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Post-Penitentiary Probation: Conceptual Principles

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Abstract

Introduction: the article considers post-penitentiary resocialization as a state policy direction on adapting convicts who have served their sentence or have been released from serving it to the conditions of life in society (social adaptation), protecting rights and interests, resolving social conflict caused by crime, and preventing new crimes. *Purpose:* based on the study of the legal nature and social conditionality of post-penitentiary probation, to identify its conceptual foundations (principles), solve the problem of their compliance with the legislative regulation of probation. *Methods:* the research is based on a dialectical approach to the study of social processes and phenomena. It uses traditional methods for the sciences of criminal law and criminology – analysis and synthesis; comparative legal; retrospective; formal legal; logical; and comparative. Private scientific methods are also used: legal-dogmatic and the method of interpreting legal norms. *Results:* the author describes doctrinal origins of the post-penitentiary probation concept as an alternative to punishment, criminal prosecution, and an important stage of adaptation of a convicted person to life in society, defined as resocialization, social adaptation and social rehabilitation in the Federal Law No. 10-FZ of February 6, 2023 “On Probation in the Russian Federation”. It is noted that when the developer of both the federal law and subordinate regulatory legal acts supplementing it do not have these or similar principles in their arsenal, this leads to conceptual shortcomings. As an example, we can draw attention to the fact that Article 3 of the above-mentioned federal law contains conflicting principles: coercion and voluntariness. The problem of uncertainty of the status of probation is noted, since, on the one hand, its application falls within the competence of the penal system, and on the other hand, there is not only regulation, but even mention of probation in criminal and penal legislation. The article argues that foreign experience in the application of probation should be combined with domestic characteristics of public relations covered by the field of probation. *Conclusion*: it seems that probation is an institution that, on the one hand, is not a punishment, and on the other hand, provides an opportunity to work with a convict, including after serving a sentence, returning him/her to society and adapting him/her to life in it. The author has developed four conceptual principles of probation: rejection of stigmatization, voluntary probation, focus on the return of a culprit to normal life in society (re-socialization), participation of the society in re-socialization of convicts. Shortcomings and contradictions of the legal regulation of probation are revealed.

Keywords: post-penitentiary probation, re-socialization, social adaptation, social rehabilitation of convicts, conceptual principles of probation, rejection of stigmatization, voluntary probation, focus on the return of the person who has committed the crime to normal life in society, participation of the society in re-socialization of convicts.

5.1.4. Criminal law sciences.

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Introduction

Crime in all periods of human history has been perceived as an absolute evil, as a negative social phenomenon that hinders development of society, causing significant damage to it. Until about the middle of the XIX century, the bearer of this evil was considered a person who had committed a crime. So, one of the first criminologists, C. Beccaria, considered this as a manifestation of evil human nature, on which he laid all the blame. Later, anthropological studies (in the broadest sense of the word) of fatality and immutability of criminal personality traits were reflected in the works of C. Lombroso, H. Goddard, M. Schlapp, E. Smith, E. Hutton, E. Podolsky, J. Lange, F. Stumpfl, Z. Freud and others. Their works were dominated by an instrumental (in some cases, utilitarian) approach to criminal law in general, and punishment in particular [1, p. 157].

With the development of sociological knowledge, doctrines appeared that explain causes of crime by external (objective) causes. Crime, based on the theory of social determinism (from K. Marx to E. Sutherland, N. Christie, V. Kudryavtsev, Ya. Gilinsky and others) is not only the fault of the person who committed it, but also of society, which allowed the existence of causes determining this crime. So, the so-called criminal is not a carrier of absolute evil, but a product of society with its problems and shortcomings.

Today, based on the knowledge gained about crime, we cannot be so much categorical about its absolutely evil nature. It is obvious that crime, in addition to its obviously harmful properties, has a number of positive effects. First, it is indicative. Crime shows those trends in the development of society that pose a danger to it both directly and in the future. Thus, it can be perceived not as a social disease in itself, but as its obvious symptom, which, in turn, makes it possible to adjust public policy, including on the basis of a forecast of the development of the identified trends. Second, crime triggers optimization of protective mechanisms of society. Finally, third, consideration of crime from the standpoint of the social determinism theory reveals a different view of the person who has committed a crime. In this regard, the fatality and inescapability of consequences of a crime, including punishment, are gradually replaced by ideas about restoration of social ties as a post-criminal practice

Since the middle of the XX century, researchers has been seeking for forms of re-socialization of former convicts, creating necessary conditions for compensation for damage and subsequent reintegration into society. Probation is one of these forms, which has shown its effectiveness in many countries.

Results

Punishment as the most severe punitive measure of the state does not have necessary capacities to implement the functions stated [2–6]. The Federal Law No. 10-FZ of February 6, 2023 “On Probation in the Russian Federation” (hereinafter – Probation Law) provides for alternative punishment mechanisms for re-socialization of convicts, including post-penitentiary ones.

Probation, so to speak, is a self-revealing phenomenon, a construct, a core that has yet to grow into layers of socially significant meanings in our country [7–9]. To comprehend its essence, one should consider conceptual principles. However, it is complicated by uncertainty of the probation status. On the one hand, according to Article 7 of the Probation Law, the Federal Penitentiary Service (FPS of Russia), in particular criminal enforcement inspections,

is its main subject. On the other hand, either criminal or penal legislation do not contain not only regulation, but even mention of probation. In this regard, it is unclear whether probation is still an institution of criminal or penal law and on what basis penal system bodies should perform probation?

Fundamental principles of probation should be important for theoretical understanding and practical application of probation procedures:

1) priority of the rights and legitimate interests of man and citizen;

2) humanism;

3) compliance with the rule of law;

4) rationality of the use of coercive measures, corrective, social and other measures and measures to stimulate law-abiding behavior;

5) consideration of individual characteristics, circumstances and needs;

6) openness (transparency);

7) continuity, voluntariness in the application of probation.

It is necessary to point out contradictions in the above list. So, Principle 4 involves the use of coercive measures (although it is not clear from the text of the Probation Law what measures are in question), while Principle 7 enshrines the completely opposite principle of voluntariness. This also indicates the uncertainty of the probation status, as mentioned above.

these principles, having an unconditional fundamental character, do not answer the question of the nature of probation, its essence and difference from other measures. In this regard, it is necessary to formulate probation principles reflecting its conceptual framework, i.e. those fundamental ideas that underlie this institution and allow a deep analysis of its essence, role and prospects.

Principle 1 – rejection of stigmatization.

Evolution of the theory of social danger of personality in the XX century, which gave rise, among other things, to the theory of punitive progression [10]. In this concept, it is not achievement of the goal that is important, but only its declaration, whatever that means. The process itself and escalation of punishment are important. Experience is not taken into account. It is impossible to explain this otherwise than by faith, a special form of religion.

Another feature of the concept of punitive progression is the attitude towards the convict as an object. Execution of punishment, correction, post-penitentiary supervision, and criminal record exclude the identity of a convicted person, his/her personality itself is devalued, apparently due to the postulation of its danger, declared timed (criminal record), but in fact lifelong stigmatization (criminal stigma).

The content of the work on combating crime depends on the solution of the fundamental question: when a person is considered a criminal: at the time of the commission of a crime, after its commission or even before its commission. Each answer determines the choice of special, different means.

After committing a crime, a person in the vast majority of cases is not hopeless and can be resocialized. Helping him/her is a natural process resulting from sharing responsibility for what has happened with him.

Probation should first of all be considered as an idea, a construct, a core. There are two alternatives, in particular, to isolate oneself from convicts, including former ones, like from lepers, or to work with them, perceiving them as potentially normal members of society. Probation is based on the second one and assumes that re-socialization is necessary and real. Its means and methods that form the implementation mechanism are another question, which depends on what we want, how soon and at what price (what is acceptable and what is not). The main thing is that this mechanism does not make the idea practically unattainable. And this is already a big problem, the essence of which lies in the clarity and degree of understanding of the idea itself.

Principle 2 – voluntariness. It solves two interrelated tasks at once. First, it excludes the compulsory nature of probation, which fundamentally distinguishes it from punishment and other criminal law measures associated with the implementation of criminal liability. Second, it lays down an important and effective mechanism for the feasibility of probation procedures, since their application is initiated by the convict/person who has served his/her sentence, which, in fact, makes it pointless for him/her to disagree with their conduct.

Principle 3 – focus on the return of the person who has committed the crime to normal life in society (re-socialization).

As we have written earlier, attempts to implement non-punitive forms of re-socialization have been repeatedly made in Russian history. Thus, in the Soviet period (since the 1960s), the use of probation and parole with mandatory labor certainly solved such a task, which even gave reason to assert the duality of courses of criminal policy of the USSR, bearing in mind that in parallel with these measures there were goals of punishment having a completely different (forcibly punitive) achievement mechanism [10].

To date, this duality of courses persists, since with the immutability (except for minor editorial changes) of punishment goals, new crime reduction forms are searched for and introduced. They are focused more on causes of crime rather than their consequences (for example, suspended sentence, commutation of punishment, exemption from criminal liability in connection with active repentance and reconciliation with the victim, probation [11, pp. 117–118].

Though, along with this, regulatory legal acts that are conceptually opposite are adopted. The Federal Law No. 155-FZ of June 11, 2022 "On Amendments to the Labor Code of the Russian Federation" establishes that an employment contract with an employee who has not submitted a certificate to the employer in accordance with Part 1 of this Article is subject to termination on the grounds provided for in Paragraph 13 of Part 1 of Article 83 of the Labor Code of the Russian Federation. Thus, restrictions on employment directly related to the management of passenger taxis, buses, trams, trolleybuses and rolling stock of off-street transport when transporting passengers and luggage for persons with a criminal record for a number of crimes, among which robbery is quite common [12].

The duality of the state policy in the field of prevention of repeat crime is also expressed in the legalized stigmatization of persons who have committed crimes in labor legislation, which directly contradicts criminal legislation. For example, according to Article 331 of the Labor Code of the Russian Federation, persons with or who have a criminal record are not allowed to teach, and even those who have ever been criminally prosecuted for a number of crimes against the person (in fact, for all crimes, since the personnel services of universities require an undifferentiated certificate of no criminal record, including without indication of repayment or removing it).

In relation to the civil service, bans on the admission of persons with criminal records (even those that have been removed or extinguished) are of an exceptional nature. Moreover, the applicant's relatives are also checked for its presence, which is an indirect reference to Article 7 of the Criminal Code of the RSFSR of 1926: "In relation to persons who have committed socially dangerous acts or pose a danger due to their connection with a criminal environment or their past activities, social protection measures of judicial correctional, medical, and pedagogical nature are applied".

Principle 4 – participation of the society in re-socialization of convicts.

A Latin word "re-socialization" means returning to society, restoring lost social life skills, and acquiring social values, norms, and customs lost by convicts due to defects in primary socialization or under the influence of criminogenic factors. In general, the main meaning of re-socialization is adaptation of a person to life in society and resolution of conflict with this society in the elimination of moral confrontation and mutual hostility. This is important for the society that does not want escalation of inner conflicts and growing of crime rates, primarily recidivism. Therefore, an important task for it is direct participation in re-socialization of convicts, i.e. persons who have violated the law and plan or at least assume its violation in the future.

Undoubtedly, all of this would be a set of beautiful but meaningless words without appropriate mechanisms to ensure re-socialization, including through the participation of representatives of society in this process.

Such a mechanism in the form of probation centers is provided for by the Federal Law No. 10-FZ of February 6, 2023. Article 27 of the said law contains a dispositive provision on the possibility of establishing such centers in order to assist persons in respect of whom post-penitentiary probation is applied, including in providing a temporary place of stay, by non-profit organizations, including religious organizations and public associations, and socially oriented non-profit organizations. The construction "can be created" speaks about the dispositivity of the prescription. Thus, they are not mandatory from the point of view of the legislator.

So far there is no practice of creating probation centers and their functioning. According to the FPS of Russia, in 2025, the first probation centers will appear in Khabarovsk Krai, Vladimir and Sakhalin oblsats and Khanty-Mansi Autonomous Okrug, relevant agreements have been concluded [13].

However, at the moment, a number of problems remain unresolved, in particular, related to the status of probation centers and the content of their activities.

The essence of the first problem is as follows. On the one hand, probation centers are normatively fixed in the Probation Law. Also, an indirect reference to them is contained in Order No. 350 of November 29, 2023 "On Re-Socialization, Social Adaptation and Social Rehabilitation of Persons in respect of Whom Probation is Applied in accordance with the Federal Law No. 10-FZ of February 6, 2023". Paragraph 62 of this order states that "in order to provide assistance to persons in respect of whom post-penitentiary probation is applied, including the provision of a temporary place of stay, they may be sent to probation centers".

On the other hand, probation centers do not have a clearly defined subjectivity, in particular, they are not classified by the Probation Law as probation subjects (Part 1 of Article 6), and are not even mentioned among those who can be involved by probation subjects in order to implement measures of re-socialization, social adaptation and social rehabilitation of persons in respect of whom probation is applied, including on the basis of agreements concluded with probation subjects (Part 3 of Article 6).

Hence, probation centers are not its independent subject, but act only as one of the tools for its implementation. At the same time, when referring to Article 27 of the Probation Law, one may encounter a very contradictory definition of the status of probation centers. At the beginning, it says that in order to assist persons in respect of whom post-penitentiary probation is applied, including in providing a temporary place of stay, non-profit organizations, including religious organizations and public associations, socially oriented non-profit organizations may create probation centers (Part 1). So, it implies that the initiative to set up such centers belongs to the specified organizations and associations. But already in the second part of the analyzed article there is a provision that the rules for organizing activities of probation centers are approved by the federal executive authority, which performs functions of developing and implementing state policy and regulatory legal regulation in the field of execution of criminal penalties. Literally, this means that the Ministry of Justice of Russia or the FPS of Russia issues norms (rules) regulating activities of public organizations and associations that are not subordinate to it. As a result, it remains unclear to whom probation centers will be subordinated, how they will be funded, whether bodies and institutions of the penal system will perform any functions in relation to probation centers (for example, supervisory, organizational, etc.)? If so, why non-profit, religious organizations, public associations, socially oriented non-profit organizations should be interested in creating such centers?

It seems that the problem can be solved as follows. Interested organizations and associations, on the basis of an agreement with the probation subject, may establish probation centers for the purposes specified in Article 27 of the Probation Law, in accordance with their statutes. For its part, a probation subject should, by agreement (and possibly jointly with the founder), develop rules for the operation of the probation center, participate in its work, provide financial and other assistance. It doesn't have to be the Federal Penitentiary Service. Besides the FPS of Russia, these probation subjects also include other federal executive authorities; state authorities of the subjects of the Russian Federation; state institutions of the employment service; social service organizations. Local governments are entitled to participate in probation procedures together with probation subjects. A probation subject may enter into an agreement with an existing center that provides assistance to convicts.

Obviously, it is impossible to draw a parallel between probation centers and areas functioning as correctional centers. The law does not provide for the possibility of establishing probation centers at enterprises and commercial organizations on the initiative of the probation subject. We emphasize once again that according to Part 1 of Article 27 of the Probation Law, the initiative to create probation centers should belong specifically to non-profit organizations,

including religious organizations and public associations, and socially oriented non-profit organizations. Probation subjects can only involve them in the implementation of probation. Their relationship should be built only on a voluntary basis in accordance with civil legislation.

Let us also consider a problem of the content of activities of probation centers. The mentioned law contains only the most general provisions in this regard. This is, first, the provision of assistance to persons in respect of whom post-penitentiary probation is applied, and second (including) the provision of a temporary place of stay. In this regard, the idea of probation centers in itself seems to be quite capacious and, if properly developed, can give a serious impetus to the implementation of probation. And it will not be formal, but factual. Already today, in a number of regions of the country, there are various forms of assistance to former convicts in accommodation, employment, social welfare, cultural development, etc.

Thus, for the past 20 years, the Prisoner Assistance Foundation has been consistently working out and implementing programs to provide support to people in need of socio-legal post-penitentiary adaptation, protection and psychological assistance. It contributes to creating conditions for effectively reducing recidivism rates among people released from correctional institutions. The Foundation also opened four Aurora rehabilitation centers at correctional facilities in 2023, whose work is aimed at restoring social, household, labor and other skills necessary upon return from correctional facilities.

In Altai Krai, the project "Together we will cope!" on re-socializing women released from correctional facilities in the region was successfully implemented in 2022. Rehabilitation mediation programs and family conferences became part of the women's release preparation and social support after their release from correctional institutions.

The Center for Social Assistance "Step Forward" and the Chairman of the Public Monitoring Commission of Khanty-Mansi Autonomous Okrug have been helping socially vulnerable categories of people since 2009. In 2018, this organization entered the register of social service providers and began to provide social services with accommodation, adding new categories of people. All projects are aimed at re-socializing convicts, those released from prison and homeless people, who have nowhere to go after their release [14].

Similar projects exist and are successfully operating in many other regions of the Russian Federation.

Thus, in fact, work on the creation and operation of centers for assistance to former convicts has been underway for a long time, and a very large and diverse experience has been gained in the functioning of such institutions. Therefore, we believe that one should not reinvent the wheel, but consistently give these institutions the status of probation centers, concluding appropriate agreements and including their founders in the unified register of persons to whom probation is applied, provided for in Article 34 of the Probation Law.

At the same time, the implementation of a unified state policy in the field of probation requires unified regulation of the creation and operation of probation centers. We believe it necessary to develop and issue an appropriate order of the Ministry of Justice of the Russian Federation containing general issues of organization, functioning and interaction, as well as standard forms of agreements with the founders of probation centers, charters, rules of their functioning, organization, reorganization, etc.

Conclusion

As a conclusion, it should be noted that probation and punishment are different institutions in their legal nature, goals and tasks. Unlike punishment, it is a non-punitive form of neutralizing the causes and consequences of committing a crime, which allows persons who have committed crimes that do not pose a high public danger to prove their desire and ability to live a law-abiding life without stigmatization (obtaining virtually lifelong status of a convicted person with significant restrictions in social life, employment and other areas) and inevitable personal deformation caused by punishment.

The goal of the state policy to combat crime cannot and should not be unconditional revenge for what has been done. Its main purpose is to prevent crime, which involves elimination of its causes and conditions, as well as return of the culprit to a normal (law-abiding) life in society. Therefore, when it is possible to do without the use of punishment, the state applies more

humane forms of response, both within the framework of criminal liability (suspended sentence, release from punishment) and outside it (exemption from criminal liability, compulsory medical measures, as well as educational influence on minors, etc.).

Therefore, it is necessary to introduce our own probation system, reflecting needs of our society in the functioning of this institution. Post-penitentiary probation is one of its forms. According to the law, it can be applied to persons who have been released from institutions that carry out punishments in the form of forced labor or imprisonment, who find themselves in a difficult life situation and need re-socialization, social adaptation and social rehabilitation, persons who have served any sentence or been released from serving it on non-rehabilitating grounds provided for by criminal law.

It seems that only strict adherence to the analyzed conceptual principles of probation will ensure its effectiveness, which implies successful return to society of the majority of people who have committed crimes and reduction in social conflicts and recidivism rates.

REFERENCES

1. Dvoryanskov I.V. Administrative prejudice in criminal law. *Penitentsiarnaya nauka = Penitentiary Science*, 2023, vol. 17, no. 2 (62), pp. 153–162. (In Russ.).
2. Dvoryanskov I.V. The institution of punishment in the perspective of Russia's criminal policy development. *Vedomosti ugolovno-ispolnitel'noi sistemy = Vedomosti of the Penitentiary System*, 2020, no. 9 (220), pp. 10–16. (In Russ.).
3. Dvoryanskov I.V. Doctrinal foundations of goal-setting in the institute of punishment. *Vedomosti ugolovno-ispolnitel'noi sistemy = Vedomosti of the Penitentiary System*, 2021, no. 7 (230), pp. 15–21. (In Russ.).
4. Dvoryanskov I.V. On the issue of a new conceptual model of punishment (teleological aspect). *Vedomosti ugolovno-ispolnitel'noi sistemy = Vedomosti of the Penitentiary System*, 2022, no. 8 (243), pp. 10–16. (In Russ.).
5. Laverycheva S.A., Dalanov D.S. On the issue of probation in Russia. *Agrarnoe i zemel'noe pravo = Agrarian and Land Law*, 2023, no. 5 (221), pp. 171–172. (In Russ.).
6. Starostin S.A., Aniskina N.V. Probation service in Russia: policy choice and development prospects. *Penitentsiarnaya nauka = Penitentiary Science*, 2022, vol. 16, no. 2 (58), pp. 204–212. (In Russ.).
7. Dvoryanskov I.V. Creation of a probation system as a new trend in penal enforcement policy. In: Rakhmanova E.N. (Ed.). *Ugolovnaya politika i pravoprimenitel'naya praktika: sb. materialov IX Mezhdunar. nauch.-prakt. konf.* [Criminal policy and law enforcement practice: proceedings of the IX International scientific and practical conference]. Saint Petersburg, 2022. Pp. 476–485. (In Russ.).
8. Dvoryanskov I.V. Prospects for the introduction of the probation system in Russia. In: *K 80-letiyu so dnya rozhdeniya doktora pedagogicheskikh nauk, professora Litvishkova V.M.: sb. materialov kruglogo stola* [To the 80th anniversary of the birth of Doctor of Sciences (Pedagogy), Professor Litvishkov V.M.: collection of materials of the round table]. Moscow, 2023. Pp. 242–250. (In Russ.).
9. Dvoryanskov I.V. Probation: origins, concept, approbation. In: *Prestuplenie, nakazanie, ispravlenie: materialy VI mezhdunar. penitentsiarnogo foruma, priurochennogo k 30-letiyu so dnya prinyatiya Konstitutsii Rossiiskoi Federatsii i Zakona Rossiiskoi Federatsii ot 21 iyulya 1993 g. No. 5473-I "Ob uchrezhdeniyakh i organakh ugolovno-ispolnitel'noi sistemy Rossiiskoi Federatsii". T. 2* [Crime, punishment, correction: materials of the VI International Penitentiary Forum dedicated to the 30th anniversary of the adoption of the Constitution of the Russian Federation and the Law of the Russian Federation of July 21, 1993 No. 5473-I "On Institutions and Bodies of the Penal System of the Russian Federation". Volume 2]. Ryazan, 2023. Pp. 44–50. (In Russ.).
10. Dvoryanskov I.V. Conceptual issues of the goals of punishment. *Penitentsiarnaya nauka = Penitentiary Science*, 2021, vol. 15, no. 2 (54), pp. 247–259. (In Russ.).
11. Dvoryanskov I.V. *Pravovye osnovy ispolneniya nakazanii, inykh ugolovno-pravovykh i ugolovno-protsessual'nykh mer, ne svyazannykh s izolyatsiei ot obshchestva: monogr.* [The legal basis for the execution of punishments, other criminal law and criminal procedure measures not related to isolation from society: monograph]. Moscow, 2023. 136 p.

12. *Kratkaya kharakteristika sostoyaniya prestupnosti v Rossiiskoi Federatsii za yanvar' – dekabr' 2022 goda* [Brief description of the state of crime in the Russian Federation in January–December 2022]. Available at: https://mvd.rf/reports/item/35396677 (accessed January 11, 2024).
13. *FSIN rasskazala o tsentrakh probatsii dlya byvshikh zaklyuchennykh* [The Federal Penitentiary Service told about probation centers for former prisoners]. Available at: https://ria.ru/20240130/probatsiya-1924405901.html?ysclid=ls1inj4whz94220063 (accessed January 11, 2024).
14. *Spikery VII Vserossiiskoi konferentsii* [Speakers of the VII All-Russian Conference]. Available at: http://helppris.ru/blog/spikery-vii-vserossiyskoy-konferencii (accessed January 11, 2024).

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