal Penitentiary Service of Russia is defined as a gradual evolution towards professionalism, which strengthens the educational function, accompanied by critical introspection. In addition, in the process of informal learning of novice teachers of departmental universities of the FPS of Russia, we include an organizational perspective and identify facilitators and barriers to professional development that are taken into account in the process of informal learning.

At the beginning of a teaching career, novice teachers are focused on themselves; they try to master the subject and overcome pedagogical uncertainty. Consequently, we consider development of teaching competencies of novice teachers as the acquisition of new pedagogical skills and practical experience in the process of informal learning in the workplace, informal communication with more experienced colleagues, mentors, and managers. Also, informal learning of novice teachers implies the absence of systematic control, learning does not correspond to the curriculum and is not limited to certain environments. We have observed that novice teachers, participating in team informal educational events, develop their teaching competencies more effectively.

The process of informal learning of novice teachers at a departmental university of the FPS of Russia is mainly focused on the teacher's participation in team and individual educational activities, such as practice and testing, as well as interaction and discussion of results with students and colleagues. So, an example of team learning activity is the observation of a novice teacher for more experienced colleagues in the process of teaching. Individual informal educational activity involves inclusion of novice teachers in online professional communities, cooperation and dialogues with colleagues.

Informal learning of novice teachers contributes to the formation of a professional attitude to pedagogical activity, increases self-esteem, improves awareness of pedagogical behavior and the specifics of students' behavior, develops new views on informal learning and its role in professional development. In addition, in order to facilitate the informal learning of novice teachers, it is important to provide both personal (self-awareness and desire to learn) and organizational contexts.

As part of the motivation of personal contexts, educational organizations of the FPS of Russia encourage teaching staff to develop competencies as they perform their pedagogical work. In fact, departmental universities are

striving to expand the expertise of their novice teachers and promote a new model of pedagogical profession in accordance with the current situation. As part of the development of organizational contexts, we use three main components to promote informal learning of novice teachers: research training (i.e. focusing novice teachers' attention on research and experiments), encouraging mistakes (i.e. encouraging them to make mistakes and learn from them) and emotional control (i.e. giving novice teachers the opportunity to manage their emotions). The feedback factor is also important, which stimulates the active search behavior of a novice teacher and his/her further informal learning.

Within the framework of informal learning, novice teachers can build various strategies for the development of teaching competencies based on their initial data: seek to expand their knowledge in the subject; improve competencies when interacting with students; pay attention to educational and methodological competencies and the specifics of the educational process.

Capacities of informal learning

So, we will list possibilities of informal learning for novice teachers to develop teaching competencies. The first one is that novice teachers are interested in learning in the most effective way possible, prefer to focus on key points and receive resources to expand their skills and abilities.

The second advantage is the possibility of training in an individual mode. Informal learning provides the opportunity and resources to take an active role in managing one's own learning to ensure achievement of goals.

The third advantage of informal learning is professional interaction of novice and experienced teachers on equal terms. Everyone contributes to the educational process.

The main advantage of informal learning in the development of teaching competencies is that novice teachers can independently look for learning opportunities. According to Cyril Houle, adult learners may be classified as being primarily goal-oriented, activity-oriented, or learning-oriented learners. Goal-oriented novice teachers strive to achieve a specific goal, activity-oriented novice teachers enjoy the learning

process, including social nature of many types of teaching experience, and learning-oriented ones has an innate desire to learn [5].

Subsequent researchers sought to expand and refine the list of S. Houle's motivations. So, Morstein and Smart (1974) developed motivational factors based on a scale of participation in education, for example, social relations – establishment of new acquaintances, social interaction; external expectations – novice teachers' necessity to study and master new knowledge; professional growth for career advancement; social security – desire to serve others and society; distraction/stimulation – hobby for someone; cognitive interest – genuine interest in learning for the sake of learning [6, pp. 52–54; 7].

Thus, our study expands understanding of the specifics of informal learning of novice teachers of departmental universities.

Specifics of adult education

The theoretical basis of informal learning of novice teachers is organized with regard that they will teach adult students and it is important for them to know the specifics of this category of students. Novice teachers can be often younger or the same age as their students.

Malcolm Shepherd Knowles was one of the first modern scientists to claim that adults learn differently than children. He popularized the term "andragogy" to describe adult-oriented teaching methods, as well as worked out an adult learning theory based on unique characteristics of adult learners. M. Knowles analyzed a list of unique characteristics applicable to adult learners, including the tendency of adults to self-study, adult preferences in purposeful, relevance-oriented and practical learning, as well as rich life experience and subsequent need for self-realization [8]. Adult learners establish connections with previous knowledge and experience, are able to correct misconceptions and focused on achieving goals, which can change over time depending on the needs at different stages of life and often vary from one adult learner to another.

Adult learners study what is most useful and important for them in their professional activities and comply with their own experience and refuse cramming. In cases where the relevance of certain information may not be obvious to

adult learners, an indication of how or why it is important, especially on a personal level, can help draw their attention to the learning process. Similarly, training programs with mandatory assignments or topics for study and control may dissatisfy some adult participants.

It is important for participants of the learning process to share examples from their own experience and communicate actively. Everybody's contribution to the learning process is appreciated; facilitators share information about their own connections with content.

It is important for novice teachers to take these arguments into account in teaching [9].

So, in the context of informal learning, target guidelines can vary greatly, so it is important for teachers to correctly interpret their own unique goals and understand capacities of informal learning in the development of teaching competencies.

Therefore, it is important to organize the process of informal learning of novice teachers taking into account the specifics of adult education and create a learning environment that helps to minimize the fear of failure, because adults tend to avoid situations in which they may fail. However, it is necessary to explain to novice teachers that making mistakes is part of learning. Experienced teachers can help novice teachers to moderate discussions so that participants whose views or beliefs dif-

fer from ideas of their colleagues still feel part of the group. Since novice teachers learn in different ways and at different speeds, it is important that they be attentive to the differences between students.

Conclusion

In recent years, the interest of teaching staff of educational organizations of the FPS of Russia in high-quality teaching has significantly increased, so novice teachers are encouraged to continuous professional development. There is no doubt that novice teachers are offered options for formal learning and advanced training, but they are still voluntary and, therefore, cover only a small percentage of teachers. Unlike the formal learning format, informal learning of novice teachers takes place during daily pedagogical practice at the workplace, which provides significantly greater opportunities for the development of teaching competencies.

Thus, the presented evidence confirms the stance that the acquisition of teaching competencies by novice teachers occurs more effectively in the process of informal learning, since the content of such learning is more closely related to individual needs of a novice teacher, is self-managed and self-regulated, i.e. learning takes place at its own individual pace, based on the time and cognitive resources of the individual.

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Modern View on the Formation of Students' Worldview in the Pedagogical Heritage of K.D. Ushinskii

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Abstract

Introduction: formation of students' worldview is the most important element in any pedagogical system. Pedagogical heritage of K.D. Ushinskii is not an exception. The article describes evolution of K.D. Ushinskii's views on the formation of the worldview of students, analyzes its components, determines correlation between his pedagogical teaching and socio-economic development of Russia in the mid-19th century, philosophical and pedagogical teachings of his predecessors and contemporaries. The main idea of K.D. Ushinskii, which determines the entire system of education, is the inseparable connection of domestic education and upbringing with folk culture and modern needs of society and the state. There are three cornerstones of K.D. Ushinskii's pedagogical teaching, such as nationality, religiosity and scientificity. *Purpose:* to consider and analyze an aspect of the pedagogical system of K.D. Ushinskii, such as formation of the worldview of students, which determines all the other parts of his pedagogical system, to find those elements in his concept that remain relevant at the present time and can be used as guiding ideas in modern domestic pedagogy. *Methods:* to comprehensively analyze K.D. Ushinskii's point of view on the ideas of philosophers known at that time, the authors used the method of content analysis of mentions of the names of these philosophers in the two-volume edition of his fundamental work "Man as a subject of education". The method of comparative analysis and the historical method were also actively used. *Results:* the authors have considered formation of the worldview of students in the pedagogical system of K.D. Ushinskii from the standpoint of modernity in the philosophical and sociological aspect, indicating those moments in his concept that were relevant at the beginning of the 19th century and can be used as guiding ideas in modern Russian pedagogy. Distinguishing in the complex concept "worldview" its three components known in philosophy, such as attitude to life (emotional-psychological side), perception of the world (image of the world in visual sensory representations obtained as a result of sensory perception of the surrounding world) and philosophy of life (cognitive-intellectual side of the worldview), the authors conclude that the fact that three cornerstones of K.D. Ushinskii's pedagogical system (nationality, religiosity and scientificity) allow forming all these components of the worldview. *Conclusions:* philosophical views of K.D. Ushinskii developed from objective idealism to

dualism and incomplete materialism, close to dialectical materialism. Religiosity of education and upbringing evolved in the pedagogical system, becoming an applied educational aspect that helps to better master folk culture, without which no national education is possible. Such an element of the pedagogical system as scientificity also changed, which he considered in two aspects: the scientific character of pedagogy itself, based on knowledge of anthropology and other sciences, and scientific character as the formation of a scientific picture of the world, acquisition of knowledge of natural and social sciences, which allow students to master professions that meet their interests and needs of the society at that time. Relying on the variability and development of nature and society, which presupposes constant correction of education and nutrition in accordance with these changes, it is necessary to abandon dogmas and established standards of education and upbringing, adapting the education system to new realities of public life. K.D. Ushinskii considered pedagogy at the same time as science and art. In addition to knowledge, pedagogy also requires pedagogical abilities and inclinations, enriched with data from many anthropological sciences.

Key words: worldview; student; pedagogical system; K.D. Ushinskii; anthropology; interrelation; society; modernity.

5.8.1. General pedagogy, history of pedagogy and education.

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Introduction

February 2023 marked the 200th anniversary of the birth of one of the largest representatives of Russian scientific pedagogy of the 19th century – Konstantin D. Ushinskii (1823–1870), whose pedagogical legacy has left a deep mark not only on Russian but also on world pedagogy.

The purpose of this article is to consider and analyze such an aspect of K.D. Ushinskii's pedagogical system as the formation of students' worldview, which determines all other parts of his pedagogical system, to find those elements in his concept that remain relevant at the present time and can be used as guiding ideas in modern Russian pedagogy.

The authors propose to trace development of K.D. Ushinskii's views on the formation of students' worldview, analyze its components and connection of his pedagogical teaching with the socio-economic development of Russia in the mid-19th century and philosophical and pedagogical teachings of that time. To comprehensively study K.D. Ushinskii's attitude to philosophers known at that time, the authors used the methodology of content analysis of references to philosophers' names in the two-

volume edition of his main fundamental work "Man as a subject of education" [1; 2].

Results and discussion

K.D. Ushinskii was an all-round man, fluent in German, English and French, familiar with all philosophical teachings that existed at the beginning of the 20th century (Aristotle, Bacon, Descartes, Spinoza, Locke, Hume, Kant, etc.) and works of French enlighteners of that time (Rousseau, Holbach, Diderot, Julien Offray de La Mettrie, etc.). As for his own philosophical views and worldview, both K.D. Ushinskii's contemporaries and subsequent generations of scientists attributed them to different philosophical schools and teachings. Thus, even in pre-revolutionary studies, his worldview was interpreted from diametrically opposite positions. Some (for example, M. Rubinstein) considered him a consistent idealist, a supporter of Fichte's doctrine; others (for example, Professor M. Vladislavlev) – a materialist.

Representatives of church mysticism (P. Filonov, M. Radonezhskii and others) criticized K.D. Ushinskii from the standpoint of clericalism, calling him a materialist nihilist. Moreover, they wrote denunciations against

him claiming him an atheist and an unreliable person and pointing out the ignorance of religious materials in his textbooks. Though they demanded a textbook "Native Word" to be removed from schools, it had been a guidebook for teachers and parents on teaching native language for many decades. It is worth noting that it had been reprinted 146 times until 1917. Some (for example, I. Skvortsov and V. Goltsov) reproached K.D. Ushinskii for the dualistic duality of his teaching. And each of them was right in his own way.

Such different interpretations of K.D. Ushinskii's philosophical views, in our opinion, are explained by the fact that, indeed, they were quite contradictory and specific. In addition, they evolved throughout his life from idealistic to materialistic.

In order to confirm this conclusion, the authors applied their own methodology of content analysis of references to the most famous philosophers of antiquity and modernity in the main two-volume fundamental work of K.D. Ushinskii "Man as a subject of education". The semantic units of analysis were surnames of the philosophers mentioned and considered by K.D. Ushinskii in the eighth and ninth volumes of his complete works; the observation units were pages on which these surnames were mentioned. Table 1 shows the results of a frequency analysis of such references, revealing the diversity of philosophical schools and philosophers themselves considered by K.D. Ushinskii in his fundamental work (only philosophers mentioned 5 or more times in the text are taken for analysis).

*Number of reference to philosophers' names in K.D. Ushinskii's work
"Man as a subject of education"*

Table 1

No.	Philosophers	Frequency of references		
		Volume 8	Volume 9	Total
1	Aristotle	37	41	78
2	F. Beneke	45	39	84
3	F. Brown	-	28	28
4	F. Bacon	32	2	34
5	Wundt W.	27	6	33
6	G. Hegel	14	26	40
7	J. Herbart	24	59	83
8	R. Descartes	17	42	59
9	I. Kant	24	37	61
10	A. Comte	5	2	7
11	G. Leibniz	9	3	12
12	J. Locke	21	12	33
13	H. Lotze	6	2	8
14	J. Lewis	12	-	12
15	J. Mill	26	18	44
16	Plato	8	-	8
17	T. Reed	21	19	40
18	J.J. Rousseau	16	12	28
19	H. Spencer	14	3	17
20	B. Spinoza	8	55	63
21	I. Fichte	11	3	14
22	J. Fries	7	-	7
23	A. Schopenhauer	4	20	24
24	D. Hume	5	-	5

If we rank philosophers listed in the table according to the frequency of references, then the first half of this list (with at least 30 references) will include F. Beneke (a German psychologist and philosopher, teacher, developer of pedagogy based on empirical psychology data (84 refer-

ences)), J. Herbart (a German philosopher, psychologist and teacher of reactionary directions (83 references)), Aristotle (a philosopher-encyclopedist of ancient Greece (78 references)), and Spinoza (a famous European philosopher of the 17th century (63 references)) (Table 2).

Table 2

Ranking of the twelve most mentioned philosophers in K.D. Ushinskii's work "Man as a subject of education"

No.	Philosophers	Frequency of references		
		Volume 8	Volume 9	Total
1	F. Beneke	45	39	84
2	J. Herbart	24	59	83
3	Aristotle	37	41	78
4	B. Spinoza	8	55	63
5	I. Kant	24	37	61
6	R. Descartes	17	42	59
7	J. Mill	26	18	44
8	G. Hegel	14	26	40
9	T. Reed	21	19	40
10	F. Bacon	32	2	34
11	Wundt W.	27	6	33
12	J. Locke	21	12	33

The table shows that K.D. Ushinskii considered ideas of philosophers of various directions of philosophical thought (subjective and objective idealism, materialism, dualism, etc.) when developing his pedagogical concept. He described strong and weak points in each teaching, noting their one-sidedness: extreme idealism – in an effort to bring the material world out of the spiritual, extreme materialism – in an effort to bring the spiritual world out of the material. Ultimately, based on the practical needs of pedagogy, he chose dualism, according to which it is impossible to say what is primary: material or spiritual, since they coexist as if in parallel, being in close interaction. Backing the stance of H. Lotze, K.D. Ushinskii spread the ideas of dualism. It required great "independence in thought and noble courage in character", since dualism was subjected to harsh criticism at that time, both on the part of materialists and idealists. Analyzing teachings of R. Descartes and F. Bacon, K.D. Ushinskii came to the conclusion that they surprisingly "combined skepticism, idealism and materialism".

In this regard, we can recall R. Rolland's statement about the French writer J. Renan, "Taking away the image of my stoic, who is both an Epicurean, a pessimist-optimist, a believer and a doubter, a true man and a man of truth, I think about the audacity of those who try to lock this harmony of contradictions into the formula of a certain party or school. It contains rich music of a transitional time, burdened by the past, fraught with the future!" [3, p. 483]. These words of R. Rolland can rightfully be attributed to K.D. Ushinskii, who lived during the struggle of two opposing ways of socio-economic life in Russia. The feudal, serfdom system was replaced by a new system of capitalist production relations, requiring the development of science and appropriate education and upbringing. Undoubtedly, the influence of the epoch was reflected in the worldview of K.D. Ushinskii, who himself was well aware of the inconsistency of his philosophical views. Therefore, without fear of reproaches for recognizing dualism, following H. Lotze, K.D. Ushinskii rejected extremes of idealism, which takes the material world out of spiritual, and extremes of materialism, which

takes the spiritual world out of the material. According to his opinion and belief, two worlds coexist in a person: spiritual and material [4, p. 648].

K.D. Ushinskii considered pedagogy itself in two aspects: "in the broad sense", as a collection of sciences aimed at teaching and upbringing, and pedagogy "in the narrow sense" as a theory of the art of education. Referring to J. Mill, he described relations between pedagogy as a science and pedagogy as an art. The latter sets science goals of its activity (education of a perfect person adapted to modern society, useful to this society and in harmony with itself, society and nature), and science, having received this goal as a task, explores, studies real possibilities of achieving this goal, and then transfers pedagogy as art in the form of "combinations of circumstances (conditions)", with the help of which this goal can be achieved [1, p. 15].

The worldview is one of the important elements of pedagogy as a science and as an art that unites them into a single whole. Most often, it is understood as "a generalized system of human views on the world as a whole, on the place of individual phenomena in the world and on one's own place in it, a person's understanding and emotional assessment of the meaning of his activities and destinies of mankind, a set of scientific, philosophical, political, legal, moral, religious, aesthetic beliefs and ideals of people" [4, p. 454]. The authors understand the worldview, first of all, as a set of logically related and consistent fundamental views on nature, society and man, as well as social values, attitudes, and ideals of both an individual and certain small and large social groups. The core idea of K.D. Ushinskii, determining his entire system of education, is the inseparable connection between national education, folk culture and modern needs of society and the state.

We can talk about three cornerstones of K.D. Ushinskii's pedagogical teaching: nationality, religiosity and scientificity. Nationality means the reliance of education on folk culture with its language, customs and traditions, adapted over a millennium of its development to climatic and historical conditions of its existence.

Religiosity (in relation to Russian culture it is, first of all, Orthodoxy), K.D. Ushinskii understood as a manifestation of the people's cul-

ture, deeply religious at that time. Russian Orthodoxy, as an element not externally imposed on the Russian people, but formed on the basis of Russian folk culture, accumulated, according to K.D. Ushinskii, the best social values, customs and traditions that allow the younger generation to be brought up in harmony with nature, surrounding people and other peoples. Undoubtedly, the role of religiosity in the pedagogical teaching of K.D. Ushinskii underwent significant changes in the course of his life and scientific creativity. His later works and, above all, his fundamental two-volume work "Man as a subject of education. The experience of pedagogical anthropology" (1868–1869) suggest that under the influence of the third element of his pedagogical system – scientificity – the role of religion in teaching and upbringing gradually decreased and was considered as an element of nationality and a storehouse of folk wisdom.

He argued that psychology, on which pedagogy is based, "is even in more close relation to religious systems than history. It cannot but see observe not only expressions of the human soul, but even expressions in which some psychological truth should necessarily be hidden" [2, p. 560].

How right K.D. Ushinskii was and remains, noting the extreme importance of relying on nationality in any education (native language, native culture) and religiosity, is evidenced by the thirty-year experience of Ukrainization in terms of imposing the Ukrainian language on the entire population of Ukraine (especially in its eastern regions, where the Russian-speaking population has traditionally lived), refusal from canonical Orthodoxy and its replacement with a schismatic pseudo-Orthodox religion. In principle, our ideological opponents have taken into account the importance of nationality and religiosity in education and upbringing. Russian language, Russian culture, and canonical Orthodoxy, which united two fraternal peoples, have been violently eradicated throughout the territory of Ukraine. It should be said that they have succeeded in this in a certain way. The protest of the Russian-speaking population in the eastern regions of Ukraine against such artificial, forced Ukrainization since 2014, can also be understood. Education in Russian language is resumed in the territories liberated during the special military operation launched in Febru-

ary 2022 (the use of Ukrainian language is also permitted, as well as of Ukrainian and Tatar languages in the Republic of Crimea), and is based on Russian culture and Orthodox values.

For K.D. Ushinskii, scientificity is reliance not only on natural sciences (physics, chemistry, astronomy, etc.), but also psychology, biology and other anthropological disciplines. The essence of pedagogical anthropology is that education and upbringing of children should be based on the anthropological laws of the human body development from birth to adulthood. K.D. Ushinskii borrowed many ideas of pedagogical anthropology from the French enlighteners claiming that "all social phenomena come out of private psychic phenomena". But he developed them further and connected them with other elements of his pedagogical system, including religiosity, considering it as a "historical form of the human psyche functioning" and a source of human wisdom and morality. A dogmatic exposition of the rules of the teaching of religion, according to K.D. Ushinskii, should be left to specialists in theology, while psychology and pedagogy consider Christianity (first of all, Orthodoxy) as a phenomenon arising from the needs of the human soul.

Thus, K.D. Ushinskii was the first among Russian teachers to attempt to summarize scientific knowledge about man, showing the relationship of pedagogy with anthropological science. In didactic terms this meant that when teaching, it was necessary to take into account biological and psychological features of the development of children of different ages. One should not teach a child with concrete imaginative thinking subjects that require more abstract thinking. In his main work "Man as a subject of education", K.D. Ushinskii, based on a detailed description of human physiology and psychology, substantiates, in particular, why children cannot do one monotonous thing for a long time and why teaching for them should be visual.

These views of K.D. Ushinskii were later brilliantly confirmed by many studies of foreign and domestic scientists-psychologists. For example, the Swiss psychologist J. Piaget (1896–1980), having conducted numerous experiments and tests, showed how children's mental abilities, skills and abilities changed depending on their age and interaction with the environment. He developed his theory of cognitive de-

velopment, better known as 4 stages of intellectual development [5]. J. Piaget empirically proved that all children go through a series of successive stages in their intellectual and mental development, gradually acquiring new skills of material handling, which determine the limits of possible cognition for them.

In Russian psychology, empirical confirmation of Ushinskii's ideas can be also found in the works of Academician Pavlov stating that "sleep is the inhibition of central organs of the brain" and "habits and skills are "conditioned reflexes" [6; 7].

Russia made the transition from the feudal system and patriarchal way of life to the capitalist one, from handicraft production to large-scale capitalist production in the middle of the 19th century. Therefore, in contrast to the supporters of formal education, who seek to develop mental abilities of students in any suitable material, including "dead" languages, K.D. Ushinskii believed that children should get such knowledge in the field, first of all, of natural sciences, which would be useful to them when they entered adult working life. The education program, according to K.D. Ushinskii, should be derived from social existence and social needs, and pedagogical success is possible only when education is based on the rules of folk morality, developing together with them. It is this kind of upbringing and education that can contribute to prepare new generations for life in society.

As a supporter of real education, K.D. Ushinskii not only promoted the possibility of teaching knowledge in physics, chemistry and other natural sciences, but also tried to implement his ideas in practice. Being appointed to the position of inspector at the Smolny Institute of Noble Maidens in 1859 by the favor of Empress Mariya Feodorovna attracted by his articles in the Journal for Education, he introduced new subjects into the curriculum, such as Russian language, the best works of Russian literature, and natural sciences (fundamentals of physics, chemistry, and biology). At the same time, visibility was widely used in teaching and experiments were conducted in biology and physics.

Besides, K.D. Ushinskii invited such prominent teachers as V.I. Vodovozov (literature), D.D. Semenov (geography), M.I. Semevskii (history) and others. To promote socially useful work among students, in addition to the man-

datory seven classes of general education, a two-year pedagogical class was introduced. After its completion, young people could work at elementary school.

Before that, at the Smolny Institute, girls had been given very little real knowledge, they had learnt secular manners and prepared for family life as a wife and mother. Naturally, some reactionary teachers of this educational institution, close to the royal court, disputed the ideas of K.D. Ushinskii. Therefore, denunciations of the reformer teacher achieved their goal and he was dismissed. However, due to his fame as a scientist-teacher, the leadership decided to send K.D. Ushinskii on a long business trip abroad to get acquainted with the experience of pedagogical female education in a number of European countries.

It should be said that the rich material collected by K.D. Ushinskii on this business trip only strengthened his conviction that education and upbringing should be based on national characteristics and the specifics of folk culture. On the other hand, it is necessary to borrow the experience, achievements of foreign scientists, and pedagogical technologies, especially in the field of teaching natural sciences.

According to K.D. Ushinskii, "an industrial direction of the century requires industrial science" that children should be introduced to the sciences of nature and man. They should know their native language and literature, history, geography, and mathematics. Natural sciences are very important for a person. K.D. Ushinskii sharply criticized classicism in high school, which was strongly supported by the reactionary Minister of Public Education D.A. Tolstoi. In one of his last articles "What should we do with our children?" written in 1868 [8], arguing with the defenders of classicism in education, K.D. Ushinskii proved the enormous educational significance of natural science and defended the real direction of general education. He pointed out that natural sciences develop the ability to observe life, interest children incomparably more than Latin and Greek declensions and conjugations, contribute to the development of logical thinking and are of great practical importance. In his book for reading "Child world" [9], K.D. Ushinskii presented a lot of educational material on natural science for initial training. He strongly recommended introduction of

practical classes for students, especially rural schools, in the garden and field. Such classes developed skills of hard work, contributed to the acquisition of initial knowledge for further professional self-determination, the choice of professions that modern society needs. K.D. Ushinskii considered the training itself as mental work that requires volitional efforts on the part of students.

K.D. Ushinskii's arguments about the propensity for entertainment are very relevant for our time. In the second volume of his essay "Man as a subject of education" in Chapter XLVI "Pursuit of pleasure and pursuit of happiness: the classical theory of Eudaemonism", he noted, referring to Socrates in Plato's interpretation, that "if we make a person's pleasure the supreme criterion of his actions, then there disappears not only the concept of moral and immoral, but even the concept of smart and stupid in relation to human actions about worthy and unworthy" [2, p. 491]. After much reasoning, K.D. Ushinskii came to the conclusion that a person's enjoyment and his/her happiness should not interfere with the happiness of other people surrounding him/her in society, while socially useful work based on a person's abilities for different types of activities gives a person true and long-term enjoyment.

Conclusions

1. K.D. Ushinskii's philosophical views have evolved from objective idealism to incomplete materialism throughout his life. The commitment to follow empirical scientific data inclined him to dualism, which characterized his "independence in thought and noble courage in character", since dualism was subjected to harsh criticism from both materialism and idealism at that time. K.D. Ushinskii was dissatisfied with idealistic teachings prevailed in the middle of the 19th century and vulgar materialism widespread at that time. The analysis of Ushinskii's creative path shows his disposition to dialectical materialism.

2. Religiosity of education and upbringing, as an element of the pedagogical system of K.D. Ushinskii, also underwent certain evolution. If initially K.D. Ushinskii believed that religion (and above all law) should be at the center of education and upbringing, then in his recent works he considered religion as an applied educational aspect that helps to better master folk culture,

without which no national education is possible.

3. The third fundamental element of K.D. Ushinskii's pedagogical system (scientificity) also changed throughout his life. Two important aspects can be distinguished in this element: the scientific character of pedagogy itself, based on knowledge of anthropology and other sciences, and scientific character as the formation of a scientific picture of the world, acquisition of knowledge of natural and social sciences, which allow students to master professions that meet their interests and needs of the society in a given period of time. According to K.D. Ushinskii, school should prepare students for real life in society and socially useful work activities.

4. Considering a complex concept "world-view" in terms of its three components known in philosophy, such as attitude to life (emotional-psychological side), perception of the world (image of the world in visual sensory representations obtained as a result of sensory perception of the surrounding world) and philosophy of life (cognitive-intellectual side of the world-view), we can conclude that three cornerstones of K.D. Ushinskii's pedagogical system (nationality, religiosity and scientificity) make it possible to form all these components of the world-view. Thus, religion helps form an attitude to the world, nationality – perception of the world, and scientificity forms an idea of the world, nature and society on the basis of their rational explanation.

5. Nowadays K.D. Ushinskii's teachings, particularly ideas of nationality and reliance on Orthodox spiritual values, are relevant in conditions of a course towards globalization of education taken in the 1990s and a certain reverence for Western models of education. Only recently, we have begun to realize that the domestic system of education and upbringing is in some ways better than the Western one. Various sanctions imposed by Western countries have led to rejection of the Bologna Process and modification of the Unified State Exam system and other elements of Western education that are alien our culture and mentality.

6. Relying on such an aspect of K.D. Ushinskii's worldview as the variability and development of nature and society, which presupposes constant correction of education and upbringing in accordance with these changes, it is nec-

essary to abandon dogmas and once and for all established standards of education and upbringing, adapting the education system to new realities of public genesis. Speaking about the possibility of constructing "a complete and perfect theory of education", K.D. Ushinskii himself was well aware of the failure of this plan, since the sciences on which education should be based are still far from perfect. Therefore, the theory of education, following the development of sciences, should also change and improve.

7. If we look at the domestic modern education system from the standpoint of nationality as the main element of K.D. Ushinskii's pedagogical system, we can be unpleasantly struck by the changes that have occurred in it over the past 30 years of copying Western images and values of Western culture. Therefore, it is necessary to radically change the domestic system of education and upbringing in the direction of nationality and Russian identity. These changes should affect, in our opinion, not only secondary and higher schools, but also activities of the mass media and communication, cultural institutions. It should finally be realized that we, as representatives of a great Eurasian country, should develop our own distinctive culture, which is more suitable for our society.

8. This does not mean that both in the system of education and upbringing we should close ourselves off and isolate ourselves from everything progressive that is developed in other countries, including Western ones, especially in the field of pedagogical technologies. K.D. Ushinskii himself called for dialectical thoughtful borrowing of foreign experience, adapting it to Russian conditions.

9. In the first and second volumes of his work "Man as a subject of education", K.D. Ushinskii declared his intention to present in the third volume a set of pedagogical rules based on scientific data of human physiology, psychology, and to consider the relationship of political science, sociology, social philosophy and logic with pedagogy as a science and art. To our great regret, an early death at the age of 47 (the heyday for a scientist, especially a humanitarian) did not allow these intentions to come true. Therefore, teachers themselves have to draw conclusions from his fundamental work and remember at the same time that K.D. Ushinskii himself considered pedagogy both as a science and

as an art. This means that, as an art, pedagogy requires, in addition to knowledge, pedagogical abilities and inclinations. But these abilities and inclinations should be backed with the data of many anthropological sciences. Then the task of the teacher will be to competently and

dialectically use the data of these sciences and specific technologies developed on their basis, in the noble activity of educating such a person who is in demand by modern society, can apply his/her natural talents and abilities for the benefit of this society.

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Modeling as a Method of Shaping a Personal Future of Convicted Women

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Abstract

Introduction: the article is devoted to the problem of studying convicted women's plans for the future and using a modeling method to shape a personal future of female convicts in conditions of imprisonment. *Purpose:* to contribute to the construction of a positive personal future of female convicts on the basis of the use of the modeling method. *Methods:* theoretical analysis of literature, modeling methods, conversation, and classification. *Results:* to analyze convicted women's plans for the personal future, we developed the following criteria: by time duration (long-term, medium-term, current), by degree of parameter determination (deterministic and probabilistic), by planned actions (reactive, inactive, preactive). During individual conversations, three groups of life plans of first-time convicted women of various ages for their personal future were identified: 1) long-term, deterministic and positive personal plans for the future; 2) medium-term or current, probable, inactive; 3) there is no model of future life. Drawing up a detailed plan, modeling the prospects of life is the basic method of a person's influence on their future. This makes it possible to more effectively build a correctional process for a more successful rehabilitation of the personality and its adaptation in society after release. *Conclusion:* plans for the future are all kinds of long-term goals (personal or professional), considered as a real benchmark of action. The personal future model is an accurate description of the life planning process, its sketch or reference point. In this study, the use of the modeling method in drawing up a personal future is a practice-oriented embodiment of life plans of convicted women, which allows them to see their future life as a whole process, as well as to isolate all components in their interrelation. Based on this, it is necessary to carry out specially organized work to study life plans of convicts, include them in various correctional programs in order to revise their views, realize the value of life, and model a positive personal future.

Key words: places of imprisonment; female convicts; educational process; modeling method; positive future of a convict; personal plans.

5.8.1. General pedagogy, history of pedagogy and education.

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Introduction

Current economic, political, legal and socio-cultural reforms in the country have led to crisis conditions in many spheres of human activity: a drop in the standard of living of the people, unemployment, an increase in crime, etc. Female crime is of particular concern, since it has a significant impact on the criminogenic situation in the country. Female crime has a cynical, cruel and aggressive nature. It has a negative impact on general crime, especially on the crime of the younger generation [1].

It is especially important to carry out correctional and educational work with convicted women serving a sentence of imprisonment for the first time in order to neutralize recidivism and prepare them for adaptation to the living conditions of modern society after release. In this regard, the activity of correctional institutions in search of the most effective measures of a psychological and pedagogical nature (forms, means, methods and directions) to reduce the level of recidivist female crime is of particular importance.

The study of the content, structure and specifics of convicts' plans for the future is of great importance in the correctional and educational process in conditions of deprivation of liberty. Plans for the future are all kinds of long-term goals (personal or professional) considered as a real guideline for action. In addition, actions should be justified, since without them a plan cannot become a reality, and achieving the goal is impossible without volitional efforts, thoughtful and responsible.

The problem of convicts' personal life plans was first posed by S.V. Poznyshev in 1925. Further it was considered in the works of Yu.Yu. Bekhterev, A.P. Evgrafov, A.S. Makarenko, V.I. Monakhov, I.V. Shmarov, B.S. Utevskii and other researchers.

Convicts' plans in connection with various aspects of life were studied by penitentiary psychologists, in particular Yu.R. Saar (problem of self-determination of personality) [2], N.A. Deeva, V.G. Deev [3; 4], V.F. Pirozhkov (personality

orientation) [5], A.I. Ushatkov (volitional activity of a person) [6], A.N. Sukhov (conflicts in communication) [7], and M.G. Debolskii (possibility of correcting life plans of convicts) [8]. Nowadays, this problem is reflected in the works of I.S. Ganishina, A.V. Napris, S.V. Rusakov, E.V. Savvina, A.S. Chertovikova and other researchers.

It is relevant to study plans for a personal future, since a long time isolation has a profound negative impact on the psyche, which affects the process of correction in places of deprivation of liberty [9; 10]. Most women have no idea what they will do when they are released, there is no motivation for goal-setting, etc. All this does not contribute to successful resocialization of convicts in places of deprivation of liberty and can lead to recidivism [8; 11–13]. The above circumstances indicate the need to study the problem posed and confirm its relevance.

Classification of life plans of convicted women

The author's classification was developed on the basis of current typologies and classifications of life plans [1; 14–17]. We proceeded from the needs of practice (introduction of the achievements of pedagogical science into practice), requirements of the correctional process development logic and the availability of new theoretical concepts of education (taking into account the regularities of organization of the content and methodology of the process), the need to find new ways to re-socialize convicts.

We developed criteria of life plans to assess convicted women' plans for the future:

1) according to time duration. It is a perspective of the plan, a time period for which the convict can plan her life. It can be long-term (from 10 to 25 years), medium-term (from 3 to 10 years) and current (for 1 year, 6 or 3 months).

We relied on the doctrine of perspective lines developed by A.S. Makarenko. The researcher determined the importance of near, medium and long-term prospects, considering them as important tools for managing the process of

education, with the help of which students' activities become more expedient and purposeful. Different perspectives make it possible to make a person's life activity more fascinating and to fill it with new content [18].

A.V. Napris characterized life plans of convicts according to the scale of relations and impact on life, defining three groups of convicts: convicts with close, medium and long-term life plans [17];

2) according to the degree of parameter determination, since any process can be represented as a sequence of cycles and intermediate goals. Parameters of the plan are independent variable criteria that fully and unambiguously determine the task to be solved; in our work they are presented as deterministic (more specific and private goals, assessment of their significance and priority) and probabilistic (uncertain and approximate definition of goals or their absence). Project parameters are plans and means of achieving planned goals related, for example, to family, building relationships with children and parents, work, profession and career, realization of one's own desires and aspirations, etc. can serve as project parameters;

3) according to planned actions. They can be: a) reactive, that is, focused on consolidating achievements of the past, and they can act as positive assessments of their life results (successes, awards, incentives, etc.) and negative (criminal life); b) inactive, when a person refuses bringing out the past, forgets his/her mistakes, and strives for the future, perceived as quite good or at least acceptable; c) preactive, when person's activity is aimed at transforming reality, accelerating changes, and approaching the future in the search for optimal solutions.

The selected criteria are logically and internally connected and represent a system that is understood as their functional relationship through the inclusion of elements of some criteria in the composition of others and through the implementation of the same functions based on different indicators.

Modeling as a method of forming convicts' life plans

The creation of a pedagogically expedient and effective system of rehabilitation of convicts in conditions of deprivation of liberty is impossible without special activities related to its modeling and construction. The interest in the problem of creating a model is not accidental, since the reform of the penal system implies humanization and democratization of the correctional process, as well as transition to a personality-oriented paradigm. This method suggests development of a system that would be optimal for a particular convict.

In the methodology of scientific cognition, the modeling method is understood as a systematic study through which a model is created that reproduces the properties and relationships between elements of a cognizable object or phenomenon. The concept "model" is multidimensional and used in many different senses. One of the founders of the theoretical modeling method in the methodology of science V.A. Shtoff considered the model as a mentally imagined and materially realized system that, reflecting the object of research, is able to replace it so that its study gives us new information about its object [19]. The modeling method, consisting in establishing quantitative relationships between indicators and factors determining them, was discussed in works of many scientists (S.R. Boguslavskii, E.V. Bondarevskaya, V.A. Karakovskii, V.V. Kraevskii, L.I. Novikova, E.A. Yamburg, and others). Each model has a special psychological and intellectual atmosphere, as well as spiritual and moral climate.

In this study, the use of the modeling method in the formation of a personal future is a practice-oriented implementation of life plans of convicted women, which helps them to consider their future life as a holistic process, as well as to isolate all components in their relationship.

The personal future model is an accurate description of the life planning process. Modeling the future is a strategic planning of life, its

sketch, a reference point. Our logical filters “interpret” our “reality”, a person analyzes his life activity and chooses what is possible/impossible, will / will not work, to do / not to do, makes sense / makes no sense, etc., and our unconscious calculates risks and makes hints in the form of intuition and various premonitions. Researchers have proved that when a person sets a goal, thinking about his/her future, preferably imaging it in detail, then life achievements increase many times.

Drawing up a detailed plan and modeling life prospects is the basic method of a person's influence on their future. Not having goals means going with the flow, waiting for others to decide and do everything for you, making momentary rash decisions, making mistakes, fulfilling other people's goals, etc. In this regard, it is important to know convicts' plans for the future and the model of life after release, etc. This makes it possible to more effectively build a correctional process for a more successful resocialization of the individual and his/her adaptation in society after release [16; 20–24].

Studying convicted women's plans for the future

Plans of convicted women first-time serving their sentences in places of deprivation of liberty were studied during individual conversations in the correctional facility No. 1 of the Directorate of the Federal Penitentiary Service of Russia in the Vologda Oblast. Thirty women of various ages took part in them.

Analysis of the results shows that many respondents make plans related to family and further work (40%). Moreover, plans are long-term and mostly deterministic, that is, with clearly defined parameters, as well as focused on consolidating positive achievements of the past.

So, M., 34 years old, has two children. She is divorced. The son is studying at a university, the daughter is 5 years old, brought up by her grandmother. The convict is proud of her children. She actively maintains contacts with relatives. She is not a member of creative associations and has no hobbies. She works as

a seamstress in the correctional facility. She enjoys working, since time passes faster when being busy. Before her conviction, she worked as a seller in a fruit and vegetable pavilion. After her release, she plans to raise children, pay special attention to upbringing of her daughter, and continue working as a seller.

It should be noted that in the conversation about life plans, the convict speaks negatively about the time of the crime commission, “I hope the time in the correctional institution will do me good. And I am starting a new life without all the bad things that have surrounded me. I have already learnt my life lessons”.

There is another example: convict N., 21 years old, wants to make a career more than to start a family after her release. She mentions, “First I will finish my studies and get a job. I do not want to live on my parents' money, I am tired of it”. In the correctional facility, she receives an education as a manager and is going to get an appropriate job. Though she understands difficulties of finding a good job place having a criminal record, she does not lose hope. After release she is also going to move to her place of residence and take care of her parents.

Convicts with long-term, deterministic and positive personal plans for the future are rather confident, while their statements are colored by positive emotional experiences. It is important for convicts to realize that not all the planned events will come true, but modeling the future will help to realize their aspirations and find new solutions and ways to achieve goals.

At the same time, quite a large part of respondents (45%) do not have specific plans and when answering a question about their future, they use general phrases and show uncertainty in this area of life.

The convict L., 50 years old, answers ambiguously and vaguely to the question “What are your personal plans for life after release?”; she claims that she wants to work only for herself (“not for someone else”) and only in her profession, while noting that it is unlikely to work out and she will retire soon. At the same time,

she is afraid of not finding a job in the future, “since prison leaves its imprint on a person and who will employ “such a person”, specifying that “money is needed to raise her son”. She does not work in a correctional institution due to illness and has little interest in life. She does not want to remember her past and tries to forget it.

The convict O., 43 years old, answers questions about her plans after release briefly and reluctantly, says mainly that she will return to normal life, since both her husband and daughter are waiting for her release, and also claims that she will try to get a job. At the same time, she notes, “after my release, I will not be able to return to my previous job, since I worked at a school for the disabled, took care of children who are not able to do it on their own. Now I regret it”. At the same time, in case of an unsuccessful attempt to get a job, she does not know what will do.

There is a contrast between “I want to return to my former job” and “they will not employ me”, the convict has no plan and understanding of her future life.

So, we can observe poor work planning and vague understanding of life and employment after release. These plans are classified as medium-term or current, probabilistic (with fuzzy parameters), and inactive.

The convicts of this group demonstrate negative emotional experiences and focus mainly on encountered negative circumstances, which they transfer to their future. So, many of them have lost confidence and meaning of life and live for the moment.

Among the respondents, the category of persons who practically do not have a model of future life (15%) is also singled out. These convicts make contradictory statements or show complete indifference to their future life. So, for example, the convict at the beginning of the conversation talks about personal plans for further employment. She had attempts to find a job before her conviction, but there were problems with the medical admission of the drug

dispensary. She is not officially employed at the correctional facility, because she does not find it important with four months left before her release. The relationships in the team are neutral, she tries to lead an independent life without communication, and communicates when necessary. She imagines how her son and relatives will meet her after release and concludes, “I will not get on drugs anymore”, “it is better without them”. However, at the end of the conversation, answering the question “Can you say that you will no longer take drugs and will not return here?” she answers, “I am not sure about that!”.

In the category of convicted women without definite plans, future life is permeated with fatalism and pessimism. The most common statements are the following: “I do not want anything”, “I do not aspire to anything”, “I do not know what to be”, etc. This type of respondents does not understand how to live on, and this triggers personal protest.

It should be noted that modeling of plans for the future is influenced by the level of stability of the social environment. Therefore, the uncertainty of personal life is becoming the norm, as many do not see any sense in this in connection with the situation in the country, believing that it is not too favorable for planning a personal future. At the same time, we note the importance of analysis and adequate assessment of the past. It is important for further personality change and, in the course of psychological and pedagogical influence, can provide significant assistance to convicted women in modeling their lives and determining prospects for the future.

Results

Thus, to analyze convicted women's plans for their personal future, the following criteria were developed: by time duration (long-term, medium-term, current), the degree of parameter determination (deterministic and probabilistic), planned actions (reactive, inactive, pre-active).

During individual conversations, three groups of life plans of newly convicted women

of various ages were identified: 1) long-term, deterministic and positive personal plans for the future; 2) medium-term or current, besides probabilistic, inactive plans; 3) plans of convicts who do not have a model of future life.

Convicts demonstrate positive or negative emotional experiences and rely on life circumstances that they transfer to the future. They whether show confidence in their choice or not, whether find the meaning of life or not. At the same time, the higher the person's activity in realizing the importance of life prospects and the ability to plan results of their activities, monitor their achievement, assess their level, analyze shortcomings and self-correct them, the higher the person's readiness for correction. These convicts define goals, tasks and actions on the implementation of plans in real life more actively and more accurately.

In the process of modeling the personal future of convicts, it is necessary to take into account the specifics of their age. In youth self-esteem, own feelings, experiences and motives are important; acquired values, beliefs, and ideals gradually transform into life plans. In addition, researchers note that at 40–50 it is much more difficult to change life plans.

So, for correctional and educational work in this direction to be effective, it is necessary to further study the problem of the personal future of convicts: their genesis, classification, diagnosis, actualization, change, correction, self-regulation, etc.

Conclusion

Thus, convicts with long-term strategies of their lives build more detailed plans with clearly defined parameters and are focused on consolidating achievements of the past. It is proved that people who set certain goals do not give up when they fail, gradually move forward, adjust and revise tasks, and adapt to current conditions. This is the key to success in life for any person.

In this regard, it is necessary to carry out specially organized work to study life plans of convicts and include them in various correctional programs, so that convicts could revise their views, understand the value of their lives, and model a positive future. All this will enhance effectiveness of the resocialization process in conditions of deprivation of liberty and encourage convicts to correct and follow the rules, approved by modern society and accepted by law-abiding citizens.

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