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CONTENT

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Organization and Activity of Surveillance and Reconnaissance Groups of the NKVD Rear Protection Troops of the USSR during the Great Patriotic War

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Abstract

Introduction: the article analyzes problems related to the organization and activities of surveillance and reconnaissance groups of the NKVD rear protection troops of the USSR in 1941–1945. The chronological framework of the study covers the period of the Great Patriotic War, which marks an active phase of tactical activities of the NKVD troops of the USSR to protect front lines of the Red Army. *Purpose*: by generalizing the experience of organizing surveillance and reconnaissance groups of the NKVD rear protection troops of the USSR during the period under study, to supplement and correct ideas about the history of internal affairs agencies during the Great Patriotic War. *Methods*: general scientific and historical research methods, as well as methods of materialistic dialectics, chronological, comparative, system analysis, statistical, etc. The author uses materials from the Russian State Military Archive (RGVA) to summarize the experience of organizing surveillance and reconnaissance groups of the NKVD rear protection troops of the USSR, many of which are being introduced into scientific circulation for the first time. *Results*: the analysis of the regulation of surveillance and reconnaissance groups of the NKVD rear protection troops of the USSR shows improvements in the activities of these units in the period under study. In turn, this ensured the fulfilment of the most important tasks of protecting the rear of the Red Army. The activities of surveillance and reconnaissance groups aimed at ensuring victory over the enemy, public order and the fight against crime in the immediate battle area were of great importance. *Conclusion*: focused on the protection of the military rear, surveillance and reconnaissance groups in the period under study combined intelligence and operational search activities. Thus, they ensured the effective and uninterrupted conduct of military operations by units and formations of the Red Army. The primary tasks of surveillance and reconnaissance groups were to detect, detain, or destroy spies, saboteurs, paratroopers, and other enemy agents, as well as various criminals, in case of resistance.

Keywords: surveillance and reconnaissance groups; NKVD rear protection troops of the USSR of the active Red Army; Great Patriotic War.

5.1.1. Theoretical and historical legal sciences.

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Introduction

Despite all the variety of literature related to the history and legal status of the NKVD/MIA/MGB troops of the USSR, the problems of the research topic were only fragmentary in it. In the works of G.S. Beloborodov, E.I. Belov, V.V. Knyazev, N.S. Nakonechnyi, V.F. Nekrasov [1–5] and others, issues related to organizational and legal foundations of the activities of surveillance and reconnaissance groups during the period under study were only partially reflected, and they did not receive a systematic and comprehensive study. Meanwhile, it was the surveillance and reconnaissance groups that made a significant contribution to the fulfillment of operational and combat tasks assigned to the NKVD rear protection troops of the USSR of the active Red Army [6, p. 19].

On April 28, 1942, the Decree on the NKVD rear protection troops was signed by Marshal Shaposhnikov, Deputy People's Commissar of Defense of the USSR, and Major General Apollonov, Deputy People's Commissar of Internal Affairs of the USSR [7, pp. 6–8]. So, units of the NKVD troops protected the rear of the fronts (Russian State Military Archive (RSMA). Archive 38,650. List 1. Case 12. Pages 6–8). In May 1942, according to the NKVD order No. 00852 of April 28, 1942, NKVD rear protection troops of the Red Army were reorganized and incorporated into the NKVD internal troops, which they were part of until May 1943 (RSMA. Archive 32,880. List 5. Case 592. Page. 251). The total number of NKVD troops reached 65,978 units, the enlisted number was 50,758 fighters and commanders (RSMA. Archive 32,880. List 5. Case 592. Page. 251). During the period under study, the territory in which supply facilities (warehouses, etc.), service facilities (medical and sanitary, veterinary, workshops, etc.), as well as supply and evacuation routes were located was recognized as the rear of the Red Army (RSMA. Archive 32,880. List 5. Case 588. Page. 40).

Surveillance and reconnaissance groups (RPG) were the main type of the duty detail of NKVD rear protection troops of the USSR, especially in large areas, wooded and swampy areas with a limited number of roads. It was they who optimally combined agent intelligence and active military search. So, a properly organized RPG service, as well as clear and vigilant service by their personnel, made it possible to most effectively identify and eliminate criminals [7, p. 87].

Meanwhile, the experience of the Red Army's rear guard service shows that there was no clear understanding of using surveillance and reconnaissance groups among commanders and personnel of such units. Meanwhile, RPGs were recognized as successors of the NKVD border troops, inheriting all their best qualities. The ability to relentlessly search for, detect, identify, pursue, destroy or neutralize enemy infiltrators and agents was considered the most preferable. The significance and importance of RPGs lay in the fact that they were able to independently perform tasks that were beyond the power of other types of internal troops. The RPG service was the most difficult, as it required a lot of mental and physical exertion. Every fighter in an RPG had to have resourcefulness, courage and bravery combined with caution.

The inspections carried out in the units of internal troops (as, for example, on the Central Front in April 1943), as well as the analysis of relevant reports demonstrated that the RPG service had not found proper and correct use. In some units, misunderstanding and sometimes ignorance of the requirements of the "Instructions to the NKVD troops guarding the rear of the Active Red Army" by individual representatives of the command staff led to such low results of the RPG service that they simply discredited this most important and basic type of the duty detail of the internal troops (RSMA.

Archive 32,880. List 5. Case 588. Page. 23). A similar situation developed, in particular, on the Central Front. There, in February 1943, in the 2nd Frontier Regiment, the RPG detained 247 people out of 1,635 (15.1% of their total number), while in the 98th border regiment – 94 people out of 1,057 (8.9% of the detainees). In total, the RPGs of both regiments detained only 13% of the total number during this period (RSMA. Archive 32,880. List 5. Case 588. Page. 23).

There were several reasons for the unsatisfactory service of surveillance and reconnaissance groups. Areas and directions of the groups' actions from the point of view of the expediency of using RPGs were not carefully selected. Surveillance and reconnaissance groups were often weak in their quantitative and qualitative composition and characterized by a lack of initiative. Group leaders did not prepare for their official combat work beforehand and did not have carefully thought-out action plans. The execution of orders was poorly controlled and the practical activities and results of the RPG were not taken into account. Scout commanders were rarely included in surveillance and reconnaissance groups.

To eliminate these shortcomings, as well as to enhance the role of surveillance and reconnaissance groups, in the general service system, Colonel Serebryakov, Chief of the NKVD rear protection troops on the Central Front, issued an order on April 9, 1943, stipulating that the organization of surveillance and reconnaissance groups was one of the main tasks of the commanders of units, divisions and headquarters. Special training of the commanding staff and soldiers of the rear protection troops was aimed at mastering solid knowledge of the organization and practical service of the RPG. The RPG service was under special control of regimental and battalion headquarters. This type of the duty detail was subject to systematic analysis in order to timely identify and eliminate shortcomings (RSMA. Archive 32,880. List 5. Case 588. Page 23 flesh side).

On April 9, 1943, the chief of staff of the NKVD rear protection troops of the Central Front Colonel Malyi, approved a summary plan for conducting training sessions with the commanding staff of surveillance and reconnaissance groups. This course was aimed at training the commanding staff in full accordance with the "Instructions to the NKVD troops guarding the rear of the Active Red Army", as well as other orders and directives on this issue (RSMA. Archive 32,880. List 5. Case 592. Page 24).

On May 11, 1943, the chief of staff of the NKVD rear protection troops on the Volkhov Front, Major General Velikanov put forward the initiative to publish a special memo for every commander of the internal troops to refer to on a daily basis (RSMA. Archive 32,880. List 5. Case 588. Page 52). This manual was to describe RPG tasks, composition, weapons, equipment, service life, communications, movement, tactics and techniques of work. After the relevant decision was made by the chief of the Main Department of the NKVD rear protection troops, State Security Commissioner Leont'ev, the necessary instructions were developed, approved by chiefs of the formations of the internal rear protection troops and disseminated to all fronts. "Memo to the senior of a surveillance and reconnaissance group (RPG) in the conditions of protecting the rear of the active Red Army" to a certain extent reflected the accumulated experience of RPGs by that time (RSMA. Archive 32,880. List 5. Case 588. Page 9).

Functioning as one of the types of the duty detail to protect the rear of the front, surveillance and reconnaissance groups had all the means to search, identify, detain or destroy the enemy. The primary task of the RPG was to search for, detect, and detain spies, saboteurs, paratroopers, signalmen, and other agents deployed by the enemy to the Soviet rear. So, in September 1942, the reconnaissance and search group of the 1st infantry battalion of the 90th border regiment in the village Krasnoe of the Usman district of the Voronezh Oblast detained Kazenkov, a soldier without documents. During the filtration process, it was found that in November 1941 he surrendered to the Germans, was recruited by their intelligence service and transferred to the Soviet rear on espionage missions. In total, 8 such enemy agents from among local residents were detained that month (RSMA. Archive 32,880. List 5. Case 584. Page 37).

The RPG was engaged in the search and detention of deserters and other hostile elements hiding in the immediate battle area. Often, this contingent, as well as their relatives and friends, resorted to all sorts of tricks in order to avoid ex-

posure and detention. For example, on December 14, 1942, the chief of the RPG of the 10th outpost of the 92nd border regiment received information from local residents that deserters were hiding in the village of Medvezhye in the Melovatsky district of the Voronezh Oblast. As a result of the search, a hole was found under the floor of one of the houses in which the deserter was hiding. He breathed through the beehives stacked under the bed above the pit. Another deserter was also removed from a shelter equipped under the bed. At the same time, his wife hindered the border guards in every possible way, shouting that her husband was in the Red Army, while they were torturing his family (RSMA. Archive 32,880. List 5. Case 490. Page 26). On November 3, 1942, the RPG of the 5th infantry battalion of the 90th border regiment, due to skillful and energetic actions of the fighters and their wit, detained 6 deserters who had been hiding for several months in artfully equipped caches in their homes.

The RPG's competence included combating looting and plundering of socialist and collective farm property; maintaining the established regime in the 25-kilometer battle area and expelling all illegally located persons; combing forests, swamps and other areas for these purposes; identifying small military teams, units and others who had broken away from their units and illegally remained in the rear; identification and detention of those responsible for the damage to communications; inspecting settlements in the immediate battle area, from where the local population was resettled (RSMA. Archive 32,880. List 5. Case 588. Page 52–52 flash side).

RPG fighters and commanders were to be always ready to search for, detain, or destroy an enemy spy, signalman, or scout (or groups of them) hiding in the relevant area; an active enemy radio station; parachutists thrown by the enemy from an airplane; crew members of an enemy aircraft that landed; and enemy soldiers who found themselves in the immediate battle area.

In addition, RPG personnel were charged with detecting and marking warehouses, weapons, equipment, mined areas, etc. left by the enemy. Their task was also to identify and remove the enemy's henchmen and accomplices from the local population during the liberation from occupiers; to search, pursue and destroy small groups of enemy scouts and machine gunners, individuals and groups of bandits who broke into the immediate battle area; comb out forests, swamps, ravines, mowing and vegetable gardens; to inspect settlements for the detection and detention of fugitive deserters and violators of the immediate battle area regime; to search, collect and destruct anti-Soviet leaflets and other "counter-revolutionary" literature dropped by enemy aircraft, detect and detain their keepers and distributors; to conduct reconnaissance of the area and the situation at the unit's site; to search for the pilot who landed his plane and parachuted out; fulfil other tasks arising from the situation to protect the rear of the front. For example, in March 1943, the RPG 92 of the NKVD border regiment of the rear protection of the Voronezh Front detained 3 burgomasters, an assistant to the German commandant, 6 translators, 4 clerks of the elders, 14 managers of the occupiers, 12 concubines of German officers, 22 volunteers of the Ukrainian national formation, 12 gendarmes, 2 lawyers, the police chief and other henchmen and accomplices of the enemy who were hiding from the Soviet authorities (RSMA. Archive 32,880. List 5. Case 490. Page 52).

As a rule, RPGs operated in a certain direction, area or point. Their main method of action was an active search for sabotage and reconnaissance groups and enemy individuals, spies, deserters and other criminal elements within the assigned area or route. To make the search more effective, the groups used all possible sources of personal intelligence and surveillance, as well as operational materials from NKVD bodies and troops, NKGB bodies, Red Army units, assistance brigades (fighter battalions) and survey data from local residents.

According to the established procedure, the senior RPG could be a commander or in some cases a well-trained junior commander who was familiar with the methods and tricks of the enemy's agents and the criminal element, who was able to navigate freely and correctly in the most difficult combat situation, who had the skills to check documents with high command demands and politeness (RSMA. Archive 32,880. List 5. Case 588. Page 14 flash side). There were 2 chief deputies. As a rule, RPG personnel included 10–15 fighters and com-

manders. Its number could be increased to 20 people when the group was sent to the territory just liberated from the enemy (RSMA. Archive 32,880. List 5. Case 588. Page 24).

Only the commander of the relevant unit of the internal troops could set the RPG chief a combat task. The head of the outpost, battalion or regiment commanders within the assigned areas were entitled to send RPGs to complete the task. In addition, the RPG could be sent by the headquarters of the regiment or formations of the internal troops as a whole, within the entire security zone of the front rear. It is worth mentioning that RPG fighters and commanders were strictly forbidden to be distracted by tasks unrelated to the assignment they had received. However, upon receiving information about the presence of Hitler's henchmen, spies, deserters and other hostile elements, the RPG chief was obliged to organize their detention or liquidation (in case of resistance) but not to the detriment of the task set by the higher command (RSMA. Archive 32,880. List 5. Case 588. Page 29). In all cases, if the situation required it, the RPG chief was obliged to immediately provide support to neighboring units (RSMA. Archive 32,880. List 5. Case 588. Page 30).

The tasks performed by surveillance and reconnaissance groups in each specific case required a selective attitude towards the choice of its chief, determining the number (squad, platoon, etc.) and composition (including a scout commander, orderly, sapper, signalmen, guide search dogs, etc.), choosing a means of transportation (on foot, on skis, carts, cars, etc.), weapons and ammunition, equipment and food, means of communication, service life, and the method of sending urgent reports. Surveillance and reconnaissance groups had to be maneuverable and "fast-moving", capable of performing the task in any conditions, with the least expenditure of effort and energy (RSMA. Archive 32,880. List 5. Case 588. Page 14). For this reason, their equipment in winter and summer was as light as possible.

Depending on the task at hand, the RPG could serve from several hours to several days. Having received the task, its commander was obliged to give necessary orders to prepare for its implementation, obtain maps and diagrams of the area and, based on them, think over and draw up a plan of action for the group. As a rule, the situation was not fixed on maps and diagrams. It was allowed to make only marks in an arbitrary style. In practice, the commanding staff tried to remember everything.

It was necessary to take into account the presence of fighters, commanders and specialists in the RPG, their personal qualities, time of day, terrain and weather conditions, the time set for service, the means and sources allowed for use in the RPG area (NKVD and militia, awareness, assistance brigades, Red Army garrisons, Komsomol youth formations, etc.) In addition, when preparing an RPG for an operation, its commander had to take into account its duration, location of the occupied area and its consequences. In order to obtain intelligence data and possible assistance in people, the presence of former partisan detachments and the location of their fighters were clarified.

In the absence of a reconnaissance commander in the RPG, it was necessary to receive instructions from the chief who was sending the group about the need to contact informers in the area of action. In the presence of unfamiliar areas, the need for engineering reconnaissance was considered. In addition, the RPG got from the commander a conditional signal (sign) to communicate with Soviet aircraft, which could be contacted for help in completing the task.

The operation plan necessarily provided for the sequence of "processing" of local objects – mowing with barns, ravines, swamps, farms and other settlements, woodlands, forests, etc. If the forest was large, it had to be divided into sections depending on the available forces. The technique of examining each local object was planned in advance, namely the location of posts and patrols and secrets, the order of combing the area in order to exclude any possibility of leaving unnoticed by anyone who was wanted or simply found himself in the area of the group. The time needed for work, rest, movement from facility to facility, and return to the location of the unit were also preplanned.

The chief of a surveillance and reconnaissance group carefully checked its readiness before the start of the operation. For this purpose, clothes, shoes, weapons and equipment were examined. The availability, packing and condition of food were checked. In winter, special attention was paid to skiing, as well as to the

preparation of weapons (especially automatic weapons) for shooting.

Poor-quality recruitment of personnel was one of the main shortcomings of the RPG's combat activities at its initial stage. At first, groups were hastily recruited from fighters and commanders without required skills. For this reason, searches were conducted clumsily and, as a rule, turned out to be fruitless. In those cases, when such groups engaged in battle with the enemy, they showed cowardice, confusion and, instead of active actions, went on the defensive. During the pursuit of the enemy, they acted slowly and, due to the inept organization of the pursuit, often came under sudden fire from ambushes, were blown up by mines, and suffered unnecessary and unjustified losses (RSMA. Archive 32,880. List 5. Case 592. Page 267).

In this regard, the RPG chief was previously obliged to personally get acquainted with all its members, especially those who arrived from other units. The selection of RPG personnel, as required by the instruction, was carried out strictly individually, taking into account the readiness for its service and combat operations. Preference was given to the "party-Komsomol stratum", politically literate, stable, physically hardy and vigilant fighters who were able to recognize tricks of enemy's agents [9, p. 15 flash side]. As required by the instruction, the "revolutionary legality" had to be maintained during all service and combat operations of the RPG. Those found guilty of its violation were to be immediately removed from the RPG and brought to liability (RSMA. Archive 32,880. List 5. Case 588. Page 34).

The personnel included in the RPG, as a rule, were armed with automatic weapons – light machine guns, machine guns and grenades, supplied with the necessary amount of ammunition, gas masks, chemical and individual packages. A miner included in the RPG had to have a mine detector and a proper tool with him, in addition to the required means for fencing or marking minefields. Depending on the task at hand and working conditions, in special cases, it was allowed for RPG fighters and commanders to change into civilian clothes. Their weapons were limited to pistols, revolvers and grenades (RSMA. Archive 32,880. List 5. Case 588. Page 15 flash side).

Before an operation, the commander specifically and clearly, without unnecessary reasoning and general phrases, set the RPG personnel the task, clarified the area and terms of service, and gave necessary instructions. Sick and unreliable fighters were excluded from the group and replaced by others. If the RPG had to operate in areas where it was possible to come across the enemy, its entire personnel had to comply with the requirements of Part 1 of Article 104 of the 1942 Infantry Combat Regulations. In this case, documents of the RPG personnel were kept at the chief of the outpost.

The RPG's service and combat activities were carried out strictly according to plan. Depending on the situation and the nature of the tasks performed, the RPG was entitled to set up posts, secrets, roadblocks, conduct raids in settlements, forests and farms, allocate convoys, etc. In accordance with the situation, the RPG chief could divide its staff into groups:

– mission support groups that were sent to probable escape routes of the enemy and operated by ambush;

– cover units (the so-called "firing" group);

– active search and capture of the enemy (RSMA. Archive 32,880. List 5. Case 588. Page 29 flash side).

When moving along an unknown route, especially in the territory liberated from the enemy, miners had to be assigned to the head patrol for reconnaissance and mine clearance. Prior to the engineering survey, unauthorized entry of fighters into dugouts and individual empty buildings was not allowed. Also, before the inspection by miners, it was strictly forbidden to pick up any objects. An instructor of a service search dog was part of the head patrol. At the same time, the latter was on a long leash or even got off it (RSMA. Archive 32,880. List 5. Case 588. Page 43).

Depending on the situation and terrain conditions, the RPG personnel were instructed to move in a column of one, two, or in a chain. The area was subject to a thorough inspection when performing the task. RPG fighters and commanders always had to make sure that they could see and hear everything, while remaining unnoticed by themselves. In order to avoid mines or a sudden ambush by the enemy, RPGs did not move along roads, trails or clearings.

If the RPG performed combat missions for a long time, its chief had to take care of the organization of rest and meals for the personnel entrusted. At the same time, a place for rest (overnight stay) was chosen, if possible, outside of populated areas. When stopping for a rest or overnight, accommodation with local residents was strictly prohibited. During the overnight stay, RPGs posted guards. In case of possible encounter with the enemy (bandit groups), an ambush (cover) from among the machine gunners was set up on the completed route (if the traces left after the movement of the RPG were clearly visible) 400–500 meters from the location of the RPG. No one from the RPG personnel was allowed to take off their shoes and uniforms during the rest.

It is worth mentioning that the RPG could not for a minute stop its reconnaissance activities, including monitoring what was happening in the vicinity, interviewing local residents and passers-by, communicating with local authorities, Red Army garrisons, etc. If the task involved secrecy (when searching for spies, saboteurs, deserters, etc.), it was forbidden to openly go out on the roads and prescribed to regularly change the direction of movement. If there were guides in the RPG, they should be protected from communication with the local population in every possible way and kept under constant supervision of the chief of the group and his deputies (RSMA. Archive 32,880. List 5. Case 588. Page 34).

During the inspection of the settlement, the RPG approached it covertly, having previously studied its configuration and approaches from afar. All exits from the settlement were to be blocked by patrols and posts. Only after that, the RPG was allowed to enter the settlement. There they talked with the chairman of the collective farm or village council about their plans and tried to obtain necessary operational and intelligence information.

If necessary, the settlement was divided into several sections, according to the number of designated inspection groups. At least 4–5 fighters and a representative of the local government were assigned to each of them. As a rule, the inspection started at all sites at the same time. All buildings, attics, closets, basements, cellars, piles of hay and straw, large chests, drawers, cabinets, etc. were examined. The citizens' documents were checked. During the inspection of the interior, surveillance posts were set up outside. The detained persons were filtered on the spot. Those to be further developed followed along with the RPG, or were escorted to their destination. The convoy was distinguished from the best fighters depending on the number and importance of the detainees, but always at least two people. Those who offered armed resistance or tried to escape during the arrest, as well as detained enemy paratroopers and bandits were escorted with their hands tied. Hand binding was checked periodically.

Meadow, fields with barns and haystacks were preliminarily covertly studied. Posts were set up on the outskirts of the field or meadow in such a way that no one could escape into the forest. The named objects were combed from a more closed area to a more open one, namely from a dense forest to a swamp, river or field. During the inspection, the personnel were divided into groups, each of which was allocated a separate search lane. When examining a large dense forest, it was divided into areas with clearly visible landmarks in the form of a clearing, stream, glade, ravine, etc. Patrols or posts were sent along lateral and front borders of the inspection area in order to prevent the wanted from leaving forward or sideways unnoticed. During the inspection of the forest, the RPG personnel were divided into small groups of 3–5 people led by their senior staff. When moving through the forest, they were forbidden to make noise, as well as to give signals in the form of shouts, whistles, etc. Communication between these groups was maintained visually and audibly.

The search parties had to move slowly, carefully examining all the pits, huts, dugouts and thickets. Special attention was paid to footprints, freshly broken or felled branches, trees, remnants of campfires, food and human excrement, and well-trodden paths. RPG fighters and commanders were well aware that the enemy often mined their tracks. When enemy tracks were found, they were subject to careful study. Special attention was paid to their prescription and direction of movement. As a rule, it was necessary to move parallel to the track. Search dogs were used to study the trail. The direction of movement was indicated by the launch of lighting flares, rifle shots with tracer bullets, notches in trees, twigs, etc.

The RPG's operation in the 25-kilometer frontline had its own specifics: a complete ban on the presence of civilians there and the need to interact with military commandants of settlements. All military personnel and undocumented civilians detained in the frontline were subject to detention, arrest and sent for further filtration to the chief who sent the RPG. In addition, RPG personnel were required to pay attention to violations of camouflage rules by Red Army troops located in populated areas of the front line, especially their artillery, tanks, vehicles, wagons, etc.

The enemy (paratroopers, saboteurs, bandits, etc.) discovered during the RPG's service and combat activities was subject to encirclement and forced to surrender. When encountering single enemy soldiers, small groups of deserters and bandits, the RPG personnel had to suddenly attack them and capture them without firing a shot. When an unknown (wanted) person approached, it was required to set up an ambush and detain the person. If a detainee had a weapon, it was subject to immediate seizure. Every detainee was subject to a search, during which documents, money and other items that could be used for attack were taken away. When an unknown man tried to escape, the RPG personnel had to immediately chase him/her. If they could not catch up, they had to "use a grenade or a bullet", but only as a last resort. It was mandatory to shout "Stop" and fire one warning shot. Shooting to kill was allowed in case the detainee did not stop. As stated in the instruction to the senior of the RPG, "a calm, accurate shot from a rifle (submachine gun) will always catch up with the enemy" (RSMA. Archive 32,880. List 5. Case 479. Page 7).

According to the instruction, the RPG chief was obliged to use weapons in cases of an apparent attack on its personnel, armed resistance, or escape attempt (after calling "stop" and firing a warning shot) (RSMA. Archive 32,880. List 5. Case 588. Page 30). In case of armed resistance, it was necessary to act quickly and decisively – to open fire and go on the attack. When capturing someone from an enemy group, it was required to quickly establish whether any of its members had disappeared, and if so, in which direction. At the same time, the testimony of detainees was checked by studying traces and other signs.

If the enemy fled, it was prescribed to pursue them immediately. The instruction distinguished between two types of pursuit: direct pursuit, when the enemy tried to escape in front of soldiers, and pursuit based on the traces left by unknown persons. In both cases, the RPG was to using all the possibilities to detain offenders. In any pursuit, the RPG personnel were to use a search dog (RSMA. Archive 32,880. List 5. Case 588. Page 17 flash side).

It is noteworthy that the enemy could be followed by the tracks and at the same time by specially designated groups and patrols. Fatigue, weather, night, numerical superiority of the enemy, or losses were not recognized as valid reasons for stopping the pursuit of the enemy.

The RPG chief was personally responsible for indecisive actions and even more so for their termination. It was required to attack the enemy decisively and quickly regardless of the numerical superiority. The RPG fighter was obliged to complete the task in any case, even if he was left alone against the numerically superior enemy. As it followed from the instructions to the senior of the RPG, in case of a sudden encounter with the enemy, especially at night or in a fog (blizzard), as well as when operating on heavily rough terrain, it was necessary to boldly attack the enemy.

The RPG's operational and combat work involved direct clashes with regular enemy units, mainly with reconnaissance groups. They are most widespread in the Karelian Front. In total, 17 enemy reconnaissance and sabotage groups numbering from 25 to 600 people were recorded in its rear in 1942–1943. As a result of the fighting with them, 186 Nazis were killed, 82 wounded and 31 captured. The losses of the internal troops amounted to 19 people killed, 21 wounded and 1 missing (RSMA. Archive 32,880. List 5. Case 592. Page 262). For example, the RPG of the 4th outpost of the 1st border regiment (Karelian Front) consisting of 7 fighters under the command of Sergeant Kashlev engaged in battle with the Nazis 9 kilometers west of Olonets on June 26, 1944. Two enemy soldiers and an officer were killed and 12 were captured. One of the RPG fighters died in the fight (RSMA. Archive 32,880. List 5. Case 592. Page 105).

It was required to report immediately to the commander who sent the RPG about the fight.

Reports were sent without fail in cases of detection or elimination of the enemy, receiving new information about the enemy or the situation. Whatever task the RPG performed, everything that could be seen, clarified, and discovered should be recorded, mapped, and reported in detail, clearly, and truthfully to the command upon return to the unit.

In total, according to the operational department of the Main Directorate of the Internal Troops of the NKVD of the USSR, during the Great Patriotic War, the internal troops of the NKVD of the USSR together with surveillance and reconnaissance groups conducted 9,292 Chekist-military operations to combat banditry, during which 47,451 bandits were killed and 99,732 captured alive. As a result of their operational activities, 2,578 spies and saboteurs, 47,577 traitors to the motherland, 132,695 hooligans, thieves and speculators, 119,648 deserters and 227,928 people who evaded service in the Red Army were detained. In addition, a large number of accomplices of the enemy, who escaped from places of detention, captivity and from the occupied territory, members of fascist parties, violators of the established regime, etc. were detained (RSMA. Archive 32,880. List 1. Case 140. Pages 35–35 flash side).

Conclusion

Thus, the conducted research allows us to conclude that during the period under study, surveillance and reconnaissance groups of the NKVD rear protection troops of the USSR made a significant contribution to the fulfillment of the assigned operational and combat tasks, namely, search, capture or destruction of enemy in the Soviet rear, criminals, as well as ensuring the rule of law and public order in the immediate battle area. The command of the NKVD troops protecting the rear of the active Red Army paid great attention to the organization and activities of RPGs, which manifested itself in the development of relevant regulatory documents. The experience of operational, service and combat activities of surveillance and reconnaissance groups deserves close attention of modern researchers of the history of the Great Patriotic War, as well as competent specialists of the Russian armed forces. It seems that it can be used in similar conditions of current armed conflicts.

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Specifics of Training Female Prison Staff in the Russian Empire (Historical and Legal Aspect)

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Abstract

Introduction: a retrospective analysis of the processes related to changes in the prison administration in the pre-revolutionary period is of theoretical and practical significance, as it helps extrapolate historical experience into activities of the modern penitentiary system. The study of the stated topic is determined by the need to restore a historically objective picture of activities of the penal system in the XIX – early XX century. The article describes activities of the Russian state to staff the prison department in the given historical period. The choice of topic is also related to the 110th anniversary of the first graduation from the Moscow School of Prison Wardens, which can rightfully be considered the first official educational institution for training female prison staff. *Purpose*: to study historical experience of training female prison officers using the example of the Moscow School of Prison Wardens. *Tasks*: to systematize empirical data on the work of the Moscow School of Prison Wardens; to determine the purpose of its opening, sources of funding; to characterize approaches to the selection of candidates for training; to analyze the content of educational programs and teaching methods. *Methods*: the dialectical method made it possible to trace the dynamics of changes in activities of the Russian state to staff the prison department during the historical period under study. The logical method was used to analyze requirements for the professional competence of prison staff, identify criteria for selecting candidates for admission to wardens' schools, evaluate educational programs for female prison officers, etc. The formal legal method was applied for the analysis of legislative and other regulatory legal documents on the topic; the logical-semantic method – for the determination of the essence and significance of forms and methods of training female students; the structural method – for the identification of features of training female prison officers. *Results*: the article devoted to the description of educational traditions of the late XIX – early XX century can be used as a substantial basis for courses in theory and history of personnel training for the penal system, taking into account the genesis of penitentiary education. *Conclusion*: the foundations for staff training for penitentiary institutions were laid during the period under review. It is shown that the main attention was paid to the formation of professional competence of female prison officers through a combination of theoretical and practical training. Despite the fact that the attempts described in the article to create an effective staff training system failed to fully address the personnel issue in the penitentiary sector, they can rightfully be recognized as a positive experience.

Keywords: Main Prison Department; Moscow School of Prison Wardens; prison staff; penal system; prison studies; law studies; Moscow Women's Charity and Prison Committee; professional competence.

5.1.1. Theoretical and historical legal sciences.

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In the late XIX – early XX century, the internal migration of peasants to cities increased sharply, and the patriarchal-communal system of relations collapsed as a result of rapid industrial development in the Russian Empire. Isolation from the usual socio-cultural space often led numerous groups of peasants to marginalization and deviant behavior, which negatively affected the criminal situation and increased the crime rate and the prison population as a whole. At the same time, the places of execution of criminal penalties experienced serious difficulties with staffing due to low salaries and a lack of a unified legal regulation system for all institutions. The prison staff was trained on the job. At that time, the structure of the staff and requirements for their professional competence reflected only the needs of a particular prison institution for a certain period of time. On their own initiative, local authorities opened police schools, where they trained prison staff. At the same time, training was limited to practical mastering of the basics of prison service in places of detention.

The presented article complements the existing experience of scientific analysis and generalization of activities of the Russian state to staff the prison department in the XIX – early XX century. D.V. Voloshin discussed problems of professional training of personnel, considered scientific, theoretical, organizational, pedagogical and educational ideas of N.F. Luchinskii, B.S. Utevskii, S.V. Poznyshev and other scientists [1–3]. M.V. Vol'skii [5] and L.Yu. Zabrovskaya [5] also studied personnel policy, organizational and managerial features of the Russian prison department in the late XIX – early XX century. Organizational and pedagogical issues of activities of the first state schools for training penitentiary personnel in Russia were reflected in the publications of D.Yu. Stepanova [6] and P.P. Pirogov [7]. A series of articles of the journal "Prison Bulletin" is devoted to various aspects of the functioning of the Moscow School of Prison Wardens, including material on the founding documents, the financing system, quantitative and qualitative characteristics of students, participation of the Moscow Women's Charity and Prison Committee, etc. [8–16].

When working on the article, we studied documents of Archive 625 "Moscow female prison" of the Central State Archive of the city of Moscow (CSA of Moscow), containing information on applicant selection procedures, application forms, official transcripts, gradebooks, etc. The archive contains a section about daily routine of students, regulations of the School Council, remuneration of teaching staff, in particular, there is an indication of a rate of 2 rubles per hour for all categories of teachers. In addition, the archive materials describe a procedure for choosing premises for a school and contain information about the lease agreement with merchants Proshins, the amount of rent and the location of the first building (CSA of Moscow. Archive 625. List 1. Case 103).

As noted above, the problem of staffing the penitentiary system was acute in the late XIX – early XX century. Establishment of specialized educational institutions was discussed. Paradoxically, in pre-revolutionary Russia, women were ready to work in the prison department. At that time, the penitentiary system was one of the few institutions where women could obtain the status of a civil servant. The highly approved opinion of the State Council of June 15,

1887 “On the management of separate places of detention of the civil department and prison guards” [17] introduced positions of assistant prison governors or wardens, as well as senior and junior wardens, in certain institutions executing criminal penalties against women. They could include “literate persons of any rank”, who took an oath to serve according to the rites of their religion. In addition, applicants for these positions pledged in writing to serve honestly. Disciplinary measures (remark, reprimand, fine, extra duty, dismissal) were applied to them in the case of a misdemeanor, in the case of a crime, they were handed over to the court [17]. In 1892, female prison officers received pension benefits that extended not only to the employee herself, but also to their minor children if they became orphans after losing their father and mother [18]. However, women were restricted to bear arms [19, pp. 37–38]. Despite the fact that service in the prison department was fraught with high responsibility, it belonged to a public service that provided certain social guarantees, including pension provision. This was a definite incentive for women from poor families to receive financial support in old age. Thus, the existence of a number of state preferences motivated women from taxable estates to serve in the penitentiary system.

Considering the need for full-time staff, the Moscow Women’s Charity and Prison Committee founded the first school for training wardens in 1899. It is worth mentioning that after the reorganization of the Moscow Provincial Committee of the Prison Trustee Society in 1895, which had broad powers to manage activities of places of detention in Moscow, its successors, the Moscow Provincial Women’s and Men’s Prison Charity Committees, had very limited opportunities to participate in activities of correctional institutions. They were mainly responsible for charitable activities and religious education of convicts. In fact, the establishment of the school for training wardens was a private initiative of the committee, which maintained the school at its own expense. There was no state funding for the school and no coordination of its activities by the Main Prison Department (MPD).

The purpose of the school was defined as “training skilled wardens for female prisons in Russia who will not only serve conscientiously, but also exert a moral influence on prisoners” (CSA of Moscow. Archive 625. List 1. Case 103. Pages 96–98).

The school accepted young women and single widows aged 21–35. When applying for admission to the educational institution, applicants had to submit a medical certificate, a loyalty certificate, recommendations and photographs (CSA of Moscow. Archive 625. List 1. Case 103. Page 25).

To verify the authenticity of trustworthiness certificates, the head of the school could send inquiries to the detective police, the security department, and the mayor about candidates’ moral qualities and loyalty (CSA of Moscow. Archive 625. List 1. Case 103. Page 83).

It should be mentioned that the preference was given to girls from families of provincial clergy. On the one hand, they were brought up in strict Christian traditions. On the other, due to remote residence from educational centers of Russia and a relative poverty of their parents, they did not have the opportunity to get a good education and therefore to succeed in life. However, according to archival sources, students at the school belonged to different social groups. So, among the 1906 graduates were T.I. Baranovskaya (daughter of a nobleman), P.M. Bukareva (daughter of a collegiate assessor), E.L. Kuz’mina (daughter of a philistine), A.M. Mikhailova (peasant), E.F. Nikol’skaya (daughter of a deacon), E.S. Orlova (peasant), M.S. Skvortsova (daughter of a psalmist), O.G. Solov’eva (widow of the titular adviser) (CSA of Moscow. Archive 625. List 1. Case 103. Page 389).

The term of study at the school lasted one year and consisted of two stages.

Bible chairs, Russian language, arithmetic, Russian history, geography of Russia, prison studies, law studies, and medical patient care were studied for six months during the first stage

of theoretical training. Persons who passed exams in the theoretical course were admitted to the second, practical, stage of training, which consisted in serving in Moscow places of detention (CSA of Moscow. Archive 625. List 1. Case 103. Pages 96–98).

Provided that a student performed her duties in good faith, after six months of training, she received a certificate with the seal of the Moscow Women's Charity and Prison Committee and a badge of the established pattern confirming her right to fill the position of warden. The Committee was actively involved in the distribution of school graduates to places of detention not only in Moscow and Saint Petersburg, but also in provincial cities. After school, women could serve as wardens and as nurses at prison hospitals, heads of nurseries, etc.

The importance of this school increased significantly with the opening of the Moscow female prison for 250 people in October 1907. It was built on the site of former penal battalions [14].

Taking into account the positive experience of this school in staffing institutions, the Main Prison Administration began to take certain steps to set up departmental educational institutions for training prison staff. It planned to organize "prison courses and the institute of candidates for positions in the prison department" [20, p. 18]. However, these plans were not implemented. Another attempt (also unsuccessful) was made in 1912, when a draft law No. 16,270 "On conducting prison courses at the MPD" was submitted to the State Duma through the Ministry of Justice of the Russian Empire [21]. A more successful project aimed at training personnel for the prison system was the conduct of systematic readings on prison studies in March 1912 [22]. It was assumed that the composition of the listeners of systematic readings was to be approved annually by the head of the Main Prison Department. Groups of trainees were preferably to consist of persons holding full-time positions in the prison department, however, other persons who met general requirements for admission to the civil service could also be accepted. There were no gender restrictions on the admission of students. Systematic readings on prison studies were primarily aimed at studying provisions of the General prison regulations [22; 23]. According to the fair remark of D.V. Voloshin, these readings were the first successful attempt at the practical implementation of the state model of training penitentiary personnel [2, pp. 7–13].

Centralized training of prison staff in educational institutions began in 1913. A school for training candidates for the position of senior prison wardens in Saint Petersburg and a school for training candidates for the position of prison female wardens in Moscow were opened in connection with the Law of July 13, 1913 "On the establishment of a school in Saint Petersburg for training candidates for the position of senior prison wardens and a school in Moscow for training candidates for the position of prison female wardens" approved by the State Council and the State Duma [19, pp. 899–901].

In our opinion, the creation of two educational institutions for training prison staff at the same time could be dictated by several circumstances. First, there was a difference in the categories of students: the school in Saint Petersburg trained active prison officers to improve their qualifications for appointment to a higher position; in Moscow – people who were recruited for the first time. Second, the creation of separate educational institutions for men and women fully corresponded to the concept of Russian education in the early XX century, which provided for separate education for people of different sexes. According to D.Yu. Stepanova, at that historical moment, separate group education in Russia was the most widespread organizational and pedagogical model implemented in various educational institutions [6, p. 116], which was reflected in the organization of educational institutions for the training of prison wardens.

The organizational and legal status of the female warden school established by the MPD was fixed in the Regulations on the school ap-

proved by the aforementioned law of July 13, 1913. The location of the school for training prison female wardens was chosen to use previous experience of the Moscow school. In September 1913, the head of the Moscow female prison S.I. Brodovskii and Moscow merchants Nikolai Proshin and Aleksandr Proshin concluded an agreement on the lease of a two-story wooden house for a school in the Presnya area (along Panfilovsky Lane, 1) with sheds, cellar and water supply for 500 rubles per year (CSA of Moscow. Archive 625. List 1. Case 103. Page 20). On the day set for the start of classes, two female students did not arrive and during the course four more students were expelled for various reasons (CSA of Moscow. Archive 625. List 1. Case 103. Page 82).

The library fund of the school consisted of books by S.V. Poznyshev "Essays on prison studies", "Doctrine of punishment", de N.I. Rochefor "Code of conduct", A.V. Kenigson "Misconduct and crimes in the service and the procedure for the responsibility of officials" (collection of legal provisions with explanation), L.E. Vladimirova "Doctrine of criminal evidence", "Law studies" and others reasons (CSA of Moscow. Archive 625. List 1. Case 103. Page 337).

The school's program included a two-stage training system: the first stage was theoretical and the second was an internship in prison. In the morning, students attended a prison school, where, under the guidance of teachers, they revised the elementary school course they had completed before entering school in order to consolidate their knowledge of the Russian language and arithmetic. Theoretical classes according to the program approved by the MPD head were held daily from 15.00 to 19.00. In total, 325 hours of classes were held during the 1913/1914 academic year (CSA of Moscow. Archive 625. List 1. Case 103. Page 330). The program included academic disciplines, such as prison studies, prison administration and supervision, hygiene, accounting, Bible chairs, history of the Fatherland, and a short course in law. Theoretical classes were conducted in the form of lectures, as well as conversations with female students. The degree of students' mastery of the educational material was determined by the method of oral questioning and written work.

S.V. Poznyshev tried to reveal in a concise and popular form key ideas underlying the organization of prison activities, "believing that a person with energy and love can only do a thing whose meaning is clear to him so that he can understand his actions as part of a larger cause consisting of a mass of individual actions" [25, p. 143]. In his lectures, the professor revealed:

– the purpose of punishment, in particular prisons, comparing the pre-reform and current state of prisons in the Russian Empire;

– features of prison systems (solitary confinement, general confinement, progressive prison system);

– features of various means of correction of convicts;

– organization of prison labor, foster care, etc

He also told the audience about the works and activities of J. Howard and F.P. Haase [24].

Practical exercises under the guidance and supervision of administration officials were conducted on the territory of female and transit prisons, as well as in the prison hospital. In the female prison, classes were held from 8.00 to 12.00. Students got acquainted with various aspects of prison life and performed some work, for example, food distribution, chamber search, reception of prisoners, etc. (CSA of Moscow. Archive 625. List 1. Case 103. Page 158).

All issues of the institution's functioning were discussed at meetings of the school board. During the 1913/1914 academic year, meetings were held 12 times, where issues related to general supervision of administrative, economic and educational units, supply of furniture, admission and graduation of female students, establishment of a dormitory and expenditure of funds allocated to the school were considered. In 1913, 2,616 rubles were allocated for the maintenance of the school, in 1914 – 1,120

rubles (CSA of Moscow. Archive 625. List 1. Case 103. Page 334).

In March 1914, 8 students graduated from the school (CSA of Moscow. Archive 625. List 1. Case 103. Page 82). The second enrollment was in September 1914; 14 students were accepted according to the results of admission tests. The training program compared to the first one was changed by the decision of the school board. From September 12 to October 20, there were only practical classes for students to go through all the stages of the internal service of wardens. According to the school board, it would help female students to master the theoretical material. In the following months of training, students acquired theoretical knowledge; the hours allotted for practical classes were reduced. Students were not on full duty in prison as part of their practical training, but only got acquainted with the prison management and work service, as well as helped full-time wardens. The list of theoretical disciplines also underwent some changes, Bible chairs, domestic history, jurisprudence, theoretical and applied prison studies were preserved (CSA of Moscow. Archive 625. List 1. Case 103. Page 407).

Thus, at the beginning of the XX century, a centralized prison management system, represented by the Main Prison Department, was established in the Russian penitentiary practice. The penitentiary ideas, innovative for that time, were successfully implemented. At the same time, the problem of staffing the penitentiary system was very acute. It was during this period that the foundations for staff training for penitentiary institutions were laid. The educational process of prison officials was optimized and the training was focused on practice. Despite the fact that the attempts described in the article to create an effective staff training system failed to fully address the personnel issue in the penitentiary sector, they can rightfully be recognized as a positive experience. The foundations laid down by the Moscow School of Prison Wardens contributed to the formation of a current system of departmental educational organizations that successfully train personnel for the penal system today.

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On the Development of Criminal Punishment Institution in Russia from the Reign of Peter the Great to Criminal Codes of the Stalin Era

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Abstract

Introduction: the article considers problematic aspects of the evolution of the institution of criminal punishment in Russia from the time of Peter the Great to the first criminal codifications of the Soviet era, as well as cultural, socio-political and economic factors that influenced this process. *Purpose*: to analyze the historical path and identify patterns of criminal punishment development in Russia from the reign of Emperor Peter I, in which the intimidation paradigm prevailed, to the stage of operation of the first criminal codes of the Soviet state, focused on positivist ideas of protecting society and correction. *Methods*: structural analysis and synthesis, documentary, historical-legal and comparative-legal methods of cognition. *Results*: the author substantiates the point of view that the repressiveness of criminal punishments of the Petrine era is associated with the desire of the political authorities to ensure the implementation of fundamental, large-scale and unprecedented social transformations for that time. It is argued that the enlightened absolutism ideology of the Catherine era had no humanizing effect on penitentiary practice, which remained unchanged and conservative. The long-term codification and systematization of legislation under the leadership of M.A. Balug'yanskii and M.M. Speranskii is assessed and successful reforming of criminal legislation during the reign of Alexander II is described. A high legal significance of the 1903 Criminal Code is associated with the involvement of prominent legal scholars N.A. Neklyudov, N.D. Sergeevskii, N.S. Tagantsev, and I.Ya. Foinitskii in its drafting. Ideological and scientific-theoretical foundations of the first criminal codifications of the Soviet period are revealed in detail, reasons for the appearance of the institution of social protection measures are analyzed, and scientific judgments about the excessive repressiveness of penitentiary practice of that time are commented on. *Conclusions*: it is summarized that criminal punishment at each phase of its development in our country clearly reflects not only a socio-economic way of life, but also a current cultural and spiritual and moral level of Russian society; therefore, criminal punishment is a phenomenon reflecting socio-cultural processes at a certain stage of social development.

Keywords: criminal punishment; history of Russian criminal law; criminal legislation; penology; evolution of punishment; penitentiary system; doctrine of criminal punishment.

5.1.1. Theoretical and historical legal sciences.

5.1.4. Criminal law sciences.

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Introduction

The criminal law policy of Peter the Great, while maintaining its former orientation towards intimidation (as it is stated in the decree of November 17, 1718 "and for greater fear, gallows should be erected on noble roads"), became more utilitarian; convicts began to be involved in labor everywhere. For example, the decree of Peter the Great of February 13, 1719 "On sending guilty women and girls who are subject to the death penalty to the spinning yard" prescribes the following: "guilty women and girls who are subject to the death penalty ... should be sent to a certain spinning yard". Such types of criminal punishment as exile and penal servitude (exile to work in mines and manufactories forever or for a certain period of time and to work on the construction of harbors and fortresses) began to be intensively applied. In the Petrine era, Russian convicts were actively engaged in the construction of Saint Petersburg. Gradual spread of exile, penal servitude and isolation from society (arrest by a professional (executioner), "keeping under guard", etc.) reinforced the component of private prevention in criminal punishment. At the same time, the legislation of that time reflected the Orthodox idea of retribution. For example, Article 154 of the 1715 Military Code stipulates that "whoever, voluntarily or intentionally, without need and without mortal fear, kills someone, their blood shall be avenged, and the head of a murderer shall be cut off without any mercy".

Along with the widespread use of a death penalty (it was provided for in 122 articles of military codes of Peter the Great [1, p. 191] and characterized by multiple variations (arquebusier – shooting became an absolutely new type of punishment and was performed, as a rule, in public), painful and self-mutilating corporal punishments, criminal punishments associated with the loss of rights (in particular, such an analogue of civil death as defamation (deprivation of civil rights, which was preceded by the breaking of a sword over a person's head or by nailing a board with the name of the criminal to gallows), which were used as both basic and additional punishments. A characteristic feature of the punitive practice of the time of Peter the Great was the bringing of civil officers to legal liability without any legislative grounds for this under the 1702 Code of Conduct of Field Marshal B.P. Sherem'etev, the 1706 Military Code, the 1706 Charter of Former Years, the 1715 Military Article, the 1716 Military Regulations and the 1720 Naval Charter), which were to be used only by specialized military courts (kriegsrechts, etc.) and only in relation to military personnel.

Though the 1716 Military Code of Peter the Great stipulated decimation (execution of every tenth guilty person by lot used in the ancient Roman army) for witchcraft (sorcery), it contained progressive norms on the alternative nature of criminal punishments and their classification. So, they were divided into five classes: light honor violations, severe honor violations, ordinary corporal punishment, severe corporal punishment, and death penalties. It is noteworthy that this law established such a measure as asking for forgiveness, the essence of which was that the court imposed on the offender the obligation to publicly admit guilt and ask for forgiveness from the victim.

An important step towards development of the criminal liability institution was the official consolidation of the rule that ignorance of the law does not exempt from liability (*Nemo ignorantia iuris recusare potest*), which was initially addressed to judges, but in practice was quickly extended to the entire population: "so that in the future no one would be dissuaded by ignorance of state statutes". Under Peter the Great, secular punishments were supplemented by ecclesiastical punishments, in particular the 1721

Ecclesiastical Regulations. Archbishop Feofan (Prokopovich) was punished with anathema, the highest form of expulsion from the bosom of the Orthodox Church (excommunication). As is known, Hetman I.S. Mazepa was anathematized in 1708 for high treason.

The repressiveness of criminal punishments of the Petrine era is largely associated with the desire of the supreme power to ensure the implementation of fundamental, large-scale and unprecedented transformations of the entire socio-political life at that time. These novels contradicted old habits, foundations and traditions of society and were unwelcome by the society. On the other hand, the tightening of criminal penalties was in itself an element of reform and part of Peter's innovations aimed at consolidating and mobilizing social forces for a powerful socio-economic and cultural breakthrough achieved by Russia at the cost of great efforts of society and the state in the first quarter of the XVIII century.

Criminal punishment during the reign of Empress Anna, Empress Elizabeth and Empress Catherine the Great

In the second quarter of the XVIII century, the state policy in the penitentiary area was not focused on humanization. On the contrary, during the reign of Empress Anna, repressive measures were strengthened. Empress Elizabeth had an extremely negative attitude towards capital punishment, introduced a special procedure for imposing a death penalty (the requirement of mandatory "highest confirmation" of all death sentences and political death), and did not sign a single death sentence submitted to the Governing Senate. However, in practice, the established procedure was bypassed without any significant consequences and the death penalty was often applied, most often in the Baltic provinces and in the Zaporozhian Sich on the basis of the customary law of the Little Russian Cossacks [2, p. 138]. Besides, the execution of criminal punishment in the form of whipping drove many convicts to a painful death. Despite the empress' negative attitude towards the death penalty, the 1754 draft Criminal Code stipulated the death penalty for many crimes and in case of aggravating circumstances to "tear a person into five pieces by five harnessed horses" for insulting a royal person and to "hang by ribs" for robbery involving murder, etc.) [3, p. 28]. Although this long-prepared draft was approved in the Senate, it was not backed by Empress Elizabeth; however, legislative work on the preparation of a new code was continued during the reign of Catherine II.

An instruction for the Legislative Commission worked out by Catherine II reflected principles of the enlightened absolutism policy and was based on the French collection "Encyclopedia, or explanatory dictionary of sciences, arts and crafts", works of C. Beccaria "On crimes and punishments" and S. Montesquieu "The spirit of the laws" (Catherine II called it her "prayer book"). The instruction contained contradictory views on a death penalty. For example, articles 209–212 deny benefits and the necessity of a death penalty in case of "an ordinary state of society", while Article 79 states that "a citizen is worthy of death when he/she violated security even before he had killed someone or tried to do it". An accurate interpretation of the latter provision allowed N.P. Zagoskin to draw a correct conclusion that "Catherine, seeing in the death penalty "some medicine for a sick society", was inclined to use it not only for murder, but also for attempted murder" [4, pp. 83–84]. The 1782 Statute of the Deanery developed during the reign of Catherine II established a closed list of punishments applied by police authorities (imprisonment in a workhouse, fine, censure, etc.), which, according to the authors of this statute, were supposed to educate and form high moral qualities in members of the society.

During the reign of Empress Catherine, humanization of the domestic policy was only formally expressed in official declarations and imperial philosophical and legal arguments, notations and "orders". Penitentiary practice remained conservative and stagnant. In some cases, the empress was very repressive. The Decree of August 22, 1767 "On peasants being obedient to landlords and on not giving petitions to Her Majesty" forbade serfs to complain about their owners under threat of criminal punishment. The decree of January 17, 1765 "On the admission of serfs by the Admiralty Board and imposing hard labor on them" endowed

the Russian nobles with the right to send serfs "deserving just punishment due to their forward behavior" to hard labor. As L.R. Safin correctly writes, it was the strictest punishment of those that could be provided to landlords in the era of serfdom in Russia [5, p. 146].

Criminal punishment in Russia in the XIX century and in the pre-revolutionary period

Attempts to draw public attention to the need to reform, update and improve the practice of executing criminal sentences were made by individual prominent personalities, including the English prison reformer, lawyer, physician and philanthropist D. Howard, who died in Russia in Kherson and was honored with the following epitaph on the obelisk "Alios salvos fecit. Vixit propter alios" ("Made others healthy. Lived for others"). In 1819, another English philanthropist, W. Venning, who had been studying the state of Russian prisons for two years, submitted a note to Alexander I on improving conditions of detention in them and founded the Prison Trust Society in Russia. Not only Alexander I and other Russian monarchs were interested in penitentiary institutions in the traditions of Russian Christian charity. "On state, religious and family holidays (for example, the emperor's birthday), Russian sovereigns and dignitaries visited prisons, listened to prisoners' complaints, provided them with financial assistance, and sometimes released prisoners" [6, p. 19].

Since the beginning of the XIX century, the Russian authorities had taken decisive steps towards the codification and systematization of criminal legislation: in 1801, Alexander I supervised the Law Drafting Commission. In 1826, Nicholas I transformed it into the Second Branch of His Imperial Majesty's Own Chancellery. Its long and painstaking work under the leadership of M.A. Balug'yanskii and M.M. Speranskii resulted in the Complete Collection of Laws of the Russian Empire and the Code of Laws of the Russian Empire. Volume XV of the Code of Laws of the Russian Empire contained criminal law norms divided into two parts – General and Special. The code included the 1832 Statute on the Prevention and Suppression of Crimes, which entered into force on January 1, 1835. It is important and interesting primarily for criminologists and penologists, because crime prevention activities were for the first time systematically consolidated at the legislative level (the statute, in particular, provided for crime prevention measures, such as prohibition of residence in capitals and other places, police supervision and expelling foreigners abroad). The 1831 Instruction to the Caretaker of the Provincial Prison Castle is also of penological interest, since it formulated the goals of penitentiary activity: "so that, upon returning to the society, they will become useful to themselves and their families, try to correct and get used to working" (Art. 237).

After the publication of the Code of Laws of the Russian Empire, the Code on Criminal and Correctional Punishments was developed. After being considered by the State Council, it was approved by Nicholas I on August 15, 1845 and put into effect on May 1, 1846. This code is considered the first Russian criminal code, since all previous legislative acts combined norms of various branches of law. Despite careful elaboration of the issues of punishment, it had a number of drawbacks: first, Article 90 "Definition of punishment in general" did not present a definition of criminal punishment; second, at the same time, the 1857 Statute on Exiles, the 1864 Statute on Punishments imposed by Justices of the Peace, the 1868 Military Statute on Punishments, the 1870 Naval Statute on Punishments and other laws were in force in Russia, which also contained lists of punishments imposed by the courts; third, the system of criminal penalties presented in the code, which consisted of 12 sections, 81 chapters, 98 branches and 2,224 articles, was too voluminous, complicated and difficult to apply (N.D. Sergeevskii drew attention to this disadvantage more than once [7, p. 877]); fourth, there persisted inequality in criminal punishment (in particular, nobles, merchants and other privileged classes were exempt from corporal punishment); fifth, this code allowed the use of criminal punishment by analogy if there were gaps in the sanctions. The main advantage of this codification, in our opinion, is that its authors sought to implement a complex penitentiary task – to measure and correlate the content of criminal penalties not only with the degree of public danger of the crime, but also with its nature.

The Code divided punishments into criminal (death penalty, exile to Siberia, etc.) and correctional (reprimand in the presence of the court, remarks and admonition on the part of the court or government, short-term arrest, etc.). In our opinion, it demonstrates the Russian legislator's desire to strengthen a correctional function of criminal punishment. This is how to ensure the principle of punishment individualization (this intention is reflected in the very title of the code). The system of punishments was presented in a hierarchical form: from the most severe to the least severe. Most punishments were accompanied by the deprivation of all rights of the state (estate (both non-noble and taxed estates), civil and political rights) and the deprivation of all special rights and advantages (honorary and noble titles, ranks, insignia, the right to enter the service, etc.).

The judicial reforms of Alexander II, approved in 1864 and carried out in 1866–1899, led to an updated version in 1866 (preceded by the 1857 edition) of the Code on Criminal and Correctional Punishments. As a result, class distinctions were mitigated, although the class principle itself was not abolished. The year of 1863 witnessed the abolishment of corporal punishment was officially abolished as a form of criminal punishment (in practice, especially in relation to exiles, including women (caning of a female prisoner led to mass suicides at the Kariya penal servitude in 1889), they were used until the beginning of the XX century) and the stigmatization of convicts to hard labor (tearing criminals' nostrils was abolished much earlier – in 1817). In 1885, the system of criminal penalties was liberalized to a certain extent. Thus, public execution of the death penalty was abolished, and imprisonment in workers' and straitjackets was excluded from the text of the code, instead of which ordinary imprisonment was used.

Changes in criminal legislation in the middle and the end of the XIX century contributed to the increase in the social and legal role of prison institutions, as well as to the promotion of the institution of exile, which had been previously used on a much smaller scale (especially in relation to political (state) criminals). N.M. Yadrintsev in his famous work "The Russian community in prison and exile" dwelt on the colonization and correctional significance of Russian exile, stating that "it has not achieved its intended goal to colonize Siberia. Settlers are not only not the predominant part of the Siberian population, but, on the contrary, constitute the smallest and rapidly dying part of it" [8, p. 600], and also gave a low assessment of the preventive role of exile. While agreeing with his opinion on the colonization aspects of exile in Russia, we cannot accept his point of view on the purpose of private prevention in exile as correct and justified. In this respect, it is similar to imprisonment, since exile not only deprives a person of an objective opportunity to commit criminal acts, but also gives him/her time for correction and reassessment of his/her life ideals and values. In Russia in the XIX century, a system similar to the Irish (Crofton) system was implemented. Those exiled to penal servitude were divided into the category of subjects and the category of those being reformed, i.e. those who, thanks to good behavior and the desire to improve after a certain time, were endowed with various benefits and advantages, such as the right to receive a salary, to live outside the prison, to build a house on a factory land, to marry, to receive in-kind benefits (inventory, tools, seeds, etc.) for household management, to move after penal servitude into the category of exiled settlers.

Under the 1900 law, the division of exile to Siberia and exile to Transcaucasia (for heretics, schismatics, sectarians, etc.), as well as "exile to the settlement in the most remote places of Siberia" and "exile to the settlement in places of Siberia not so remote", was abolished. The Criminal Code of March 22, 1903 contains penal servitude and banishment for settlement as a type of exile that is not divided into degrees. In general, the system of criminal penalties in this legislative code of the turn of the XIX–XX centuries was significantly simplified; its framework consisted of only three categories of punishments: main, additional and substitutive, and only eight types comprised the closed list of criminal punishments. The categories of criminally punishable acts (grave crimes, crimes and misdemeanors) were constructed depending on the severity of the penalties provided for

them, and the differences between criminal and correctional punishments were leveled by the legislator. Though Article 1 of the latter codified criminal law collection of the Russian Empire had a definition of crime, it contained neither a concept of criminal punishment, nor its purpose. Nevertheless, many Russian researchers note a high scientific and theoretical significance of the 1903 Criminal Code, which had been worked out for more than 20 years. Prominent legal scholars of that time N.A. Neklyudov, N.D. Sergeevskii, N.S. Tagantsev, I.Ya. Foinitskii took part in its drafting. N.D. Sergeevskii's made critical comments on it in a letter to the special editorial commission established in 1881 by Alexander III. He believed, the penitentiary system "remained only on paper in current law, but in real life led to complete decomposition and even demoralization of criminal justice, precisely because of the discrepancy between a complex system and the monotony and scarcity of available resources in society" [9, p. 37].

Nicholas II, who intended to reform the penal system, refused to enact the 1903 Criminal Code in full and introduced its individual chapters and articles. The events of the 1905 Revolution mediated the publication of the Decree of December 2, 1905, which tightened responsibility for participation in strikes at enterprises of national importance. The onset of the First World War in 1914 required introduction of amendments to criminal legislation aimed at tightening criminal penalties for a number of crimes, the public danger of which increased due to Russia's entry into the war (for example, the Decree of January 12, 1915 increased the punishment for desertion, unauthorized absence and evasion from military service).

Amendments to criminal legislation introduced by the Provisional Government during the February Revolution of 1917 were characterized by haste, inconsistency and thoughtlessness. For example, it declared an amnesty, but six months later the amnestied had to be returned to places of detention; the death penalty was abolished, but three months later it was restored because of anti-government protests in Petrograd and the deterioration of the situation at the front in July 1917.

Criminal punishment during the time of the young Soviet Republic

The 1917 October Revolution led to the total dismantling of the former social structure and state apparatus and elevated Marxism to the rank of the dominant ideology in our country, the revision of conceptual foundations of criminal policy, including changes in views on the essence, social purpose and goals of criminal punishment. In the early years of Soviet power, criminal liability for crimes was established by separate decrees, resolutions and instructions, which were based on the ideas of revolutionary violence and the dictatorship of the proletariat and had a pronounced class character. Thus, the Instruction of the People's Commissariat of Justice of the RSFSR "On the revolutionary tribunal, its composition, the cases subject to its jurisdiction, the punishments imposed by it, and the procedure for conducting its meetings" adopted on December 19, 1917 established an exhaustive list of 8 types of punishments, which included "sequestration or confiscation (partial or total) of the perpetrator's property", ""declaration of public censure" and "declaration of the culprit as an enemy of the people". The Decree of the Council of People's Commissars of the RSFSR of July 22, 1918 "On speculation" established a sanction for speculation, providing for imprisonment combined with forced labor and confiscation of the perpetrator's property. Decrees on the court of the Central Executive Committee and the Council of People's Commissars of the RSFSR No. 1 of November 24, 1917 and No. 2 of March 7, 1918 allowed the application of legal norms of the criminal codes of 1845 and 1903 and other pre-revolutionary legislation "insofar as they were not abolished by the revolution and do not contradict the revolutionary conscience and revolutionary legal awareness" (a complete ban on the use of pre-revolutionary law was fixed in Note 22 of the Regulations of the Central Executive Committee on the People's Court of the RSFSR of November 30, 1918), which suggests that there is continuity between Soviet criminal legislation and pre-revolutionary legislation. Our conclusion confirms the content of the Soviet Criminal Code of 1918, which was not applied in prac-

tice, known as the "Code of Laws of the Russian Revolution. Part 5. The Criminal Code. 1918 Edition" and developed by the People's Commissariat of Justice of the RSFSR on the basis of the Criminal Code of 1903. We have identified a genetic link between norms of this legal monument and the criminal law of the Russian Empire, including in approaches to criminal punishment.

Despite the borrowing of some legal structures from the laws of tsarist times, the socialist state in the penitentiary sphere sought to break doctrinal ties with the classical idea of retaliation and the model of intimidation, as well as to update, diversify the range of ways and means of criminal legal influence on delinquents. In practice, this focus was expressed in the use of new and updated legal measures, such as public censure, depriving public trust, declaring an enemy of the revolution or the people, banning from holding office, prohibiting from speaking at meetings, movement from capitals, certain localities or borders of the Russian Republic, announcement of a reprimand or remark by the court, etc. We fully share the opinion of R.B. Osokin and M.V. Denisenko that these punishments "are very interesting from the point of view of social reality, attracting and rallying citizens, and showing collective will towards one citizen who has violated the law" [10, p. 52]. In our opinion, the introduction by the Soviet government of a system of widespread public involvement in the treatment of offenders (including introduction of friendly courts, party courts, courts of honor, rural public courts, bail practices, etc.) can be recognized as a solution that contributed to the liberalization and democratization of crime prevention.

The focus of the new criminal policy course, first of all, on the prevention of criminal behavior and the individualization of criminal law measures with consistent disregard for the ideas of retribution and atonement is clearly expressed in the Guidelines on Criminal Law of the RSFSR of December 12, 1919, which in the list of "exemplary" punishments contained a large number of alternative, unrelated to isolation from society, measures of influence, such as admonition, boycott, deprivation of political rights and outlawry. According to Article 10, "punishment is not retribution for "guilt", is not atonement for guilt". This normative legal act is also interesting because, for the first time in the history of Russian criminal law, it gave a legal definition of criminal punishment as such "punishment is those coercive measures by which the government ensures the order of public relations from violators (criminals)" and presented its task as "protection of public order from a person who has committed a crime or attempted to commit such a crime and from future possible crimes of both this person and other persons".

Some Russian researchers believe that in 1918–1920, the task of eliminating or isolating representatives of the exploiting classes from society was put at the forefront of criminal law practice. V.S. Egorov, mentioning the Decree of the Council of People's Commissars of the RSFSR "On the red terror" of September 5, 1918 and the Instructions to the emergency commissions at the local level of December 1, 1918, writes in support of this position, "A new type of punishment is being introduced – isolation in concentration camps. The death penalty is actively used – according to some data, 9,641 people were executed during the period from 1918 to 1919" [11, pp. 24–25]. However, according to criminal law statistics, the most common type of criminal punishment during this period was a fine [12, p. 49], and People's Judge N.K. Lomakin, who was working at the same time, recalled, "When we first handed out a suspended sentence, the whole audience reacted to it with some kind of joyful sympathy.... In general, I must say that our first sentences were very humane. We often passed public censure and imposed small fines; I don't remember anyone being sentenced to more than two years in prison" [13, p. 25]. Moreover, the tendency to humanize criminal repression persisted in subsequent years. Analyzing criminal sentencing in 1922, Ya.N. Brandenburgskii provided the following statistical information, "Both before and after the introduction of the Criminal Code, 75 out of 100 defendants were convicted and 25 acquitted" [14, p. 337].

We also cannot agree with the point of view of P.E. Suslonov that "the very concept of punishment has been rethought by the new government... Punishment is a defensive measure

to protect the social order, a measure of social protection ("Guidelines on Criminal Law of the RSFSR", 1919). Although the idea of correction is declared, logically it does not fit into the scheme of this concept" [15, p. 8]. The Guidelines on Criminal Law of the RSFSR of December 12, 1919 has no mention of a "measure of social protection" (this construct will be added to punishment later), it refers to punishment in its traditional meaning and not as a "defensive measure to protect the social order", but as a measure of coercive influence, the task of which is to protect public order from criminals; the idea of correction ("adaptation to this social order"), declared in it and provided for in the plan of implementation, logically fits into its concept.

The position that "crime in a class society is caused by the way of social relations in which the criminal lives" is based on Communist ideas about variability – the dependence of the individual on social conditions of life, which in the Marxist doctrine is a prerequisite for its correction. The personality of a criminal was considered by Marxists as a victim of external circumstances. We emphasize that they were sincerely convinced of the possibility of correcting criminals. Principles of the correctability of criminals and the subordination of criminal punishment to the goal of re-education became basic in their penological concept.

In the Marxist penal model, great importance is attached to labor as a means of correction. Emphasizing the importance of labor as a means of correction, K. Marx wrote, "Workers do not want... that criminal offenders should be treated like cattle and especially that they should be deprived of the only means of correction – productive labor" [16, p. 34]. The Criminal Code of the RSFSR of May 26, 1922 contained criminal punishment in the form of forced labor without detention and the requirement that "deprivation of liberty must be combined with work. Types of places of deprivation of liberty in Article 34 indicated the role of labor in the correction of convicts (correctional labor houses, labor agricultural and craft colonies, transitional correctional houses)". This code, along with criminal punishment, enumerates "other social protection measures", such as placement in an institution for the mentally or morally disabled, compulsory medical treatment, prohibition to hold a particular position or engage in a particular activity or trade).

In 1922, the term "social protection measures" was used along with the term "punishment" (here we agree with A.N. Trainin that "the first Criminal Code is not very attentive to words. Its terminology is ... unrestrained; the law says something about "punishment and other social protection measures" (Chapter IV), then even about "punishment" as opposed to "social protection measures"" [17, p. 40]). According to E.G. Shirvindt and B.S. Utevskii, "Soviet law sees punishment not as a penalty, not as retribution, but only as a measure of social protection against acts directed against the proletarian state or harmful to socialism" [18, p. 20]. This concept (the first attempt to consolidate social protection measures along with punishment in criminal legislation was made by C. Stooss in 1893 in the draft Criminal Code of Switzerland, before that F. Turati proposed G. Zanardelli to reflect them in the 1889 Italian Criminal Code (The Zanardelli Code), but he did not incorporate them) was taken from the works of E. Garson, A. Prince and the Marxist E. Ferri. E. Ferri considered social protection not only as the protection of society from crime (especially from crimes of "mentally ill criminals" and "criminals by birth"), but also protection from criminal acts on the part of the ruling classes, as well as developed a synthetic positivist criminological model based on the unification of doctrines of "public defense" and "class defense".

Among the goals of punishment and other social protection measures outlined in the Criminal Code of the RSFSR of May 26, 1922, special attention should be paid to such a goal as adapting the offender to conditions of the dormitory by means of correctional labor. So, the legislator intended to use the resocialization resource of criminal punishment, integrate and adapt convicts to life in a socialist society, the society of working people. The Fundamentals of Criminal Legislation of the USSR and the Union Republics of October 31, 1924 lack this goal is (it is reproduced in the Correctional Labor Code of the RSFSR of October 16, 1924 as one of the goals of establishing correctional

labor institutions), as well as the very concept of punishment. They present social protection measures for preventing crimes and depriving socially dangerous elements of the opportunity to commit new crimes and correctional labor effects on convicts. At the same time, it is emphasized that "criminal legislation of the USSR and the Union Republics does not set itself the tasks of retribution and punishment". Social protection measures were divided into measures of a judicial and correctional nature, measures of a medical nature, and measures of a medical and pedagogical nature. In fact, the first group consisted of criminal penalties named in a new way. Medical measures included compulsory treatment and placement in medical isolation facilities, while medical and pedagogical measures included the transfer of minors in care of parents, relatives or other persons, institutions and organizations and their placement in special institutions.

The abolition of criminal punishment and its replacement with "social protection measures" is a category of positivist criminological concepts that deny basic ideas of the classical school of criminal law. The principles of freedom of will and guilt made it possible to legalize objective imputation in the Fundamentals of Criminal Legislation of the USSR and the Union Republics of October 31, 1924. Resettlement from the borders of the Union Republic or from the borders of a particular locality is appointed by the courts in respect of persons recognized as socially dangerous due to their criminal activities or in connection with the criminal environment in the area. This measure can be applied by the courts to persons who regardless whether they are acquitted or found guilty are recognized as socially dangerous.

The Criminal Code of the RSFSR of November 22, 1926 also contained norms on objective imputation that violated the principle of "Nemo punitur pro alieno delicto" (no one is punished for another person's crime). On July 20, 1934, it was amended as follows: in the event of a serviceman's escape or flight abroad, "the rest of adult family members of the traitor, who lived with him/her at the time of the crime commission are subject to disenfranchisement and exile to remote areas of Siberia for five years". In 1934, another amendment was made to the code. So, in the resolutions of the Central Election Commission and the Council of People's Commissars of the USSR (starting with the resolution of June 8, 1934), the term "punishment" is used instead of the term "social protection measure of a judicial and correctional nature", indicating the return of the Soviet legislator to this concept. Then Article 3 of the USSR Law of August 16, 1938 "On the judicial system of the USSR, the union and autonomous republics" fixed that "the Soviet court, applying criminal penalties, not only punishes criminals", emphasizing doctrinal "rehabilitation" and an appeal to the penological concept of retribution (punishment).

As N.V. Azarenok correctly notes [19, p. 51], the Criminal Code of the RSFSR of November 22, 1926 was many times amended, the institution of criminal punishment was reconsidered. So, after the Great Patriotic War, the legislator made amendments to the code, aptly characterized by A.V. Naumov as such: "the limits of punishment were set depending on the object of crimes against property. Punishment for crimes against state property was the most severe, for crimes against public property – less severe, and against personal property – the least severe" [20, p. 124].

The Criminal Code of the RSFSR of October 27, 1960 also did not contain an official definition of criminal punishment. However, Article 20 revealed the approach of the Soviet legislator to it: "punishment is not only a penalty for the crime committed, but it is also aimed at correcting and re-educating convicts in the spirit of an honest attitude to work, strict enforcement of laws, and respect for the rules of the socialist community, as well as preventing new crimes". This provision fully coincided with the wording contained in Article 20 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics of December 25, 1958 and Article 1 of the Correctional Labor Code of the RSFSR of December 18, 1970, in particular, "and also contributed to the eradication of crime". In our opinion, such a high goal – the belief in the achievability of which was inherent in that historical era – should have been fixed not in

correctional labor, but in the Soviet criminal law.

Conclusion

So, Russian historical experience shows that the goals, ideological foundations and content of criminal punishment changed both with the pace of social dynamics, which varied at different times, and due to structural changes within the political and legal system of our state, while maintaining a certain national identity and relative continuity. In the XIX–XX centuries, criminological and criminal law theories and philosophical and political teachings, especially Marxism, began to influence these changes. In certain historical periods, criminal punishment was used as a means of social, ideological and domestic political struggle, whereas its immutable socio-legal purpose is to confront crime and protect society from various manifestations of the criminal phenomenon.

Aggravation of the criminal situation in society at any stage of its development acts as a catalyst for the activity of state authorities to improve criminal punishment and create its new forms and types, and deterioration of the criminal situation is facilitated by the lack of congruence and often gaps between the changed social reality and the content of criminal legislation.

At each stage of its development in Russia, criminal punishment clearly reflects not only the socio-economic way of life, but also the current cultural and spiritual and moral level of society, therefore criminal punishment is also a phenomenon reflecting socio-cultural processes in Russian society. In this regard, it is quite possible to reinterpret and expand the well-known words of Churchill's "show me your prisons, and I'll tell you what kind of society you live in" to "get acquainted with the criminal punishment system used in society and the current practice of its application, and you will be able to assess the level of cultural and socio-legal development of this society". In our opinion, this latent property of criminal punishment can be attributed to functional ones that can be used for scientific and cognitive purposes.

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On Resocialization of Recidivists

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Abstract

Introduction: the need to develop the institution of resocialization is due to high rates of recidivism over a sufficient period of time. It should be recognized that domestic scientists did not conduct enough criminological and penitentiary studies on re-socialization of recidivists in the twentieth century. A person who finds him/herself in isolation experiences certain changes and loses previously established social ties. When released, he/she often faces serious problems with adaptation to life. In this regard, increasing effectiveness of resocialization will gradually reduce recidivism. *Purpose*: to study theoretical foundations of re-socialization and to develop effective ways of re-socialization of recidivists. *Methods*: new and traditional methods of social sciences and humanities are used: analysis, synthesis, analogy, comparison, abstraction, induction, deduction, observation, modeling, experiment. *Results*: further development of this scientific topic will provide new results useful in terms of their practical use and strengthen the sphere of prevention of criminal behavior, especially prevention of recidivism. *Conclusion*: theoretical provisions on resocialization of convicts are defined. It is proposed to improve the system of resocialization of persons, regardless of whether they have committed a crime for the first time or repeatedly at all stages of serving a sentence. In relation to criminals who have been sentenced to imprisonment, high-quality psychological assistance should be provided, preparing them for release from penitentiary institutions. Special attention should be paid to the creation of such programs in correctional facilities.

Keywords: punishment, convict, probation, resocialization, recidivism, correctional facility, penal system.

5.1.4. Criminal law sciences.

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Introduction

Resocialization of people who have committed repeat crimes deserves close attention. This issue is a breakthrough for Russian and world science, it has great significance, requiring scientific research based on empirical material. Such persons pose a great public danger, since previous attempts to correct them have not become successful. Such persons have a negative impact on society, introducing it to a criminal lifestyle. It is obvious that recidivists are the most deviant members of society. They are immersed in criminal culture very deeply and can no longer imagine their existence without it, they do not know how, cannot or do not want to live within the law.

As I.Ya. Kozachenko correctly notes, “most often, recidivist crimes are committed by

people who have previously served their sentences in the form of imprisonment; recidivists with three or more criminal records commit repeated crimes twice and more often than those criminals who have only one or two criminal records" [1, p. 168]. These data give reason to pay increased attention to persons who have served a sentence of imprisonment.

Penitentiary institutions act as the last link in the chain of other state bodies whose task is to develop strategies to ensure security in the field of combating crime. Of the total number of persons identified as having committed a crime, only a certain part is sent by court verdict to institutions executing punishment.

It should be recognized that the current legislation is quite humane in relation to persons who have committed crimes on a professional basis (repeat offenders) [2, p. 96]. The ideology of consumption formed in society creates a spiritual prerequisite for crime, highlighting the needs of a material nature and their satisfaction in a criminal way [3, p. 9].

In theory and practice, positive aspects of deprivation of liberty as a punishment have been well studied: impact on convicts, effectiveness of its use for general and special prevention, and isolation of convicts from previous criminal ties. At the same time, the practice of execution of punishment and its long-term scientific analysis have established a number of negative properties of deprivation of liberty as a type of punishment and limited possibilities of this type of punishment in correcting convicts to overcome life difficulties. Some disadvantages of imprisonment as a type of punishment lead to a relatively low effectiveness of this type of punishment [4].

In addition to insufficient effectiveness, this type of punishment, with its high proportion among other types of punishment, causes organizational difficulties in the work of a correctional institution of the penal system related to the placement of convicts, material and household, medical care, conditions of detention, employment, general and vocational training.

The topic under study is touched upon to one degree or another in works of domestic scientists, in particular V.I. Avdiiskii, Yu.M. Antonyan, Z.A. Astemirova, O.R. Afanas'eva, M.M. Babaev, L.I. Belyaeva, T.A. Bogolyubova, L.A. Bukalerova, A.N. Varygin, N.I. Vetrov, N.V. Gavrilova, M.V. Goncharova, A.I. Dolgova, A.N. Il'yashenko, O.S. Kapinus, E.V. Kunts, V.V. Luneev, V.D. Malkov, V.P. Revin, V.Ya. Rybal'skaya, O.V. Starkov, V.I. Shiyan, V.I. Shul'ga, V.E. Eminov and others.

At the same time, there is a shortage of empirical studies onthe problem from the inside, and the modern concept of resocialization of recidivists has not been formulated yet.

Research

Resocialization of persons who have committed repeat crimes is a multidimensional work at various levels of society.

Reeducation and resocialization of offenders cannot be carried out only with the help of criminal legislation and criminal justice [5, p. 22]. As noted in sociological research, secondary socialization is understood as occurring throughout an individual's life in connection with changes in his attitudes, goals, norms and values of life; the process of adapting a deviant individual to life without acute conflicts [6].

Both the current legislation and the programs being developed for resocialization of convicts proceed from the fact that the commission of a crime is a consequence of unfavorable living conditions and insufficient development of a particular delinquent.

To date, there are programs and institutions for resocialization of such categories of criminals, for example, administrative supervision institution. Some scientists believe that preventive administrative supervision should be simplified from the point of view of procedure, the scope of discretion for competent employees performing supervision – expanded, the use of technical means in this area – increased, and special databases on criminals – created [7, p. 18].

As is known, the total number of convicts in Russian correctional facilities has been recently decreasing steadily [8, p. 32]. In 2003, 1,236,733 people who committed crimes were identified, of whom 301,998 (24.4%) [9] had previously committed socially dangerous acts. In 2023, the proportion of previously prosecuted persons in the total number of persons identified for committing crimes was 59% (439,504 out of 750,465 people) [10].

The recidivism rate has remained consistently high over the past few years. For example, in 2022, 483,683 of 818,986 persons identified by the internal affairs bodies (59%) had previously committed crimes [11], and in 2021 – 493,813 of 848,320 people (58%) [12].

According to the Ministry of Internal Affairs, in 2023, a total of 1,947,161 crimes were registered, 997,689 of them were solved, and only 750,465 offenders were identified. However, it should be taken into account that one crime can be committed not by one person, but by several [10].

In 2024, 1911,300 crimes were registered, or 1.8% less than in the same period of the previous year [13]. Here we can talk about both an increase and a consistently high percentage of the analyzed indicators. Repeat offenders are still the most numerous category of criminals.

What should the crime counteraction strategy of law enforcement agencies and penitentiary institutions be?

O. Zatelepin notes that, despite the complication of the criminal situation, since 2007 there has been a steady downward trend in the number of cases proceeding to the court. In 2007, 1.2 million cases were submitted to the court, while in 2023 – 720 thousand cases. That is, in almost a relatively short period of time, the number of cases coming to the courts has almost halved. Accordingly, the number of convicted persons decreases [14]. Every fifth defendant left the courtroom without obtaining a criminal record. The criminal prosecution against 94,000 people was terminated by the court. In the first 9 months of 2024, the number of cases considered by the courts in criminal proceedings decreased by 8.3% and amounted to about 495 thousand cases against 499 thousand persons, of which 399 thousand persons were convicted (or 79.9%) [15]. Correctional officers, to a greater extent than before, should think about the question of what corrective measures should be applied to which groups, convicts and for what purpose, as well as what methods of work are the most effective and for which categories of convicts they are effective.

In recent years, there has been a tendency to decrease the number of people sentenced to probation due to the emergence of non-custodial punishments. Previously, there were no such types of punishments as compulsory labor (appeared in 2005) and restriction of freedom (in 2010). In 2017, forced labor was introduced and was applied to 600 persons that year, and in 2023 – already against 15 thousand people [16]. So, it is the "youngest" criminal punishment, which joined the list of the Russian system of criminal penalties [17, p. 44]. Non-custodial penalties are also applied. The total number of persons to whom the courts impose these punishments is significant (in 2023, 225 thousand people or 38%) [16].

The Concept for the Development of the Penal System of the Russian Federation for the Period up to 2030 determines the need to consolidate the institution of probation at the legislative level, define a function of probation, a list of tasks and powers of public authorities and local self-government.

The institution of probation is established by the Federal Law No. 10-FZ of February 6, 2023 "On Probation in the Russian Federation" which entered into force on January 1, 2024. It enshrines the concept of resocialization.

According to the Commissioner for Human Rights in the Russian Federation T.N. Moskal'kova, the appearance of the Law on Probation and the program for returning a person to the society after release is a new milestone in the life of our state [18].

Over the past three years, the efforts and work carried out by the Federal Penitentiary Service and the Ministry of Justice of the Russian Federation have indeed created a new system, but much remains to be done [18].

This law contains one of the important factors – restoration of the convict's social ties, which has a beneficial effect on his/her social adaptation. This factor is especially important for repeat offenders, since this category of criminals can lose contact with the outside world while serving their sentence for the first crime and not restore it before being re-admitted to a penitentiary institution. To a certain extent, recidivism indicates that convicts have not drawn the right conclusions during the first sentence. First-time convicts, as a rule, do not have a stable criminal attitude, but commit crimes for some reasons, such as being in a state of al-

coholic intoxication, being under negative influence of the environment, or having mental abnormalities.

Compliance with regime requirements, conscientious attitude to work and study in conditions of isolation from society does not guarantee the absence of relapse in the future. The presence of convicts in penitentiary institutions under the psychological influence of punishment for crimes committed motivate many of them to lead a law-abiding lifestyle.

Special attention is paid to the involvement of various public organizations, including religious ones, in the process of resocialization. The attitude of religion towards a criminal is based on the condemnation of the act committed by him/her, and not the person him/herself. Religion offers a criminal to start a proper life with the spiritual, comprehensive and selfless help of society. O.A. Skomorokh and V.A. Samarin draw attention to the following statement in the federal law: "in order to provide assistance to persons in respect of whom probation is applied, religious organizations can set up appropriate centers to provide a temporary place of stay" [19, p. 54]. However, financing of these centers, their activities, as well as the methodological base require further scientific and methodological study.

Despite the existing consolidation of positive measures for resocialization, some scientists point to insufficient legal consolidation of probation. For example, scientific provisions on pre-trial probation remain unclaimed, understanding of the powers of the probation service as a comprehensive supervision of the execution of punishments not related to isolation from society and other measures of a criminal nature is leveled; legal regulation of probation in relation to minors is not specified.

The adopted law "On Probation in the Russian Federation" fixes the provision that executive and penitentiary probation is carried out only in relation to convicts who are in a difficult life situation. It is believed that this law reflects the multi-subjectness of probation, but unjustifiably identifies criminal executive inspections as the main subject. Charging employees of criminal executive inspections with responsibilities for resocialization of convicted persons will not be the most effective solution, since it will lay additional burden on employees.

It should be noted that, despite the measures applied, recidivism rates do not go down. It is necessary to carry out preventive measures at the regional level, and this integrated approach will lead to a decrease in the level of recidivism.

Such measures should be carried out at the initial stage, namely immediately after the conviction. The convicted person requires a consultation with a psychologist who will identify reasons for committing a repeat crime, the person's attitude to the crime committed, his/her psychological state, and an idea of future life. These data should be used for drawing an individual plan for resocialization of a repeat offender.

If the reason for committing a repeat crime was the person's reluctance to perform work functions, then he/she should serve a sentence in a penitentiary institution with a sufficient number of jobs. Obtaining professional skills and getting used to permanent work will definitely have a positive effect on a person's attitude to work.

If the reason was the lack of vocational education, the convicted should be held in penitentiary institutions that provide possibilities to obtain various professions.

Some criminologists believe that treatment of convicts should based on minimizing the difference between their lives and the lives of law-abiding citizens. In this case, it seems advisable to organize such living conditions for convicts, which will be extremely similar to those of persons who have not committed a crime and are not convicted. It is also necessary to preserve social ties that a person had before his/her conviction, develop responsibility among convicts, as well as their beliefs that it is possible to achieve personal goals without violating the law.

Irreparable changes in the consciousness of a person occur 3 to 5 years after serving a sentence of imprisonment. As I.Ya. Kozachenko notes, particularly dangerous repeat offenders serve their sentences in correctional facilities of special regime, the routine and general atmosphere in which so traumatizes the human psyche that after 3 to 5 years of stay in them,

irreversible destructive changes occur in the psyche [1, p. 169]. After this period, resocialization of a person will be extremely difficult and the chance of committing a repeat crime is high. Therefore, a certain economy of criminal repression and the application of educational measures of influence not related to imprisonment to the convicted person are proposed.

Other scientists have an absolutely opposite opinion. Thus, Ts.A. Sandzheeva notes that too lenient punishment is perceived by repeat offenders as impunity [20, p. 88]. Such a situation cannot be perceived by a repeat offender as an escape from punishment, and this category of criminals should be more severely punished.

The Decision of the Sixth General Jurisdiction Court of Cassation No. 77-1422/202 of April 18, 2024 stipulates that in the cassation submission, the Deputy Prosecutor of the Republic of Bashkortostan expresses disagreement with the court's verdict. He claims that the convicted person at the time of the commission of the crimes had an outstanding criminal record for committing moderate crimes under the sentence of October 19, 2022. When passing sentence, the court violated Article 18 of the Criminal Code of the Russian Federation, as it had not taken into account the recurrence of crimes as an aggravating circumstance, which led to the imposition of unfair punishment.

Various determinants of crime, from general social to individual, make it possible to formulate specific measures to prevent recidivism, which in turn helps to determine measures for resocialization of repeat offenders.

Upon admission to a penitentiary institution, a thorough analysis of the causes and conditions that provoked a particular person to commit a particular crime should be conducted, and individual programs based on the data obtained should be developed.

Individual work with convicts should be based on the nature of his/her situation. In relation to a repeat offender, it is more useful to start with a stronger public condemnation and approve his/her actions in private. A repeat offender should understand that public approval must be earned by positive actions. In some cases, a significant effect is achieved by organizing joint work of two convicts, one of whom can positively influence the other. Such work takes into account individual characteristics of convicts and the way their life is organized in a correctional institution.

It is necessary to use convicts' connections with people outside the correctional facility, mainly with their family and colleagues.

It is crucial to ensure that every convicted person has access to special education. The development and implementation of social programs that will provide convicts with jobs should be implemented. Resocialization of convicts should be based on the understanding and assistance of society. It is required to develop a network of non-governmental public organizations that will contribute to resocialization and social adaptation of persons who have committed repeat crimes.

To counter recidivism, it is important to develop a social program that would encourage organizations to employ former convicts. Employers should have the opportunity to create educational and industrial premises on the territory of a penitentiary facility for them to assess effectiveness of this program and for convicts to acquire necessary skills and qualifications.

In order to attract non-governmental organizations to participate in this program, it is necessary to identify a number of advantages for them. Costs for the organization of initial selection of candidates and advertising of vacancies will be reduced, since prison staff will provide assistance in this area. Companies will acquire a variety of employees, inclusivity and greater social responsibility. By participating in this program, the enterprise will be able to fill the gaps in qualified personnel qualitatively, which will affect its productivity and effectiveness. What is more, provision of preferential payments of tax deductions to enterprises that employ persons with a criminal record will be an effective measure for attracting non-profit organizations to participate in this program.

To summarize, it should be noted that a stable and relative decrease in the number of crimes committed by recidivists does not justify the assumption that recidivism will disappear in the future or significantly decrease in the long term. In this regard, it is predetermined to highlight the concept of rehabilitation of convicts based

on an individualized selection of methods of resocialization, including involvement of persons who have served their sentences in permanent and continuous work, creation of a healthy environment around them in order to eliminate negative influence of the environment.

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Preventing Recidivism among Convicts Serving Sentences in the Form of Forced Labor

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Abstract

Introduction: the article analyzes causes and conditions of recidivism among convicts serving sentences in the form of forced labor, as well as socio-demographic, psychological, and value-motivational characteristics of their personalities that determine the commission of recurrent crimes. *Purpose*: based on the statistics from the Federal Penitentiary Service and data from the survey of employees of institutions executing forced labor, to identify causes and conditions that determine the commission of recurrent crimes by convicts serving this sentence, their personality characteristics, and propose measures to fight recidivism. *Methods*: formal law, empirical methods of description and interpretation, theoretical methods of formal and dialectical logic. *Results*: the main determinants of recurrent criminality of convicts serving sentences in the form of forced labor are alcohol abuse, drug use, insufficient financial resources, and unjustified substitution of forced labor for imprisonment. The main personality traits that determine recurrent criminality are egoism, aggressiveness, secrecy, deceit, irresponsibility, alcohol and drug addiction. Recommendations are given on the prevention of recurrent criminality of those sentenced to forced labor. *Conclusion*: prevention of recidivism among those serving sentences in the form of forced labor should be carried out on the basis of an integrated approach, taking into account criminogenic factors, personality characteristics of convicts and the specifics of organizing the execution of this punishment, and include measures to comply with regime requirements, labor discipline, educational work, including in cooperation with employers and public organizations.

Keywords: penal system; forced labor; recidivism; determinants of crime; identity of the criminal; crime prevention.

5.1.4. Criminal law sciences.

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Forced labor is one of the alternative punishments to imprisonment that are being actively introduced into modern law enforcement practice. This type of punishment was introduced into the system of criminal penalties of the Russian Federation in accordance with the Federal Law No. 420-FZ of December 7, 2011 and has been enforced since January 1, 2017.

Forced labor refers to punishments unrelated to isolation from society. However, in fact, this punishment occupies an intermediate position between punishments related to isolation from society and those not related to it. A convict is involved in working at enterprises together with citizens who are at large. Nevertheless, he/she is obliged to stay in an institution of the penal system after work: a correctional center (CC), its area (ACC), or an area of a correctional facility functioning as a correctional center (AFCC), and in cases prescribed by law has is entitled to spend weekends and holidays or live with his/her family outside the correctional center.

Prevention of recurrent crime is one of the issues requiring attention of employees of institutions that carry out punishment in the form of forced labor. Scientific literature rightly points out that the recurrence of crimes among those sentenced to forced labor indicates insufficient effectiveness of the execution of this punishment in each specific case and requires measures to further improve activities of the CC and AFCC [1, p. 123].

Recurrent criminality of the category of convicts we are analyzing, like any type of crime, exists and develops under the influence of causes – social phenomena that naturally generate crime, and conditions – phenomena that form the causes of crime or contribute to their manifestation [2, p. 377]. The causes and conditions of crime in criminological science are designated by a general concept – determinants of crime. According to the generally accepted point of view in modern Russian criminology, the causal complex of crime cannot be reduced to any one cause [3, p. 57; 4, p. 393]. All of the above applies to the determination of penitentiary criminality, including recurrent criminality of convicts serving forced labor [5].

In order to study criminological characteristics, causes and conditions of recurrent criminality of persons serving sentences in the form of forced labor and measures taken to prevent it, the statistical reports of the Federal Penitentiary Service of Russia for 2021–2023 were analyzed and 425 employees of the Information Center and AFCC in 32 territorial bodies of the Federal Penitentiary Service of Russia were interviewed.

According to the statistics of the Federal Penitentiary Service of Russia, the recidivism rate among those serving sentences in the form of forced labor in 2023 was 0.63% (381 crimes per 60,104 persons registered with the CC and AFCC), in 2022 – 0.74% (202 per 27,023 persons, respectively), in 2021 – 0.37% (59 per 15,791 persons).

According to the survey of CC (AFCC) employees, crimes committed by persons serving sentences in the form of forced labor include drug trafficking (articles 228, 228.1 of the Criminal Code of the Russian Federation), theft (Article 158 of the Criminal Code of the Russian Federation), fraud (Article 159 of the Criminal Code of the Russian Federation), intentional infliction of minor injury (Article 115 of the Criminal Code of the Russian Federation); repeated crimes (8.1%) were committed by convicts under the influence of alcohol.

The surveyed employees most often indicate alcohol abuse, intoxication (63.4%), drug use and drug addiction (27%), low income, and financial difficulties (23.8%) as the causes and conditions of recurrent criminality of convicts. Among other reasons and conditions, respondents single out unjustified replacement of imprisonment by forced labor by the courts in accordance with Article 80 of the Criminal Code of the Russian Federation, family and kinship conflicts, loss and weakening of social ties of convicts, influence of other convicts, as well as a milder punishment regime than in prison, which involves the possibility for the convict to work at enterprises with law-abiding people and to stay outside the correctional center.

In our opinion, this list should be supplemented by a negative influence of the criminal subculture and its spread among convicts. The ability of subculture to act as a condition for criminal behavior in a correctional institution has been noted by various Russian and foreign authors [6–9]. Since the penal legislation does

not provide for a separate detention of convicts who were sentenced to forced labor and persons to whom this punishment was imposed as a substitute for imprisonment (including those previously convicted), there is a sufficient number of criminal subculture representatives in correctional centers. It should be said that separate detention of first-time convicts and persons who have previously served their sentences is a means that significantly weakens the influence of a criminal subculture and the determination of recurrent criminality [10, p. 14]. However, unfortunately, this principle does not apply in the execution of forced labor.

One of the conditions that can lead to the commission of repeated crimes by persons serving sentences in the form of forced labor is their violation of the established procedure for serving sentences. According to the Federal Penitentiary Service of Russia in 2023, 5,573 convicted persons registered with the CC (AFCC) committed malicious violations of the order and conditions of serving their sentences in the form of forced labor. The most common of them are the use of alcoholic beverages, narcotic drugs and psychotropic substances (3,650, or 65.4% of the total number of malicious violations), untimely return to the place of serving a sentence (380, 6.8%), disobedience to representatives of the administration of a CC (AFCC) or insulting them without elements of a crime (394.7%), and unauthorized abandonment of the territory of a CC (AFCC) (266, 4.8%). It should be noted that the level of malicious violations of the order and conditions of serving a sentence compared to 2022 (9.3%) remained approximately at the same level – 9.2%; however, the level of disobedience to representatives of the administration of a CC (AFCC) increased based on the total number of registered persons from 0.43% in 2022 to 0.65% in 2023. This indicates a rise in the number of convicts with a high degree of criminal deformation among those serving sentences in the form of forced labor and a negative attitude towards the appointed punishment and representatives of the administration.

It should be noted that the determinants of repeat criminality of convicts serving forced labor are in many ways similar to those described in the works of other authors [11, p. 57], as well as the causes of penitentiary criminality of persons serving sentences in the form of imprisonment (drug addiction, influence of criminal subculture, financial difficulties, insufficient control over convicts, etc. etc.).

In terms of socio-demographic characteristics, the majority of people who have committed repeated crimes while serving their sentences in the form of forced labor are men (94.8%). The recidivism rate among female convicts is significantly lower (0.34%) than among male convicts (0.67%). The share of convicts under the age of 30 is 23.8%. Among convicts with previous convictions, the recidivism rate is 0.9%, with an average of 0.63%. The recidivism rate among convicts who have violated the established order of serving their sentences is 11.1%.

The interviewed employees most often identify the following personal qualities of convicts that are conditions for committing repeated crimes while serving their sentences: selfishness, aggressiveness, secrecy, deceitfulness, irresponsibility (31.7%), alcohol dependence (22.2%), and drug addiction (11.1%). The respondents also mention the convict's confidence in impunity, presence of previous convictions, acceptance of criminal subculture values, loss of socially useful connections, unwillingness to correct due to entrenched antisocial attitudes and habits, and a tendency to destructive behavior. The personality traits that determine the propensity of a convicted person to violate the established order of serving a sentence is confirmed by data from other studies [12, p. 84; 13, p. 437].

Having analyzed the data obtained, we identified the following typical features of a convicted person serving a sentence of forced labor who has committed a repeat crime while serving his sentence: a man aged 30–45, previously convicted, violating the established order of serving a sentence, prone to alcohol and drug abuse, characterized by irrespon-

sibility, aggressiveness and a negative attitude to the punishment and the CC (AFCC) administration.

Based on recidivism determinants, we can develop comprehensive preventive measures, carried out not only by persons supervising convicts, but also by all employees of a CC (AFCC) within their competence. Officials of other state authorities (primarily internal affairs bodies), representatives of the administration of enterprises employing convicts, and civil society institutions (public and religious organizations) should also be involved in preventive work.

Besides, crime prevention measures should be carried out in strict accordance with the law and subordinate regulations, within the framework of official duties assigned to the relevant prevention entity.

Moreover, preventive measures against convicts should be of a multi-variant and at the same time individual nature. It is necessary to take into account an occupancy rate and an actual number of convicts, location of the institution (urban or rural areas, proximity of other penitentiary institutions, settlements), nature of the convicts' work and other local conditions. In relation to a particular convict, it is important to take into account his/her socio-demographic characteristics (gender, age, family, education, profession), psychological and social characteristics (temperament, intellectual, emotional, volitional level, presence of mental disorders or dependent behavior; social status before conviction; informal status among convicts), criminological characteristics (crime committed; punishment term; previous conviction; attitude to the crime and the punishment imposed; imposition of punishment in the form of forced labor by a court verdict, in the form of a substitute for imprisonment in accordance with Article 80 of the Criminal Code of the Russian Federation, or in the form of a substitute for less severe types of punishment; tendency to certain forms of illegal behavior while serving a sentence). Figuratively speaking, crime prevention in penitentiary institutions has an individual style, depending on specific conditions of each institution and individual characteristics of convicted persons who are objects of prevention [14, p. 109].

Based on the above, as well as taking into account the opinion of the CC (AFCC) staff, we consider it possible to formulate practical recommendations for preventing recidivism among those sentenced to forced labor.

So, it is important to ensure a high level of supervision, so that convicts follow the rules of internal order. Employees supervising convicts should pay attention to such offenses as carrying and using alcoholic beverages and narcotic drugs, unauthorized abandonment of the center, untimely return to the place of serving a sentence, disobedience to employees, since these violations are both the causes and conditions of recurrent criminality of convicts, as well as circumstances indicating the convicted person's propensity for criminal behavior. It should be borne in mind that the preventive effect is not so much the severity as the inevitability of disciplinary action for violations of the established procedure for serving a sentence.

It is necessary to focus CC (AFCC) employees to ensure strict observance of the daily routine by convicts, which makes it possible to prevent the uncontrolled presence of the convict outside the center, therefore, reduces the possibility of criminal behavior. To this end, it is necessary to interact with the administration of organizations and individual entrepreneurs who use the labor of convicts, focusing them on immediately informing the CC (AFCC) administration about violations of labor discipline by convicts (absenteeism, late arrival or early departure from work, being in a state of intoxication at work).

The work on collecting and analyzing materials indicating the propensity of convicts to certain types of criminogenic behavior will improve the quality of supervisory and other preventive work, as well as avoid inappropriate use of preventive measures, focusing employees primarily on convicts representing a risk group.

One of the measures to prevent recidivism among persons serving sentences in the form of forced labor is the use of elements of encouragement and punishment in their interrelation, as well as a progressive system of serving sentences, which provides for the possibility of changing the legal status of a convicted person depending on his/her behavior while serving his/her sentence [15, p. 167]. The presence of incentive measures, as well as the possibility of parole from punishment, on the one hand, and the possibility of punitive measures, as well as the substitution of punishment in the form of forced labor with imprisonment in case of a malicious violation of the established procedure for serving a sentence, on the other, are effective anti-criminal factors [16, p. 230].

At the same time, it is necessary to:

– achieve the inevitability of penalties for violations of the established procedure for serving sentences, increase their detection and the quality of supervisory measures;

– to individualize the use of incentive measures, especially such as granting the convict the right to leave the CC (AFCC) on weekends and holidays, to spend holidays outside the center, and to stay with his/her family outside the dormitory. These measures should be provided only to positively characterized convicts who not only do not violate the established procedure for serving their sentences, but also are conscientious about work and do not have a tendency to criminogenic behavior;

– when deciding whether to apply to the court for parole or to replace forced labor with a less severe type of punishment in accordance with Article 80 of the Criminal Code of the Russian Federation, to take into account not only formal signs of the convicted person's behavior (absence of violations of the established procedure for serving a sentence), but also his/her attitude to work and rules of the dormitory, as well as criminological characteristics of the personality, in particular, the presence of a tendency to criminogenic behavior.

Operational work helps detect crimes being prepared and committed by convicts serving sentences in the form of forced labor [17, p. 12]. Nowadays, the operational support of the CC (AFCC) is carried out by employees of the operational units of territorial bodies of the Federal Penitentiary Service of Russia. There is no operational officer position in the staff of the center; however, it is possible to interact with operational units of correctional facilities where the AFCC is located, since their employees may have more data of operational interest than the staff of operational units of the territorial bodies of the Federal Penitentiary Service of Russia.

In our opinion, the introduction of an operational officer position into the staff of a correctional center (an area functioning as the correctional center) could be the most rational solution to the problem of operational support for convicts serving forced labor. This point of view is shared by other authors considering the problems of preventing recidivism among those sentenced to this type of punishment [18, p. 52; 6, p. 377; 19, p. 132]. At the same time, we would recommend the authorities of correctional centers to establish cooperation with the operational units of the territorial body of the Federal Penitentiary Service of Russia and correctional facilities where the AFCC has been established to get information about crimes being prepared and committed by convicts and persons preparing or committing crimes.

In order to prevent recidivism, it is also necessary to cooperate with internal affairs bodies, in particular district police officers, at the place of residence of those sentenced to forced labor, who have been granted the right to live with their family outside the dormitory. According to Paragraph 36 of the Instructions on the performance of official duties by district police officers at the serviced administrative area, approved by the Order of the Ministry of Internal Affairs of Russia No. 205 of March 29, 2019, district police officers visit these convicts at least once a quarter.

It is worth noting that currently there are no interdepartmental regulations that would fully regulate the interaction between penitentiary

institutions and internal affairs bodies on the prevention of offenses on the part of persons serving forced labor [20, p. 50]. Therefore, the basis of interaction is mainly joint meetings, development of interaction plans, as well as the use of individual office contacts. Police officers when carrying out preventive measures at the location of centers and enterprises where convicts are involved in work should identify convicts who are in a state of alcoholic or other intoxication or who drink alcoholic beverages in public places, purchase alcoholic products at places of sale, violate public order or are outside of the CC (AFCC) at a time not set by the daily routine. It is also advisable for the CC (AFCC) authorities to request information from district police officers about the behavior of those sentenced to forced labor who have been granted the right to live with their family outside the dormitory and their characteristics at the place of residence.

It is important to boost interaction between employees of the CC (AFCC) and the administration of enterprises where convicts are employed. The administration of these enterprises (individual entrepreneurs) may exert influence on convicted persons to prevent them from committing repeated crimes. According to the interviewed employees of the CC (AFCC), it implies conducting preventive conversations with convicts on the consequences of their crimes and violations of labor discipline (25.4%), monitoring the observance of labor regulations and discipline by convicts (25.3%), encouraging convicts who achieve success in work and those who do not violate labor discipline (23.8%), immediate informing of the CC (AFCC) administration about violations of labor discipline by convicts (14.2%), and giving diligent convicts employment opportunities after release (11.1%).

In this regard, in order to prevent reoffending of convicts serving sentences in the form of forced labor, it is recommended that CC (AFCC) employees cooperate with the administration of enterprises (individual entrepreneurs) that employ convicts.

Security personnel of enterprises employing convicts should keep records of those sentenced to forced labor who are employed at enterprises, monitor their entry and exit from the territory of the enterprise according to the daily routine. They should pay special attention to convicts' attempts to bring alcoholic beverages and narcotic drugs into the territory of the enterprise, fix cases of convicts passing through the checkpoint of the enterprise or being on the territory of the enterprise with signs of alcoholic (narcotic) intoxication, record attempts to steal inventory from the territory of the enterprise, and immediately inform the authorities of the enterprise about violations of labor discipline.

Correctional center should motivate the administration of enterprises (individual entrepreneurs) employing convicts to conduct educational work with them, i.e. to clarify consequences of labor discipline violations, as well as to pay extra and employ conscientious convicts after release.

A standard agreement between a CC (AFCC) and an organization that employs those sentenced to forced labor, approved by the Order of the Federal Penitentiary Service of Russia No. 1,138 of December 17, 2019 provides only for the obligation to immediately inform the administration of a CC (AFCC) about violations of labor discipline by convicts. Meanwhile, Chapter 30 of the Labor Code of the Russian Federation fixes forms of employer control. Therefore, along with this, it is advisable to include in the contracts concluded by a CC (AFCC) and an enterprise (individual entrepreneur) using the labor of those sentenced to forced labor, the following duties of the administration of an enterprise (individual entrepreneur):

– to assist the administration of a correctional center in carrying out educational work with convicts in the form of preventive conversations with convicts engaged in labor;

– to monitor the observance of labor discipline by convicts during working hours.

Educational and information-legal work with those sentenced to punishment in the form of forced labor also has preventive potential.

When conducting it in the form of group and individual interviews, attention should be paid not only to the measures of liability provided for in the Criminal Code of the Russian Federation for the commission of crimes most common among persons serving sentences in the form of forced labor, but also to specific examples of bringing convicts to criminal liability. What is more, convicts should be informed about incentive measures that can be applied to them in case of law-abiding behavior, conscientious attitude to work, prevention of violations of the order of serving sentences and labor discipline (granting the right to leave a CC (AFCC) on weekends and holidays, staying with family outside the center, parole, possible employment at the enterprise after release).

The organization of leisure time for those sentenced to forced labor is also of preventive importance, since it has an educational effect, instills socially acceptable values and behaviors, and reduces possibilities for convicts to prepare and commit crimes. In addition, some forms of organized leisure activities contribute to the formation and strengthening of socially useful bonds of convicts, which also has anti-criminal potential.

It is advisable to carry out these activities in cooperation with non-profit public organizations, including voluntary ones. In a number of territorial bodies of the Federal Penitentiary Service of Russia, there are positive examples of involving non-profit organizations in psychological work with convicts serving sentences in the form of forced labor in order to correct criminogenic personality traits, to prevent alcoholism and drug addiction, and to organize volunteer activities for convicts in their free time.

Sports, creative and other cultural events conducted in correctional centers have anti-criminal educational potential. The participation of relatives and other persons who have a positive impact on convicts in these events is desirable [21, p. 68].

To sum it up, we should note that the most common repeated crimes committed by those sentenced to punishment in the form of forced labor are crimes related to drug trafficking and crimes against property and personality. As the main causes and conditions of these crimes, the CC (AFCC) employees most often indicate circumstances related to the convict's personality, alcohol, drug use, financial difficulties, as well as criminogenic personality traits. The measures to fight recidivism include convicts' compliance with regime requirements, prompt work to identify crimes being prepared and committed, monitoring convicts' observance of labor discipline, educational measures, as well as positive incentives (the use of incentive measures provided by law, the possibility of employment at an enterprise after release). Only an integrated approach that takes into account key criminogenic factors, personality characteristics of convicts and the specifics of the organization of forced labor, including when convicts are employed in enterprises, can ensure effective prevention of recurrent criminality in the process of executing this type of punishment.

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Topical Problems of Early Release of Convicts under Article 80.2 of the Criminal Code of the Russian Federation

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Abstract

Introduction: the article discusses criminal law issues of the release of convicts from serving their sentences in connection with military service during the period of mobilization, martial law or in wartime in accordance with Article 80.2 of the Criminal Code of the Russian Federation. *Purpose*: based on the analysis of judicial practice and theoretical research, to identify problems of legislative consolidation of the legal basis and type of release of convicts from serving their sentences in connection with military service during the period of mobilization, martial law or during wartime (Article 80.2 of the Criminal Code of the Russian Federation), to propose ways to solve them. *Methods*: formal legal and analytical, theoretical methods of formal and dialectical logic, method of interpretation of legal norms. *Results*: an analysis of Article 80.2 of the Criminal Code of the Russian Federation "Release from serving a sentence in connection with military service during mobilization, martial law or wartime" shows that there is no clarity on the issue of repeated release under Article 80.2 of the Criminal Code if, during military service, a person released from punishment conditionally under Part 1 of this article, committed a new crime. The command of a military unit may reapply to the court with a request for conditional release of a convicted person from punishment under Article 80.2 of the Criminal Code of the Russian Federation. Given the imperative nature of this rule, such situations are quite acceptable. *Conclusion*: in order to solve the problems that arise in connection with the release from punishment due to military service during the period of mobilization, martial law or during wartime (Article 80.2 of the Criminal Code of the Russian Federation), it seems advisable to fix an additional condition in the given article that the court should decide on granting repeated release from serving a sentence or exemption from criminal liability (Article 78.1 of the Criminal Code of the Russian Federation) based on the circumstances of the newly committed crime and taking into account the identity of a perpetrator, that is, to determine the discretionary nature of the application of the specified norm. Besides, Article 80.2 of the Criminal Code of the Russian Federation may be formulated as follows: "Release from serving a sentence in connection with the conscientious performance of military duties during mobilization, martial law or wartime".

Keywords: convicts; release from punishment; participants in the special military operation; conditional release; military personnel.

5.1.4. Criminal law sciences.

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Introduction

It is known that exemption from punishment, as one of the important institutions of criminal law, is mainly aimed at improving the situation of a person who has committed a crime, one of the means of implementing the principle of humanism in criminal law, and a positive incentive for convicts to lead a law-abiding life. The institution of release from punishment implies legal consequences in the form of non-assignment of punishment to a convicted person, imposition of punishment on a convicted person, but release from the actual service, as well as release from further punishment of a convicted person who has partially served a criminal sentence [1, p. 5]. According to these criteria, various foundations of the institution of release from punishment should be classified into three sub-institutions: release from sentencing; release from an actual sentence; release from further serving a sentence [2, p. 14]. Release from sentencing and release from an actual sentence may be applied only at the sentencing stage, which provides, according to Part 2 of Article 86 of the Criminal Code of the Russian Federation, that these persons released from punishment are considered not convicted. Also according to Paragraph 3 of the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 14 of June 7, 2022 "On the practice of courts applying legislation regulating the calculation of the repayment period and the procedure for removing a criminal record", a person who is released from serving a sentence in the event of the adoption of a criminal law eliminating the criminality of the act (Article 10 of the Criminal Code of the Russian Federation) or the expiration of the statute of limitations of a court conviction (Article 83 of the Criminal Code of the Russian Federation).

Accordingly, release from further serving of a sentence presupposes the use of this type of release at the stage of execution of a court verdict, which provides for a criminal record, since its repayment is regulated by Part 3 of Article 86 of the Criminal Code of the Russian Federation. So, if, for example, release due to a change in the situation (Article 80.1 of the Criminal Code of the Russian Federation) refers to the institution of release from sentencing, release due to the expiration of the statute of limitations of a court verdict (Article 83 of the Criminal Code of the Russian Federation) – to the institution of release from actual serving of punishment, then conditional early release from serving a sentence (articles 79 and 93 of the Criminal Code of the Russian Federation) is part of the institution of release from further serving of punishment.

Research

One of the types of a comprehensive institution of release from further serving of punishment is exemption from punishment in connection with military service during the period of mobilization, martial law or in wartime, because it applies to convicts in accordance with Part 1 of Article 80 of the Criminal Code of the Russian Federation.

It is known that the Federal Law No. 64-FZ of March 23, 2024 introduced into criminal law Article 80.2 of the Criminal Code of the Russian Federation "Release from serving a sentence in connection with military service during mobilization, martial law or wartime". Previously, the provision on the exemption from punishment of persons called up for military service on mobilization or during wartime, or who concluded a contract for military service during mobilization, martial law or wartime was contained in the Federal Law No. 270-FZ of June 24, 2023 "On the Specifics of Criminal Liability of Persons Involved in the Special Military Operation". The legal regulation of criminal law relations through a separate normative legal act, rather than a criminal law, has justifiably caused criticism [3, p. 62].

It should be noted that the Federal Law No. 270-FZ of June 24, 2023 had been in force for

only nine months and was repealed by the Federal Law No. 61-FZ of March 23, 2024 "On the Amendments to the Federal Law "On Mobilization Training and Mobilization in the Russian Federation", Article 34 of the Federal Law "On Military Duty and Military Service" and on the Recognition of the Federal Law "On the Specifics of Criminal Liability of Persons Involved in the Special Military Operation" invalid". The relevant changes were also regulated in Part 3.1 of Article 86 of the Criminal Code of the Russian Federation, which dealt with the issue of expunging the criminal record of a person who was called up for military service during mobilization or during wartime in the Armed Forces of the Russian Federation or who concluded a contract for military service in the Armed Forces during mobilization, martial law or wartime, on the grounds provided for in articles 78.1, 80.2 of the Criminal Code of the Russian Federation.

It is important to note that the logic of the legislator, who supplemented articles 78.1 and 80.2 of the Criminal Code of the Russian Federation, is generally clear – to define a legal mechanism that ensures the replenishment of the Armed Forces of the Russian Federation with personnel during the special military operation from among both the suspected, accused, and convicted of committing a crime, giving them the opportunity to atone for their guilt. But early release from serving a sentence implies that public danger of convicts after their conviction or while serving their sentence has significantly decreased or disappeared and the continuation of punishment is impractical due to his/her positive behavior during the period of serving the sentence. Considering the historical aspect, it can be noted that during the Great Patriotic War, not all prisoners were given the opportunity to fight in regular units of the Red Army, in particular, persons convicted of committing the so-called counter-revolutionary crimes and other serious crimes were not sent to the front [4, p. 154].

It should be noted that the title of Article 80.2 of the Criminal Code of the Russian Federation refers to the release from punishment in connection with military service during the period of mobilization, during martial law or in wartime. The first part of this article is aimed at persons already serving a sentence for committing a crime. At the same time, it is known that a person released from punishment is considered not convicted in accordance with Part 2 of Article 86 of the Criminal Code of the Russian Federation, and a person released from further punishment has a criminal record expunged in accordance with Part 3 or Part 3.1 of Article 86 of the Criminal Code of the Russian Federation or is removed in accordance with Part 5 of Article 86 of the Criminal Code of the Russian Federation. In this regard, the title of Article 80.2 of the Criminal Code of the Russian Federation should be amended as follows: "Release from serving a sentence in connection with the conscientious performance of military duties during mobilization, martial law or wartime".

It is worth mentioning that early release under Article 80.2 of the Criminal Code of the Russian Federation does not have such a high degree of motivation for those convicted to punishments not related to isolation from society or to short terms of imprisonment, but is aimed mainly at convicts who have committed grave and especially grave crimes. This is due to the fact that the grounds for release in accordance with Articles 80 or 79 of the Criminal Code of the Russian Federation may be beneficial to the first group of convicts [5, p. 26]. Also, restrictions on the rights and freedoms while serving sentences that are not related to isolation from society are not severe and lengthy, as when serving a prison sentence, in order to make a decision about participating in hostilities. Thus, in general, convicts who have committed a grave or especially grave crime, especially at the beginning of serving their sentence, are most motivated to redeem themselves by participating in hostilities that pose a high risk to their lives and health. We believe that this socially useful activity should be attributed to positive law-abiding behavior, which implies the elimination of public danger to the individual.

However, there may be a situation when during the period of mobilization, wartime, or the validity of a contract for military service this person commits (for example, on vacation) a repeat crime or several crimes [6, p. 40]. The court may decide to release a person from criminal liability in accordance with Article 78.1

of the Criminal Code of the Russian Federation. Also, after the conviction of this person and the entry into force of the guilty verdict, the court may decide to release him/her from serving his/her sentence in accordance with Article 80.2 of the Criminal Code of the Russian Federation. Accordingly, the right to be released from serving a sentence in accordance with Article 80.2 of the Criminal Code of the Russian Federation can be granted to convicted persons who committed crimes (with the exception of crimes directly specified in Part 1 of Article 78.1 of the Criminal Code of the Russian Federation) and were called up for military service in the Armed Forces of the Russian Federation during the period of mobilization or in wartime or who concluded a military service contract during mobilization, martial law or wartime, as well as to convicted persons who committed crimes (with the same exceptions specified in Part 1 of Article 78.1 of the Criminal Code of the Russian Federation) during the period of military service in the specified periods.

In accordance with Part 3 of Article 80.2 of the Criminal Code of the Russian Federation, if during the period of military service a person who has been conditionally released from punishment in accordance with Part 1 of this Article commits a new crime, the court appoints punishment according to the rules provided for in Article 70 of the Criminal Code of the Russian Federation (accumulative sentencing). In this regard, the command of a military unit may reapply for conditional release of a convicted person from punishment under Article 80.2 of the Criminal Code of the Russian Federation. There is no answer to this question in the law. But, given the imperative nature of this rule, such situations are quite possible. Thus, during these periods, these individuals may feel a kind of leniency for the crimes committed. In this regard, it seems advisable to provide in Article 80.2 of the Criminal Code of the Russian Federation an additional condition that repeated release from serving a sentence or exemption from criminal liability (Article 78.1 of the Criminal Code of the Russian Federation) in this case is granted at the discretion of the court and based on circumstances of the newly committed crime and the identity of a perpetrator.

S.A. Gordeichik and N.A. Egorova believe that the imperative nature of the application of articles 78.1 and 80.2 of the Criminal Code of the Russian Federation can hardly be defined as the correct approach given the breadth of the range of crimes and their severity in which Articles 78.1 and 80.2 can be applied [6, p. 41]. In this regard, it seems possible to provide for the discretionary nature of the application of these norms, that is, at the discretion of the courts, taking into account the identity of an individual, as well as the nature and degree of public danger of the crime committed.

Considering the norms of criminal and penal legislation, it can be said that there is no mechanism of state response to violation of the conditions of release from serving a sentence under Article 80.2 of the Criminal Code of the Russian Federation. There is the only mechanism of sentencing according to the rules provided for in Article 70 of the Criminal Code of the Russian Federation (accumulative sentencing) in the case of a new crime committed by a person released from punishment in accordance with Part 1 of Article 80.2 of the Criminal Code of the Russian Federation during military service. At the same time, in case of release on parole, the legislator fixes a mechanism for canceling these means of incentive and returning to execution of punishment (Part 7 of Article 79 of the Criminal Code of the Russian Federation). Also, violation of the conditions for granting a deferral of punishment in accordance with Part 2 of Article 82 of the Criminal Code of the Russian Federation entails its cancellation.

It seems that, by analogy with clauses “b” and “c” of Part 7 of Article 79 of the Criminal Code of the Russian Federation, it is advisable to specify in the criminal law that if a person conditionally released from punishment under Part 1 of Article 80.2 of the Criminal Code commits a crime of negligence or an intentional crime of minor or medium during military service, the issue of cancellation or retention of conditional release is decided by the court. If the specified person commits a grave or especially grave crime, the court cancels the conditional release and imposes punishment on him/her according to the rules provided for in Article 70 of the Criminal Code of the Russian Federation, respectively,

the decision to cancel this type of release is mandatory.

The list of crimes excluding the application of Article 80.2 of the Criminal Code of the Russian Federation specified in Part 1 of Article 78.1 of the Criminal Code consists of 59 elements. It should be noted that the list includes a crime in the form of an attempt on the life of a state or public figure (Article 277 of the Criminal Code of the Russian Federation), but there are no crimes provided for in Article 295 of the Criminal Code of the Russian Federation (encroachment on the life of a person carrying out justice or preliminary investigation) and Article 317 of the Criminal Code of the Russian Federation (encroachment on the life of a law enforcement officer) [7, p. 51]. However, these crimes do not differ in the degree of public danger and therefore can also be included in this list. In this regard, it is important to include in this list the crimes provided for in articles 295 and 317 of the Criminal Code of the Russian Federation.

The list contains public calls for extremist activities (Article 280 of the Criminal Code of the Russian Federation), but does not have incitement to hatred or hostility, as well as humiliation of human dignity (Article 282 of the Criminal Code of the Russian Federation). In addition, the list includes articles 355, 359–361 of the Criminal Code of the Russian Federation, which relate to crimes against the peace and security of mankind, but there is no rehabilitation of Nazism (Articles 354.1 of the Criminal Code of the Russian Federation) and genocide (357 of the Criminal Code of the Russian Federation).

It is interesting that the list includes such crimes as smuggling of cash and (or) monetary instruments (Article 200.1 of the Criminal Code of the Russian Federation) (a minor crime), illegal entry into a protected facility (Article 215.4 of the Criminal Code of the Russian Federation) (moderate severity), violation of the requirements for ensuring security and anti-terrorist protection of fuel and energy complex facilities (217.1 of the Criminal Code of the Russian Federation) (negligent crime). It turns out that perpetrators of these crimes cannot be conscripted into military service upon mobilization, but a person who has committed murder with extreme cruelty can. According to S.A. Gordeichik and N.A. Egorova, “it is surprising and alarming that there are no crimes provided for in articles 105, 111, 126, 131, 132 (in relation to victims who have reached the age of 18), 162, 163, 222, 228.1, 337–339 of the Criminal Code of the Russian Federation” [6, p. 41]. V.A. Doroshkov believes that “as a result, it may happen that the same serial killers, including of underage children, in the absence of appropriate supervision, may soon be released, returning to their homes, and threaten the parents of crime victims” [8, p. 6].

Probably, it would be advisable to adjust the list of crimes that prevent release from further serving of punishment under Article 80.2 of the Criminal Code of the Russian Federation and form it not by listing specific elements, but on the basis of common features.

In Part 1 of Article 80.2 of the Criminal Code of the Russian Federation, the wording “is conditionally released from punishment” is used (in contrast to “may replace the remaining unserved part of the punishment with a milder type of punishment” used in Part 1 of Article 80, or “may delay the actual serving of the sentence” in Part 1 of Article 82 of the Criminal Code of the Russian Federation). Part 1 of Article 78.1 of the Criminal Code of the Russian Federation stipulates “exemption from criminal liability”. In this regard, the new type of release from serving a sentence, as well as the new type of exemption from criminal liability, is mandatory, that is, independent of the discretion of law enforcement officials. Thus, the question of the expediency of such a release from serving a sentence (taking into account the behavior of a convicted person or the degree of his/her correction) or exemption from criminal liability (taking into account circumstances of the crime and the identity of a perpetrator in terms of reducing the degree of public danger of the act) is not even discussed when making an appropriate procedural decision [9, p. 17].

The conditions and procedure for release from punishment under Article 80.2 of the Criminal Code of the Russian Federation are the same for all categories of persons, regardless of personality characteristics of a convicted person, the presence of recidivism or a combination of crimes, as well as circumstanc-

es of a specific crime. This indicates that the issue of loss or reduction of public danger of a convicted person within the framework of this norm is not a key issue for the legislator, except in cases when persons are serving sentences for crimes specified in Part 1 of Article 78.1 of the Criminal Code of the Russian Federation. It seems that such a position may contradict the principle of differentiation and individuality of criminal liability and punishment, as well as does not correspond to the purpose of criminal legislation to prevent the commission of new crimes (Article 2 of the Criminal Code of the Russian Federation).

One of the important conditions for the application of early release from serving a sentence under Article 80.2 of the Criminal Code of the Russian Federation is the time and environment within which the release process can be carried out. These include the period of wartime and mobilization, martial law [10, p. 20]. The convicted person is called up for military service and serves in the Armed Forces of the Russian Federation, or during the same period signs a contract for military service during the specified period of time.

It should be noted that the wording "conditionally released from punishment", specified in Part 1 of Article 80.2 of the Criminal Code of the Russian Federation, does not seem to be entirely correct, since the term "parole" is more applicable to the situation under consideration, since the person is released on probation (before the conditions set out in Part 2 of Article 80.2 of the Criminal Code of the Russian Federation emerge), as well as ahead of schedule (until the full term of the criminal sentence imposed by the court is served) [10, p. 20]. Indeed, Part 3 of Article 80.2 of the Criminal Code of the Russian Federation stipulates that when a new crime is committed by a person conditionally released from punishment, the court appoints punishment according to the rules of Article 70 of the Criminal Code of the Russian Federation, by analogy with the abolition of parole from serving a sentence in accordance with Part 7 of Article 79 of the Criminal Code of the Russian Federation. The difference between the release provided for in Article 79 of the Criminal Code of the Russian Federation and the new type of release (Article 80.2 of the Criminal Code of the Russian Federation), which is similar in its legal nature to parole, lies in the nature of the requirements imposed on a person released early during the remaining unserved part of the sentence [11, p. 42].

It should be noted that even before the introduction of Article 80.2 into the criminal law, P.V. Teplyashin and S.A. Stupina proposed to indicate in Part 4.1 of Article 79 of the Criminal Code of the Russian Federation that when considering a convicted person's request for parole from serving his/her sentence, the court takes into account the convicted person's behavior, his/her attitude to study and work during the entire period of serving his/her sentence, including the person's desire to participate in special operations officially declared by the Russian Federation, including military ones, as well as the conclusion of the administration about the expediency of his/her conditional early release [4, p. 154]. Such a proposal highlights the possibility of including this type of release from serving a sentence in a sub-type of conditional early release from serving a sentence.

Prior to the entry into force of Article 80.2 of the Criminal Code, judicial practice also applied Article 80.1 and released participants of the SVO due to a change in the situation. Thus, the Judicial Board for Military Personnel of the Supreme Court of the Russian Federation in the case of V.A. Ustinov sentenced to two-year deprivation of liberty in a penal colony under Part 5 of Article 264 of the Criminal Code of the Russian Federation (violation of traffic rules by a person driving a car, resulting in the death of two persons by negligence), issued a cassation ruling of June 28, 2023 in the case of No. 225-UD23-8-K10 about the release of V.A. Ustinov from punishment under Article 80.1 of the Criminal Code of the Russian Federation, that is, in connection with a change in the situation. It was taken into account that V.A. Ustinov had compensated the victims in full, done his military service in the Special Military Operation and been positively characterized by the command of the military unit.

Unfortunately, the law does not regulate cases of violation of the conditions of release under Article 80.2 of the Criminal Code of the

Russian Federation and evasion from military service. There are no legal consequences of this evasion and no mechanism for returning to the stage of punishment implementation. In addition, the norms of Article 80.2 of the Criminal Code of the Russian Federation do not specify which type of punishment a convicted person is exempt from or whether this article applies to all types of punishment [11, p. 77].

The condition for final release from further serving of the sentence is the occurrence of the events mentioned in paragraphs "a", "b" of Part 2 of Article 80.2 of the Criminal Code of the Russian Federation (conscientious fulfillment of the duties of a serviceman, including committing a heroic act for which he is awarded a state award). Criminal and penal legislation do not establish any other conditions related to the behavior of a convicted person. It is worth mentioning that in case of non-compliance with the requirements provided for in Part 2 of Article 80.2 of the Criminal Code of the Russian Federation, release from serving a sentence is canceled, and, accordingly, the remaining unserved part of the sentence is subject to execution. By the way, similar provisions related to the cancellation of parole are provided for in Article 79 of the Criminal Code of the Russian Federation. Thus, release from punishment in connection with military service during the period of mobilization, martial law or in wartime, by its legal nature, may be a special sub-type of conditional early release from serving a sentence [12, p. 42].

According to Part 2 of Article 80.2 of the Criminal Code of the Russian Federation, a person conditionally released from punishment in accordance with Part 1 of Article 80.2 of the Criminal Code of the Russian Federation is released from punishment, first, from the day of getting a state award received during military service, and second, from the day of discharge from military service on the grounds provided for in paragraphs "a", "b" or "o" of Paragraph 1 of Article 51 of the Federal Law No. 53-FZ of March 28, 1998 "On Military Duty and Military Service" (dismissal from military service upon reaching the age limit, for health reasons and upon completion of mobilization measures, lifting of martial law or end of wartime). The same conditions are provided for the repayment of a criminal record in accordance with Part 3.1 of Article 86 of the Criminal Code of the Russian Federation.

A state award should be included in the list of awards approved by the Decree of the President of the Russian Federation No. 1099 of September 7, 2010 "On measures to improve the state award system of the Russian Federation". In addition, the convicted person must be awarded a state award during military service in wartime, during mobilization or martial law. At the same time, the very moment of awarding a state award can take place both during military service and after its completion. Accordingly, a soldier awarded a state award, in accordance with paragraph "a" of Part 2 of Article 80.2 of the Criminal Code of the Russian Federation, is exempt from serving a criminal sentence regardless of the end of wartime, martial law or mobilization.

Analyzing various situations and judicial practice, it is impossible to exclude situations when a person was convicted and sentenced to serve his sentence in a general regime correctional facility, for example, in February 2024. In April of the same year, this convict signed a contract for military service in the Armed Forces of the Russian Federation and participated in the special military operation. Two months later, in June 2024, this convict committed a new crime, for which he was detained and placed in the pre-trial detention center, where he remained until trial. In August 2024 it was documented that the convict was awarded a state award for a feat performed in May 2024. The court was to make a decision and pass a sentence in November 2024. The question arises, whether there is a recurrence of crimes and a criminal record for the first crime can be expunged.

According to Article 18 of the Criminal Code of the Russian Federation, recidivism is the commission of an intentional crime by a person with a criminal record for a previously committed intentional crime. But, according to Part 3.1 of Article 86 of the Criminal Code of the Russian Federation, in respect of a person with a criminal record who was called up for military service in the Armed Forces of the Russian Federation during mobilization or wartime or who concluded a contract for military service in the Armed Forces of the Russian Federation

during mobilization, martial law or wartime, the criminal record is extinguished from the date of awarding a state award, received during military service. In accordance with Part 1 of Article 10 of the Criminal Code of the Russian Federation, a criminal law that eliminates the criminality of an act, mitigates punishment or otherwise improves the situation of a convict is retroactive, that is, it applies to persons who have committed the relevant acts before the entry into force of such a law, including persons serving a sentence or who have served a sentence but have a criminal record. It seems that the law is also recognized as improving the situation of a person who has committed a crime in another way, in particular, mitigating the conditions for exemption from criminal liability or punishment, reducing the time for repayment or removal of a criminal record. Therefore, the criminal record of this person is cancelled and, accordingly, all legal consequences related to the criminal record are annulled. In this regard, in the above case, recidivism of crimes should also not be taken into account when sentencing.

As for release from serving a sentence in connection with discharge from military service, the Federal Law No. 53-FZ of March 28, 1998 "On Military Duty and Military Service" establishes different service terms for persons serving conscription or contract military service. In this regard, it is necessary to establish a ratio of the length of service, the period of wartime, martial law or mobilization, the category of crime, as well as the term of criminal punishment. According to Article 38 of this law, the service term of a conscript soldier is 12 months, a contract soldier – 2, 3, and 5 years. Enlistment (2, 3 or 5 years) may be limited by the age limit of the serviceman. Nevertheless, the law does not set a deadline for concluding a contract for military service in the Armed Forces of the Russian Federation.

It is also necessary to take into account that the term of punishment imposed by the court may be either longer or shorter than the term of service and the specified circumstances. In this regard, if the term of military service of a contractor is less than the term of the sentence imposed by the court, the release from serving a sentence of persons who have completed military service and do not want to conclude a contract or extend it should be carried out taking into account the nature and degree of public danger of the crime and the personality of a convicted person. Therefore, the court may decide on granting full release from serving the sentence or imposing execution of the unserved part of the sentence.

It seems that, if meeting the criteria provided for in paragraph "b" of Part 2 of Article 80.2 of the Criminal Code of the Russian Federation, a soldier released from serving a suspended sentence may be released in full if the sentence imposed by the court ends during martial law, wartime or mobilization, as well as before the end of his term of service or contract, since conditional release implies the refusal to actually serve the sentence of the remaining unserved part of the sentence.

Conclusion

Thus, having analyzed judicial practice and theoretical research in the field of application of the norm on release from punishment in connection with military service during the period of mobilization, martial law or in wartime (Article 80.2 of the Criminal Code of the Russian Federation), we came to a conclusion about the necessity of supplementing Article 80.2 with a condition that repeated release from serving a sentence in accordance with Article 80.2 of the Criminal Code of the Russian Federation or exemption from criminal liability in accordance with Article 78.1 of the Criminal Code of the Russian Federation is decided at the discretion of the court based on the circumstances of the newly committed crime and taking into account the identity of a perpetrator. We find it important to include crimes fixed in Article 295 (encroachment on the life of a person carrying out justice or preliminary investigation) and Article 317 of the Criminal Code of the Russian Federation (encroachment on the life of a law enforcement officer) in the list of crimes that exclude the application of Article 80.2 of the Criminal Code of the Russian Federation and are specified in Part 1 of Article 78.1 of the Criminal Code of the Russian Federation. We propose the following wording of Article 80.2 of the Criminal Code of the Russian Federation: "Release from serving a sentence in connection with the conscientious performance of military duties during mobilization, martial law or wartime".

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Formation of Legislative Regulation of the Execution of Criminal Punishments in relation to Women in Russia in the XVI–XIX Centuries

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Abstract

Introduction: the interest of the modern academic environment and the scientific community in the analysis of issues related to the evolution of the legislative framework governing the execution of criminal penalties in relation to women does not lose its relevance. In this regard, the *purpose* of this study is to analyze the evolution of legislative processes of domestic legal thought in the XVI–XIX centuries in the field of execution of criminal penalties among women based on a set of diverse empirical data, including legal sources and materials published in research papers. *Methods:* this study was conducted using the methods of scientific knowledge, including historical, comparative analysis, logical, etc. The author analyzed a number of legislative acts of the period under study related to the functioning of the domestic penitentiary system. *Results:* the conducted study shows that for a long time the domestic penal policy providing for punitive measures for the commission of illegal acts had not differentiated liability of men and women. What is more, during the period under review, the types of execution of penalties applied by the state to female offenders were influenced by their social and marital status. *Conclusion:* the processes of legislative regulation of the execution of criminal penalties in relation to female persons were caused by the need to improve the policy aimed at effective achievement of the criminal punishment goals in relation to this category of convicts. At the same time, progressive legislative ideas in the area under consideration were introduced into practice extremely slowly in the conditions of tsarist Russia throughout the analyzed period. As a result of these legislative approaches, female persons were kept in rather hazardous conditions, complicated due to the extreme population density of prison institutions.

Keywords: legislative framework; historical processes; convicted women; penitentiary system; legislative regulation; execution of criminal penalties; prison science.

5.1.1. Theoretical and historical legal sciences.

5.1.4. Criminal law sciences.

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Introduction

The problem studied in this work does not lose its scientific significance. In particular, the history of formation of the legislative framework for the enforcement of criminal penalties against women is of interest to specialists in penal law and other domestic researchers.

Active and comprehensive study of the execution of criminal penalties in relation to women conducted by foreign researchers at the turn of the XVIII–XIX centuries encouraged other scientists and practitioners around the world to discuss this issue. In Russia, this scientific direction emerged only in the XIX century, since there had been no legislative differences between men and women as subjects of penal relations in our country for centuries.

Discussion

Imposition of criminal liability measures on women was initially fixed in Russkaya Pravda [Russian Truth], as well as the Pskov Judicial Charter. These legislative documents list measures that criminalize women, including "on the flow and looting, monetary, sale and monetary punishment, prescribing the community to extradite a criminal who committed robbery-related homicide with his wife and children, etc." [1, p. 61]. As a rule, in the case of these illegal acts women were imprisoned in a monastery. For many centuries, these religious communities, in addition to their main role as monasteries for the sake of serving God, were also assigned the duty to perform the functions of prison institutions.

It is also important to note that "in pre-Petrine times, the right to be imprisoned in monastic prisons belonged to the tsar, the patriarch and the metropolitans, but in the XVIII century most of those arrested were exiled to the monastery by order of the secret investigation department of the chancellery, and since 1835 by the Highest command" [2, p. 35]. At the same time, female persons exiled to monasteries had a number of privileges, in particular, they were kept in special cells. They were closely supervised by nuns assigned to them. It should be noted that monasteries were located in most Russian regions, including Moscow, Vladimir, Perm, Tver and a number of other Russian provinces. However, it was not much easier for women to serve their sentences in monasteries than for male prisoners, since the conditions of serving their sentences, including food and labor duties, were equal for any gender. By exiling female convicts to monasteries, the authorities pursued punishment goals to bring to justice those responsible for committing various kinds of illegal acts.

Moreover, female offenders were also held in prisons, which had been established in the Russian state since the reign of Tsar Ivan IV (the Terrible). It is worth mentioning that exile to a monastery was the main type of criminal punishment applied to women. Burning and imprisonment in an earthen prison were also fixed in local regulations and therefore they were applied to women accused of committing state or religious illegal acts, including for committing witchcraft [3, p.120].

Briefly describing the places of execution of criminal punishments, it should be noted that the prisons of that period were stone and secure. Imprisonment as a type of criminal punishment was fixed in the 1550 Judicial Code of Ivan IV, a collection of legislative acts of the period of the estate monarchy. It was the first ever normative legal act, not only of written law, but also of a peculiar technique for the implementation and organization of trials. The issues of imprisonment were regulated in great detail by this monument of Russian law. In particular, the 1550 Judicial Code contained key aspects of criminal penalties as types of illegal activities. The fact that in the middle of the XVI century, legislators began to devote special attention to the issue of mandatory imprisonment for perpetrators is a clear indication that this type of criminal punishment was considered by legislators as an integral element of the fight against crime in the Russian state [4, p. 119].

In the XVI–XVII centuries, the centralization of the Russian state was in full swing. This process was reflected "in strengthening the position of the state apparatus; at the same time, the changing state life gradually transformed

Russian law" [5, p. 35]. At the same time, there is a "priority relationship between customary law and legislation, and by the beginning of the 17th century the main sources of law had been decrees and collections of laws" [6, p.118]. It is also noteworthy the 1649 Cathedral Code was the first document that stipulated the application of a death penalty in relation to women. According to Article 14 of Chapter 22, a wife who killed her husband was to be publicly buried alive in the ground up to her shoulders. It is worth mentioning that until the sentence was carried out, women accused of murdering their husbands were held in prisons. This legislative act, among other things, provided for a special privilege for accused and sentenced women who were pregnant – the postponement of execution until their child was born [7, p. 35].

Peter I tried to regulate the system of execution of criminal penalties. The Military Article of 1715, being the main legislative collection on military criminal legislation of that time, included 209 articles combined into 24 chapters. This legislative act established a number of new types of execution of criminal penalties, such as exile and penal servitude, which were often used instead of the death penalty [8, p. 155].

Ya.I. Foinitskii, the brightest Russian prison scholar of the pre-revolutionary period, wrote in his scientific research on the execution of criminal penalties that "poverty, hunger and disease prevailed in prisons of that period, prisoners tried to escape from them, they were not distributed by age, type of crime, or even by gender". [9, p. 211]. Sometimes there were even cases where males were shackled together with other women, not their own wives, which in turn led to unwanted pregnancies. N.S. Tagantsev, the largest Russian criminologist, also wrote about such unfavorable conditions of execution of punishment in Russian prisons [10, p. 182].

Female convicts were actively attracted to labor during the reign of Peter the Great. In the 18th century, penal servitude was also applied to women. For example, the imposition of punishment in the form of exile or hard labor provided an opportunity to use women's labor even more intensively. According to Russian researchers, "penal servitude was established for a certain period or for life, and in addition to men, women's labor was also used during the period under review, and women, as a rule, worked in specially created spinning houses" [11, p. 182].The authorities also sought to reduce all available costs, including reducing any costs and expenses in the process of holding prisoners in places of detention. For example, the authorities tried in every possible way to pay salaries to prisoners and even receive taxes from exiles to replenish the Russian treasury.

Analyzing the formation of legislative regulation of the execution of criminal punishments against women, it should be pointed out that during the reign of Empress Elizabeth, significant changes affected such a measure of punishment as the use of the death penalty. In 1744, the execution of the death penalty was suspended and the decision on the application of this sentence was granted to the Senate [12, p. 73]. From 1753 to 1754, the death penalty was replaced by imprisonment and exile. The decree of Elizabeth in 1753 differentiated eternal settlement and exile. At the same time, this type of punishment, such as eternal settlement, was accompanied by the need to perform compulsory work. By the decree of Elizabeth in 1760, criminal offenders were exiled only to Siberia. At the same time, the issue of joint detention of men and women was becoming extremely relevant, therefore, in order to "reduce immorality in the sexual sphere, the decree of the Senate of February 21, 1744 imposed a ban on the joint detention of men and women, but special prisons for women began to be built only in the late XIX and early XX century" [13, p. 201].

During the reign of Catherine II, legal regulation of the execution of criminal penalties, such as penal servitude and exile, developed further. This was facilitated by the decree of Catherine II of 1765 "On the right of landlords to send peasants out of favor to hard labor", according to which they received the right to impose pe-

nal servitude on guilty serfs" [14, p. 502]. It is noteworthy that in accordance with the "provisions of the Decree of Catherine II of January 17, 1765, landlords were also given the right to send their serfs to hard labor without specifying their gender" [15, p. 85]. A number of other legislative decisions infringed on the rights of the common people. On August 22, 1767, "a decree was issued prohibiting serfs from complaining about landowners, and in 1775, another harsh decree of Catherine II granted landlords the right to imprison serfs, including women" [16, p. 207]. The analysis of the listed sources shows that at the end of the XVIII century it was not so much the nature and severity of the illegal acts committed, but the state's need for free labor that began to determine the places where convicts served criminal sentences, regardless of their gender and the criminal offenses committed.

Besides, we would like to point out that ideas about the need for separate detention of women and men in penitentiary institutions were actively developed with the adoption of the 1787 Charter on Prisons. Significant attention was paid to various issues of external and internal arrangement of penitentiary institutions, their sanitary and hygienic services and rules for the maintenance of persons serving sentences. This document also provided for separate detention of male and female convicts in penitentiary institutions, as well as establishment of special female penitentiary institutions [17, p. 75]. According to this regulatory legal act, county and city prison institutions were to have facilities for separate detention of women and men.

However, it took almost fifty years for the majority of transformations of the penitentiary system conceived by Catherine II to be carried out and only "The 1831 Instructions to the Caretaker of the Provincial Prison Castle" [18, p. 475] normatively fixed the need for separate detention of prisoners of different sexes in prisons. For example, Article 33 of this legal act specified personalized detention. The specifics of the contingent held in this institution necessitated the use of various approaches and techniques for the treatment of mental and other physical illnesses and health disorders. In this regard, the prison castle had a hospital with departments for men and women. And if the arrested were to be hospitalized from their cells, then this could only be done with the consent and permission of the assistant caretaker of the men's part or the caretaker of the women's half of this institution.

However, the legislative norms of that period Russia did not imply gender-related differentiation of the conditions of serving sentences, there were only some individual, almost insignificant privileges. So, in accordance with "Article 89 of the 1832 Statute on Detainees, women were excluded from the category of prisoners who shaved one of the halves of their heads" [19, p.85]. According to the 1845 Code of Criminal and Correctional Punishments, "for female prisoners hard labor in mines was replaced by less heavy work in factories" [20, p. 12].

What is more, "in accordance with the provisions of the Law of April 17, 1863, female prisoners were not subjected to corporal punishment; and in relation to exiled women, these punishments were abolished on March 29, 1893" [21, p. 50]. According to the "law on compulsory labor for all categories of prisoners of January 6, 1886, female labor was limited only to intra-prison work" [22, p. 130]. In particular, the legislators "took into account the condition of convicted women serving their sentences, since Article 182 of the 1890 Statute on Detainees recommended providing pregnant and nursing mothers with separate rooms" [23, p. 1,411]. According to Article 970 of the 1864 Statute of Criminal Procedure, pregnant convicts should be released from work and nursing mothers should be given light work. In their efforts to keep pace with European countries, the Russian authorities took very decisive and advanced actions for that time to ensure the regime of female prisoners.

However, in reality, special penitentiary institutions for women were seldom built in order to avoid high additional costs. Along with this, such an approach also caused even greater hatred towards employees of penitentiary in-

stitutions who did not respond sufficiently to problematic situations in places of serving sentences [24, p. 31]. In the pre-revolutionary period, the role of the 1857 Statute on Detainees (as amended in 1886 and 1890) was very significant in penal institutions [25, p.85]. Its impact on the state penitentiary policy of the Russian Empire is difficult to assess. However, the provisions on separating female and male convicts had not been implemented in practice for many years.

The processes of humanizing the situation of women in prison were hindered by difficulties in organizing their work. First of all, the employment of women in places of detention required serious financial costs on the part of the state. It is quite obvious that the involvement of women in labor relations in places of detention would have had a significant impact on the optimization of their detention. However, the government was not interested in financing the construction of enterprises, the purchase of equipment for workshops and raw materials, and the training of prisoners in various necessary labor skills. Thus, until almost the end of the XIX century, the state did not seek to move from implementing only punitive functions in places of detention to organizing measures of educational and labor influence on female prisoners.

In the middle of the XIX century, many progressive foreign experts sought to build a system of punishment based on the principles of humanism and legality. They held a number of international congresses with the participation of the most renowned experts in the field of prison studies. These foreign experts, in turn, suggested introducing significant amendments to the penitentiary system in order not to suppress the personality of female prisoners. In the domestic penitentiary policy of that period, there was a strong lag behind progressive ideas of European countries. The Russian authorities did not seek to study the positive foreign experience in prison reform.

As a result, the inertia of the legislative regulation under consideration led to the fact that in the institutions of the Russian penitentiary system of the pre-revolutionary period, women serving criminal sentences were held in an environment that could not withstand any criticism. Prisons were overcrowded and characterized by poor sanitation and insufficient medical care. The lack of separate detention of women and men in the penitentiary institutions led to the use of shackles, pads, and slingshots in relation to female prisoners.

However, in the second half of the XIX century, capitalism began to develop in Russia, destroying the feudal and estate order. This trend became a dominant one for the entire subsequent evolution of both the country and the penitentiary system. Feudal relations became a significant obstacle and a serious barrier to building up and increasing production capacity, thereby contributing to Russia's significant lag behind European countries. And therefore, having abolished serfdom, the country began to rapidly develop capitalist relations, while adapting the entire state and legal mechanism to the new conditions. The penitentiary system, which had previously been functioning in accordance with the principles of class status, also did not stand aside. However, the budget deficit, bureaucracy, and the excessive occupancy of penitentiary institutions that arose after the abolition of serfdom did not contribute to rapid prison reform. Only at the end of the XIX century, the influence of foreign legal penitentiary views and teachings contributed to the gradual reformation of domestic penal legislation.

Conclusion

Thus, the following conclusions can be made.

First, the situation of female prisoners in pre-revolutionary prisons was extremely difficult, since for a long time the Russian penal policy focused on the application of punitive measures had not distinguished between certain types of liability for men and women. In particular, secular and ecclesiastical legislative measures providing for the types of execution of criminal penalties had also not differed by gender for a long time.

Second, progressive legislative ideas in this area were introduced into practice extremely

slowly in tsarist Russia. As a result of such legislative approaches, in most institutions of the Russian penitentiary system, female persons serving criminal sentences were held in an environment that did not stand up to any criticism. Despite a number of legislative measures taken to improve their detention in penitentiary institutions, legislative initiatives may have diverged from reality. In most cases, the types of penalties that the state applied to female perpetrators of crimes were influenced by their social status and marital status.

Third, the study of the issue under consideration allows us to assert that there are various causes and conditions that led to significant inertia in legislative changes aimed at humanizing the legal status of female convicts. For example, until the abolition of serfdom and subsequent Russian penitentiary reforms in the second half of the XIX century, the practice of implementing domestic criminal law legislation in relation to women indicates that the authorities had no desire to get rid of the foundations of the feudal state system, which had long been a priority in the Russian Empire. And even despite the fact that in the process of reviving domestic and foreign policy since the time of Peter the Great, as well as the country's rise to a number of leading positions in the international arena, over the years the country had experienced a significant lag in improving the standards of enforcement of penal legislation regulating the status of women. It is for this reason that prison reform, including those affecting the execution of sentences by women, became possible only with the abolition of serfdom and the organization of the Main Prison Department.

Fourth, the end of the XIX century actually marked the beginning of public and state attention to the development of the legal status of female prisoners. The centuries-old period of absolute monarchy was coming to an end. The state sought to regulate all spheres of life, adopting a wide variety of legislative acts, including legal norms in this area.

Fifth, in general, the analysis of genesis of the penal legislation improvement in relation to female detainees, which took place during the historical period under review, clearly illustrates the evolution of domestic penal policy, the formation of legal penal theoretical provisions, as well as their implementation in practice.

Sixth, it is possible that a number of results, provisions and key conclusions proposed in this paper will attract the attention of representatives of scientific and educational organizations of the Federal Penitentiary Service of Russia who are interested in the issues outlined in this paper and will be used by them in their professional activities.

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Forced Feeding of Persons Held in Russian Penitentiary Institutions: Origin and Development

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Abstract

Introduction: the article describes the history of forced feeding of persons held in penitentiary institutions in Russia, namely those serving imprisonment and arrested before trial for crimes committed. *Purpose*: to determine when and why hunger strikes of convicts and detainees appeared in our country; how the Russian state reacted to such hunger strikes before the 1917 revolution; whether forced feeding of persons held in penitentiary institutions was used during the Soviet period. *Methods*: the main provisions of the article are based on the study of pre-revolutionary, Soviet and modern normative legal acts, works of legal scholars and historians, as well as memoirs of convicts. *Results*: hunger strikes of persons held in penitentiary institutions appeared as a social phenomenon in Russia in the first half of the XIX century. In pre-revolutionary Russia, there was no legislative regulation of the procedure for the actions of employees of penitentiary institutions in the event of a hunger strike by persons held in them. Cases of forced feeding in order to save the lives of starving people in the early XX century were juxtaposed with situations where the prison administration deliberately allowed prisoners to die of hunger. The practice of using forced feeding against people on a hunger strike in a penitentiary institution took place during the Soviet period. However, the legislative consolidation of the possibility of using forced nutrition and the establishment of the permissibility of such intervention in the event of an immediate threat to the life of a person on hunger strike occurred in the 1990s. *Conclusion*: the forced feeding of persons held in Russian penitentiary institutions has deep historical roots. Having been applied in the conditions of complete absence of regulation, forced feeding gradually gained its consolidation at the legislative level.

Keywords: forced feeding; artificial nutrition; convict; imprisonment; history; hunger strike; refusal of food.

5.1.4. Criminal law sciences.

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Introduction

Part 4 of Article 101 of the Penal Code of the Russian Federation stipulates the possibility of using forced feeding against persons sentenced to imprisonment who refuse to eat in the event of a threat to their lives. Similar provisions

are contained in Article 42 of the Federal Law No. 103-FZ of July 15, 1995 "On the Detention of Suspects and Those Accused of Committing Crimes". These norms, which were first consolidated at the legislative level in the 1990s, represent a response of the domestic legislator to hunger strikes of convicts, i.e. to a deliberate refusal of such persons from eating, which could eventually lead to their death.

At the same time, it seems obvious that the problem of prison hunger strikes has not arisen over night, and previous generations of domestic legislators and law enforcement officers already had to decide for themselves whether to save the lives of people being on a hunger strike by applying forced feeding to them. Therefore, it would be interesting to find answers to a number of questions. When and why did hunger strikes of convicts and detainees appear in our country? How did the Russian state react to such hunger strikes before the 1917 revolution? Was forced feeding of persons held in penitentiary institutions used during the Soviet period?

Methodology

Since this article is devoted to the study of historical experience of the use of forced feeding of persons held in penitentiary institutions in Russia, its main provisions are based on the study of pre-revolutionary, Soviet and modern normative legal acts, works of legal scholars and historians. A special place among sources of this article is occupied by the five-volume work of M.N. Gernet "History of the tsar prison", a fundamental work that is unanimously recognized in Russian science as the most comprehensive study of the pre–revolutionary penitentiary system ever published by Russian scientists [1, p. 5]. What is more, memoirs of convicts and detainees were considered to study the practice of forced feeding in pre-revolutionary and Soviet Russia.

Research

Hunger strikes of persons held in penitentiary institutions: origin of the problem

As M.N. Gernet notes, the first collective prison hunger strike in Russian history was launched in 1827 in Siberia, at the Blagodatsky mine, by exiled convicts-Decembrists. The hunger strike lasted only two days and ended with a "complete victory for the prisoners" who opposed the mine head's decision to deprive convicts of candles and the right to a communal lunch [2, p. 176]. Prison hunger strikes spread in Russia at the end of the end of the XIX century due to the changes that took place in the XIX century in the penitentiary system in general and the system of material and household support for persons held in penitentiary institutions, in particular.

Thus, the first regulatory legal act in the history of Russia stipulating the supply of food to the prison population was the Decree of Emperor Alexander I of October 26, 1822 "On the allotment of money from the treasury to feed prisoners in their places of detention", according to which prisoners were to be provided with food that met "minimum hygienic requirements for a diet of a healthy adult" [3, p. 47].

Until the adoption of this decree, the main source of food for persons held in penitentiary institutions had been citizens' donations, which led to a significant gap in the level of food security between prisoners. For example, M.N. Gernet notes that the size of alms with food and money in Moscow prisons allowed prisoners to be well-fed and "not look like hungry people" [1, p. 306], whereas convicts in the prison castle of Kamyshlov in the Perm Province were "in a bad position, since the food is poor and when there is no alms, prisoners live on bread crusts with water" [1, p. 349].

At the same time, even after the adoption of the 1822 Decree, the nutritional situation of persons held in penitentiary institutions was still alarming. N.S. Tagantsev describing in his "Lectures on Russian criminal law" the current state of prisons referred to the report of the Prison Board of Trustees for 1857 stating that prisoners' food was "extremely non-nutritious due to the allotment of money only for bread and cereals without meat" [4, p. 1,330].

It seems that the absence of prison hunger strikes in Russia until 1827 is directly related to the described state of the country's penitentiary system. First, the refusal to eat (hunger strike) as a conscious, purposeful action of a person held in a penitentiary institution can be carried out only in the presence of food itself, which, as shown above, was by no means guaranteed to convicts and detainees up to the XIX

century. Second, in the vast majority of cases, a person who has declared a hunger strike wants to oppose himself to the prison authorities and the state as a whole, whereas by refusing to eat food received as alms; starving people oppose themselves not to the prison administration, but to philanthropists who have decided to spend their own money on feeding people they do not personally know. Third, by starting a hunger strike, the convicted or detained person believes that, since his/her death is an undesirable event for the prison authorities, the prison administration will respond to his/her demands, thereby prompting him/her to end the hunger strike.

Meanwhile, such a logic can hardly be applied to the relations between the state and persons held in penitentiary institutions until the XIX century. Thus, an analysis of the provisions of the 1649 Cathedral Code, which was one of the most important sources of Russian law up to the middle of the XIX century, shows that isolation of criminals was considered the sole purpose of imprisonment and harsh living conditions of prisoners were used as a punitive measure [3, pp. 42–43]. Only the 1845 Code of Criminal and Correctional Punishments attributed deprivation of liberty to correctional punishments, i.e. punishments whose main purpose is to correct convicts, which led to changes in the attitude towards the material and household provision of prisoners. It was considered as one of the conditions for their correction [3, p. 48].

Accordingly, in the XIX century, the state started considering the death of a person held in a penitentiary institution not as a collateral damage when achieving the goal of isolating such a person from society, but as a circumstance hindering the achievement of the goal of correcting convicts. It is precisely this stance of the state in relation to criminal punishment goals that encouraged convicts and detainees to use a hunger strike as an effective way to achieve their goals.

Forced feeding of persons held in penitentiary institutions at the end of the XIX century

So, by the end of the XIX century, hunger strikes of persons held in penitentiary institutions had become a very common phenomenon. The use of forced feeding in relation to starving people was one of the possible solutions of the problem.

The first case of forced feeding of prisoners is described in the memoirs of the revolutionary Feliks Kon who served his sentence in the Nizhny Kariya prison of the Nerchinsk penal colony in the 1880s. In protest against harsh treatment of one of the prisoners during her transfer to another prison, a group of women's prison inmates went on a hunger strike demanding dismissal of the commandant of penal colony Masyukov. On the ninth day of the hunger strike, one of the convicts Nadezhda Sigida was subjected to forced feeding by the decision of the authorities (in the work of F. Kon, as in many other pre-revolutionary and Soviet works, the term "artificial feeding" is used, which, however, does not fully reflect the essence of the phenomenon under consideration [5, p. 292]). At the same time, F. Kon notes that "being recently convicted and therefore less exhausted than others, Sigida endured a hunger strike better than some others" and artificial feeding was applied to her only so that Sigida, who had been doomed to a qualified death penalty, in case of death from hunger strike, would not escape from punishment imposed by the tsarist authorities. Before the hunger strike, N. Sigida insulted the commandant of the fortress with an action that, in accordance with Article 288 of the 1845 Code of Criminal and Correctional Punishments (as amended of 1866), resulted in the imposition of capital punishment, i.e. the death penalty, the specific type of which was determined by the court when passing the sentence [6].

F. Kon's version about motives for applying forced feeding to N. Sigida might seem farfetched if it were not for the fact that forced feeding was not applied to other convicts on a hunger strike, even after the prison doctor telegraphed the governor on the 13th day of the hunger strike about serious concerns for the women's condition, on the 14th day – about gastric ulceration of one of the convicts, and on the 15th day about possible death of the convicts in case of delay in their feeding [7, pp. 20–21]. Moreover, the governor's response to the above-mentioned reports from the prison doctor has reached our days, the text of which leaves no doubt that the authorities did not in-

tend to take measures to save the lives of all starving people, "the administration does not care whether they eat or not. Continue to do as ordered" [8, p. 325].

Another case of the use (or rather, attempts to use) of forced feeding in the historical period under review can be found in the memoirs of the revolutionary anarchist P.A. Kropotkin, who described the lives of persons detained in the Trubetskoy Bastion Prison of the Peter and Paul Fortress. According to Kropotkin, the right to visits once every two weeks "was obtained due to the 1879 famous hunger strike, during which some prisoners in the Trubetskoy Bastion Prison refused to take any food for 5–6 days, responding with physical resistance to all attempts at artificial feeding" [9, p. 70].

Describing the hunger strike in the Trubetskoy Bastion Prison, Soviet historian A.V. Predtechenskii notes that on the fifth day of the hunger strike, the serf authorities nevertheless gave the starving a paper to file a complaint addressed to the chief of the gendarmes, who, arriving at the place of the hunger strike, said the following, "I deeply regret that you were given paper so soon and not forced to starve until you started eating" [10, p. 91].

The quoted words of the chief of gendarmes show that, as in the case of the hunger strike at the Nerchinsk penal colony, the purpose of using forced feeding was not to save the lives of persons held in penitentiary institutions. The leadership of the fortress tried to use forced feeding in order to quell detainees' rebellion. However, after they failed, they allowed convicts to file a complaint to higher authorities.

Forced feeding of persons held in penitentiary institutions at the beginning of the XX century

Up to the beginning of the XX century, the problem of hunger strikes of persons held in penitentiary institutions, although it was gaining more and more coverage, was not regulatory fixed.

The circular of the Main Prison Administration No. 13 "On the duties of prison administration officials in relation to voluntarily starving prisoners", published in the journal Prison Bulletin as of May 1908 can be considered the first official document reflecting the authorities' reaction to this problem [11, p. 403]. In this circular, the General Prison Administration (GTU) provides an answer to the question of "whether prison administration officials are liable for an illness or a death of a prisoner, which has occurred as a result of the latter's voluntary hunger strike caused by dissatisfaction with his/her demands".

The GTU's answer to the above question consists of two parts (theses), however, Soviet literature refers exclusively to the first part of this circular, "in view of the fact that the prisoner's refusal to eat is an act of a completely voluntary nature and cannot be prevented by measures depending on the prison authorities, the latter cannot be held responsible for the consequences of such a refusal, even if it is the death of the prisoner".

Quoting exclusively the above-mentioned part of the circular, the Soviet authors concluded that "by this decree, the local prison administration was authorized to ignore the prisoners' decision to go on hunger strike" [8, pp. 32–33], calling the circular "a soulless piece of paper that sealed the fate of hundreds of young lives" [11, p. 30].

Meanwhile, the analysis of the circular shows that the content of the explanation given in it is by no means as unambiguous as it might seem at first glance. The second part of the document under consideration states that "if, however, there are signs of serious illness or extreme exhaustion in a starving prisoner, the prison administration is obliged to take measures to provide him/her with the necessary medical care". Despite the 1908 GTU Circular absolved the prison administration of responsibility for the death of a prisoner as a result of a hunger strike, the document obliged them to provide medical care to a starving person. So, it allowed the use of forced feeding in relation of against such a person. In this regard, it is by no means accidental that after the publication of this circular, cases of forced feeding in relation to persons held in penitentiary institutions in order to save their lives were observed in Russia. So, in October 1912, four convicts, F. Andreev, I. Itunin, S. Il'inskii and D. Takhchoglo, were placed in the punishment cell of the Zerentui prison of the Nerchinsk penal colony

for failure to comply with the requirement to remove their caps. They went on hunger strike in protest against the regime applied to them. On the 11th day of the hunger strike, artificial feeding was applied in relation to Itunin and Andreev upon examination of the doctor I.A. Pakholkov, while two other convicts continued their hunger strike. S. Il'inskii was on hunger strike for 31 days [12, p. 198].

In 1912, four convicts held in the Orel penal colony also went on a hunger strike to protest their placement in a punishment cell. After 16 days of the hunger strike, the prison administration, at the request of a doctor, hospitalized all hunger strikers and "the convicts' lives were supported against their will with nutritional enemas" [13, p. 295].

In these two cases of forced feeding in relation to convicts, forced feeding was used at the request of a doctor at a time when the continuation of a hunger strike carried a real threat of death. It brings the described situations as close as possible to modern regulation of forced feeding of convicts in the Penal Code of the Russian Federation.

Meanwhile, as noted above, the 1908 GTU circular contained an internal contradiction: by imposing on the prison administration the obligation to provide medical care to persons on a hunger strike, it simultaneously absolved the prison authorities of responsibility for the death of a prisoner resulting from failure to provide such assistance. In this regard, this circular could serve as a justification for the non-use of forced feeding as a measure to save the life of a person held in a penitentiary institution who found himself on the verge of life and death. For example, in July 1911, in the same Orel penal colony, sailor Nikolai Simonenko, a participant in the Sevastopol Uprising of 1905, "starved himself to death" [13, pp. 147, 303]; a year later, in August 1912, his comrade sailor Ivan Pis'menchuk died as a result of a thirty-day hunger strike in the punishment cell of the Schlisselburg fortress [13, p. 148].

Thus, it can be concluded that at the beginning of the XX century in the Russian Empire the actions of employees of penitentiary institutions in the event of a hunger strike were not legally regulated. The only official document addressing this issue, the 1908 Circular of the General Prison Administration, contained an internal contradiction, since it simultaneously imposed on the prison administration the obligation to provide medical care to persons on hunger strike and absolved it of responsibility for death resulting from such a hunger strike. In this regard, the practice of prison authorities responding to hunger strikes organized by persons held in penitentiary institutions at the beginning of the XX century was not uniform: cases of forced feeding in order to save the life of a starving person were juxtaposed with situations where the prison administration deliberately allowed the death of a prisoner as a result of a hunger strike.

Forced feeding of persons held in penitentiary institutions in Soviet Russia

In the early years of Soviet rule, the problem of hunger strikes in penitentiary institutions was inferior in importance to the problem of insufficient food supply in such institutions. It is no coincidence that one of the first acts of the Soviet government in the field of penal law was the Decree of the Council of People's Commissars of the RSFSR of January 23, 1918 "On improving food in Petrograd prisons", stipulating emergency measures to immediately improve the food supply situation in Petrograd prisons, as well as to transfer some convicts and detainees to provincial prisons [14, p. 41].

However, as the situation in the country became stabilized, the problem of prison hunger strikes again took on a significant scale. Thus, on November 25, 1925, the NKVD and the NKJ of the USSR issued a joint circular "On taking measures to eliminate hunger strikes in places of detention", in which prosecutors and inspectors of places of detention were instructed to take measures aimed at strengthening the rule of law in penitentiary institutions (to regularly attend places of detention; to promptly notify detainees of the investigation period extension; to promptly send complaints from detainees to the relevant authorities and institutions, etc.). At the same time, the administrations of places of detention were forbidden to provide any relief to persons who had already declared a hunger strike [15, pp. 142–143].

The analysis of this circular shows that in the early years of its existence, the Soviet government hoped to completely eradicate the problem of prison hunger strikes, thereby removing from the agenda the issue of treatment of persons on hunger strike. However, the Soviet government failed to achieve this goal.

The first regulatory document that formalized the possibility of using forced feeding in relation to persons on a hunger strike in penitentiary institutions was the Regulation on prisons of the NKVD of the USSR for the detention of persons under investigation, approved by the Order of the NKVD of the USSR of July 28, 1939 No. 00859. According to Article 44 of this regulation, if a person in custody declares a hunger strike, the head of a prison is obliged to immediately transfer him/her to solitary confinement and report the hunger strike to the investigating authority, as well as to the prosecutor supervising the prison. In the absence of special instructions from the prosecutor or the investigating authority within 72 hours, a doctor or an assistant physician applies measures of forced (artificial) feeding, carried by order of the prison head [15, p. 176].

The same NKVD order approved the Instructions for the application of certain articles of the Regulation on prisons, containing a detailed explanation of the "artificial feeding technique" carried out through the esophagus or through the nose using a special probe. The mouth of a defendant was opened with a mouth expander, the pharynx was lubricated with a cocaine solution to avoid coughing and vomiting, after which a wet probe with a funnel at the free end was carefully injected into the patient. A doctor poured warm water into the funnel to wash the stomach and then a food mass made of meat broth, milk, raw egg yolks, sugar, oatmeal and salt [15, p. 206].

It can be concluded that the appointment of the institution of forced feeding of detainees, fixed in the Regulations on prisons of the NKVD of the USSR in 1939, differed from the appointment of forced feeding in our days. Thus, Article 44 of the Prison Regulations was located in the Section "Penalties for violations of the prison regime" and assumed that, in the absence of special instructions from the investigator or prosecutor, forced feeding would be applied to all detainees on a hunger strike after three days from the date of its announcement. At the same time, in order to make a decision on the start of forced feeding, it was not necessary to assess the health status of a starving person, in particular, to determine whether the continuation of the hunger strike at the time of the start of forced feeding posed a threat to his life. Hence, the main purpose of the use of forced feeding of persons held in penitentiary institutions in the historical period under review was not to save the lives of such persons, but to ensure compliance with the regime of the relevant institution.

As mentioned above, Article 44 of the Regulation on prisons of the NKVD of the USSR established for the first time the possibility of using forced feeding of persons in custody at the regulatory level: the previous provision, approved by NKVD Order No. 00112 of March 15, 1937, although it contained some requirements for the behavior of prison staff in the event of a hunger strike, did not mention possibilities of forced feeding. Meanwhile, our research has shown that the provisions on forced feeding, first enshrined in the Order of the NKVD of the USSR No. 00859 of July 28, 1939, were not a figment of the imagination of the authors of this document, but a normative consolidation of the practice already established by that time in Soviet penitentiary institutions.

For example, the Central Archive of the FSB of Russia contains a statement of November 8, 1930 filed by S.I. Krause, a technological engineer arrested in the Industrial Party case, addressed to the assistant prosecutor of the RSFSR protesting against detention and investigative methods. Among other things, Krause writes about starting a hunger strike on May 11, 1930. The resolution on this statement is the following: "to offer the head of the prison to artificially feed Krause if he does not give up his hunger strike. 8/XI" [16, p. 122].

According to the report of a former employee of the Directorate of NKVD in the West Siberian Region B.I. Soifer, in 1938, Sadovskii, a former employee of the Siberian camp, who had been on a hunger strike for 105 days, and Landovskii, an arrested employee of the Siberian Military District headquarters, who had been on a hun-

ger strike for 18 days, were subjected to artificial feeding in a prison hospital [17].

A.I. Solzhenitsyn also wrote in his book "The Gulag Archipelago" that forced artificial nutrition had been in high demand by 1937. So, according to the writer, on the 15th day of the hunger strike, artificial nutrition was applied to a group of socialists held in the Yaroslavl Central Prison. It is interesting that the description of the forced feeding procedure fully corresponds to the technique of artificial nutrition, which was later fixed in the order of the NKVD in 1939: "The mouth is opened with a plate, the gap between the teeth is widened, and the intestine is inserted. If a person does not swallow, the intestine is pushed further, and the liquid nutrient solution enters directly into the esophagus. Then the stomach is massaged so that the prisoner does not resort to vomiting" [18, p. 428].

Issues related to forced feeding of persons held in penitentiary institutions were reflected in later normative acts of the Soviet period: Order of the USSR Ministry of Internal Affairs No. 550 of August 16, 1958 declaring the daily allowance standards for prisoners held in correctional labor camps, colonies and prisons of the USSR Ministry of Internal Affairs; Instructions on the regime of detention in pre-trial detention facilities of the Ministry of Internal Affairs USSR approved by the Order of the Ministry of Internal Affairs of the USSR No. 0470 of September 1, 1972; Regulations on medical care for persons held in correctional labor institutions of the Ministry of Internal Affairs of the USSR approved by the Order of the Ministry of Internal Affairs of the RSFSR No. 125 of May 30, 1975; Instructions on the procedure for preventing offenses in correctional labor institutions and pre-trial detention facilities of the USSR Ministry of Internal Affairs approved by the Order of the Ministry of Internal Affairs of the RSFSR No. 113 of July 23, 1981. These by-laws, as well as the order of the NKVD of the USSR of July 28, 1939, regulated the procedure for employees of penitentiary institutions in the event of a hunger strike by persons held in such institutions, fixed the procedure for forced feeding and the allowance standards for persons subjected to such nutrition, but did not directly establish that forced feeding could be carried out only when there was an immediate threat to life of a starving person [19, p. 27; 20, p. 43].

This circumstance gives grounds for the conclusion that the provisions on forced feeding that are fixed in Article 42 of the Federal Law No. 103-FZ of July 15, 1995 "On the Detention of the Suspected and Accused of Crimes" and Part 4 of Article 101 of the 1997 Penal Code of the Russian Federation have opened a new page in the history of the use of such measures as forced feeding of persons held in penitentiary institutions in Russia. The legislator fixed the very possibility of using forced feeding against people on a hunger strike and clearly established that such intervention could be carried out only if there was a threat to the life of a starving person.

Conclusions

Hunger strikes of persons held in penitentiary institutions as a social phenomenon appeared in Russia in the first half of the XIX century simultaneously with changes in the system of material and household support for such institutions and a change in the state's approach to the goals of criminal punishment. The first cases of forced feeding described in the literature in relation to persons on a hunger strike in penitentiary institutions can be found as early as the end of the XIX century, however, saving the lives of prisoners was not considered at that time as the main purpose of using this method of feeding. In pre-revolutionary Russia, there was no legislative regulation of measures conducted by employees of penitentiary institutions in case of a hunger strike. The only official document, the the 1908 Circular of the General Prison Administration, contained an internal contradiction, since it simultaneously imposed on the prison administration the obligation to provide medical assistance to a person on a hunger strike and absolved it of responsibility for the death of a prisoner resulting from such a hunger strike. In this regard, the practice of prison authorities responding to hunger strikes of persons held in penitentiary institutions at the beginning of the XX century was not uniform: cases of forced feeding in order to save the lives of starving people were juxtaposed with situations where the prison administration deliberately allowed prisoners to die as a

result of a hunger strike. The practice of using forced feeding in relation to people on a hunger strike in a penitentiary institution also took place during the Soviet period. Since 1939, it had been reflected in detail in subordinate regulatory legal acts. Meanwhile, the possibility of using forced feeding, as well as the establishment of the permissibility of such intervention in the event of an immediate threat to the life of a person on a hunger strike, was first legally fixed in the Federal Law No. 103-FZ of July 15, 1995 "On the Detention of Suspects and Those Accused of Committing Crimes" and the 1997 Penal Code of the Russian Federation.

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Organizational and Legal Aspects of the Execution of Life and Long-Term Imprisonment

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Abstract

Introduction: the article is devoted to current problems of legal regulation and organization of the execution of life and long-term imprisonment in modern conditions. The *purpose* of the article is to highlight organizational and legal aspects of the execution of life and long-term imprisonment in the context of tightening the state's punitive policy against persons who have committed qualified crimes of a terrorist nature or organized or participated in armed rebellion. The *methodological basis* of the work is formed by general and private scientific (historical-legal, comparative-legal, descriptive, content analysis) methods of legal reality cognition. The *conclusion* is substantiated that nowadays certain humanization of the execution of life and long-term imprisonment is a global phenomenon. In this regard, the article substantiates the position that legal regulation in the considered segment of the state's punitive policy should provide for an appropriate organizational and legal mechanism for the initial review of sentences no later than twenty-five years after their imposition and regular reviews thereafter. At the same time, legislative criteria and conditions related to the review of sentences should be sufficiently clear and definite, and those sentenced to life imprisonment themselves should have the right to know from the very beginning of serving their sentence what they need to do for a possible decision on their release and under what conditions such release is possible. *Scientific and practical significance* of the work consists in substantiating the provisions that improving legal regulation of the organization of the execution of life and long-term imprisonment is possible by applying the following approach: convicts serve their sentences in strict conditions for the first ten years of imprisonment and perhaps in single special institutions, and then, depending on their behavior, they can be transferred to less restrictive conditions and to other institutions, or are left in special institutions in case of malicious violations of the established procedure for serving a sentence. Such an approach will require solving related organizational and legal tasks in the field of developing a network of special institutions, personnel training and providing other resource support for their functioning.

Keywords: legal regulation; organization; life imprisonment; long-term imprisonment; penal system.

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Introduction

Life imprisonment as a form of punishment has a long history in Russia. The 1903 Criminal Code provided for both indefinite penal servitude and a term of four to fifteen years. Those sentenced to penal servitude were held in special prisons and worked in harsh conditions both inside and outside institutions. At the end of the term of penal servitude, prisoners were transferred to penal settlements in the relevant regions (paragraphs 16 and 17) [1]. The duration of penal servitude was indicated in years and six months. Those sentenced to indefinite penal servitude had the opportunity to be transferred to penal settlements after fifteen years, provided they behaved well. Also, after ten years of living in the penal settlement, they might be released if their behavior remained positive (paragraphs 22 and 23).

During the Soviet period, criminal law did not provide for life imprisonment. This form of punishment originated in 1993 as an alternative to the death penalty. Article 57 of the Criminal Code of the Russian Federation established a provision according to which life imprisonment could be imposed only instead of the death penalty for particularly serious life-threatening crimes. The court could apply such a measure if it considered it possible not to resort to the death penalty. However, due to the moratorium on the use of the death penalty, this rule was not actually used, and life imprisonment began to be considered as a separate type of punishment for particularly serious crimes against life, including murder (Article 105), attempt on the life of a state or public figure (Article 277), attempt on the life of judges and investigators (Article. 295), assault on law enforcement officers (Article 317), and genocide (Article 357).

Legislative amendments for the execution of life and long-term imprisonment

Nowadays, the use of life imprisonment as an independent form of punishment has been significantly expanded. Sharing views of modern scientists that “the composition of the crime ... is outlined not in a separate paragraph of the article of the Special Part of the Criminal Code of the Russian Federation, but in its part” [2, p. 107], we conclude that this type of punishment can be applied for thirty-one qualified crimes provided for in articles 105, 131, 132, 134, 205, 206, 210, 211, 228, 229, 275, 277, 279, 281, 295, 317, 357, 361 of the Criminal Code of the Russian Federation.

Identification of life imprisonment as a separate type of punishment determines its wider use in real practice. Nowadays, about two thousand people sentenced to life imprisonment are being held in places of detention, who are housed in six institutions for life convicts and one section for those sentenced to life imprisonment in a correctional facility [3].

The expanded application of life imprisonment to protect the interests of individuals, society and the state from the most serious attacks inevitably leads to an increase in the network of correctional institutions of a special regime. It should also be borne in mind that such a need, along with the growing number of particularly serious terrorism-related crimes, war crimes, crimes against the peace and security of mankind [4], is also conditioned by the increased powers of judicial authorities, which can impose this punishment not as an excep-

tion, but in the usual manner [5]. Thus, changes in legislation have created prerequisites for more active use of this type of punishment. Additional places for the detention of convicts taking into account the specifics of their crimes and the level of threat they pose to the society are required.

Currently, the legal framework for the application of life imprisonment is already quite clearly formed, which makes it possible to more effectively combat the most dangerous attacks on human life, public and state security. The tightening of the punitive policy [6] in this direction is a fully justified response of the state to the growing wave of violence and terrorism on the part of not only domestic criminals, but also international criminal and extremist communities. At a time when hundreds and thousands of innocent people are dying, it is inappropriate to talk about liberalizing punitive policies.

It is important to understand that life imprisonment should not be perceived as completely unconditional. Those convicted for such a period still have the opportunity to be released. In almost all developed countries, there is a procedure for parole after serving a certain time of punishment. The length of the mandatory period to be spent in custody varies from country to country significantly.

Moreover, there are various conditions of release: in some countries, these individuals are first transferred to regular places of punishment, where they are held together with other categories of convicts, and then they are released; in others, they are released immediately and placed under control of the police and special behavior control authorities.

According to Part 5 of Article 79 of the Criminal Code of the Russian Federation, a person serving a life sentence may be released on parole if the court finds that he does not need to continue serving this sentence and has actually served at least twenty-five years in prison. Parole is applied only if the convicted person has no serious violations of the established procedure for serving his sentence during the previous three years. A person who has committed a new grave or especially grave crime while serving a life sentence is not subject to parole.

It should be emphasized that in Russia the practice of parole in relation of this category of convicts is practically not applied. In addition, on January 8, 2025, amendments to the Criminal Code of the Russian Federation came into force concerning the tightening of the punitive policy against persons who have committed qualified terrorism-related crimes or organized armed rebellion. In particular, the amendments introduced by the Federal Law No. 510-FZ of December 28, 2024 “On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedural Code of the Russian Federation” to Part 5 of Article 79 of the Criminal Code of the Russian Federation excluded the possibility of parole for persons sentenced to life imprisonment for crimes under articles 205, 205.1, 205.3, 205.4, 205.5, 279 and 361 of the Criminal Code of the Russian Federation.

Special studies draw attention to the fact that the provisions of Part 5 of Article 79 of the Criminal Code of the Russian Federation on parole are rarely applied to persons sentenced to life imprisonment on other grounds. For example, as V.F. Grushin notes, “in Russia, for reasons that researchers do not understand people who have already served this term are denied parole. This provision actualizes the issue of changing judicial practice on parole” [7, p. 12].

Thus, the process of holding convicted persons in places of deprivation of liberty of this category will continue indefinitely, which will necessitate further development of a network of specialized institutions designed to keep persons sentenced to life imprisonment.

A forecasted increase in the number of people sentenced to life imprisonment requires the penal system to conduct extensive organizational training and significant management changes. If the forecasts come true, the penitentiary department will have to build new special-regime correctional facilities and solve re-

lated problems [8], primarily financial ones. This includes construction of facilities, as well as providing them with necessary infrastructure, in particular, security systems (including video surveillance, fencing, access control), medical care, nutrition, organization of labor activities for convicts (if any), as well as arrangement of staff facilities and organization of their work in compliance with high security requirements. The most important organizational and legal direction for the creation of new special regime institutions will be their high-tech equipment with surveillance, control, protection, security, etc. Digital technologies in the field of artificial intelligence, big data, augmented reality, and robotics (in the future, even in the field of mind control of convicts, for example, through virtual reality implants) [9; 10] are increasingly being introduced into penitentiary practice.

In turn, the construction of a significant number of special-regime correctional facilities will take a lot of time and appropriate resources. Under these conditions, the Federal Penitentiary Service of Russia will face the need to develop a special program for the deployment of a correctional facility data system, ensure necessary financial, logistical and personnel support for its implementation, as well as to make significant changes and additions to existing regulatory legal acts, for example, the Concept for the Development of the Penal System of the Russian Federation for the Period up to 2030, etc.

In addition, it will be required to train qualified personnel: security guards, medical personnel, psychologists, social workers, specialists who are able to effectively work with particularly dangerous criminals serving life sentences [11]. It will be necessary to work out and implement new methods of working with this category of prisoners with regard to the specifics of their psychological state and potential danger. It may require a review of existing organizational regulations and development of new legal norms governing conditions of serving sentences in special-regime correctional facilities.

Geographical location of new correctional facilities should be taken into account. Their construction should be optimal in terms of transport accessibility, safety and minimizing risks to the population of the surrounding areas. Special attention should be paid to the issues of re-socialization of those sentenced to life imprisonment, although the chances of their successful reintegration into society are extremely low. This requires elaboration of special programs aimed at minimizing recidivism risks and supporting social adaptation even in conditions of life imprisonment. All these aspects require effective administrative and managerial activities on the part of the Federal Penitentiary Service of Russia, significant financial, personnel and other resources. It is also important to conduct a comprehensive analysis of the existing practice of working with those sentenced to life imprisonment in other countries and use the best international experience.

Alternative approaches to the execution of life and long-term imprisonment

Nowadays, there are various alternative approaches to solving this problem related to changing conditions of serving a sentence of life imprisonment. It makes sense to turn to foreign experience, realizing that its mechanical transfer to Russian reality is impossible, but the concept itself deserves attention. We are talking about the phased serving of life sentences in various institutions, where it is expected that the conditions of isolation and restrictions for this group of convicts will gradually be eased. Those sentenced to life imprisonment, as a rule, spend a certain period in specialized institutions (the duration of this period varies), after which they are transferred to ordinary correctional institutions. There they are held together with other convicts, but some legal restrictions may be stricter than those for the majority of prisoners [12].

In this case, the problem of building special institutions for these categories of convicts will not be as acute as it is today. But such a decision requires not only the state's will to change legislation, but also understanding and sup-

port from the society. In conditions of non-application of the death penalty, harsh conditions of serving sentences for persons sentenced to life imprisonment seem to compensate for the population's dissatisfaction with the process of liberalizing the state's punitive policy towards the most dangerous categories of criminals. The intensity of public indignation against terrorists and serial killers is currently exceptionally high, therefore any spontaneous measures to liberalize conditions of their life imprisonment will be negatively perceived by the society.

Therefore, when deciding on the development of a punitive policy in this direction, it is necessary to carry out certain explanatory work: once a person was granted relief of the death penalty, the state and society took care not only of preserving his life, but also of the necessary conditions for its continuation.

Currently, the maintenance of one person serving a life sentence costs the state significantly more than other categories of convicts (primarily due to provision of isolation and security measures). In this regard, we should agree with V.I. Seliverstov that at the present time "the provisions of criminal and penal legislation that express Russia's policy towards convicts serving life imprisonment should not be ignored. The criminal policy towards those sentenced to life imprisonment is expressed not only in increased criminal law restrictions for these persons, but also in the possibility of their parole after 25 years" [13, p. 195]. At the same time, as the practice of correctional facilities where this category of criminals is held shows, not all of them need strict isolation. There are many people who could well continue to serve their sentences in ordinary correctional facilities of strict or special regimes, waiting there for the expiration of a 25-year term when they can be released on parole. This point of view is also supported by the scientific community [14]. For example, E.N. Kazakova believes that "a twenty-five-year term of possible parole established by law should be the maximum, the minimum term should be lowered to at least seven years" [15, p. 48].

We believe that in modern conditions it is necessary to consider this idea as a working hypothesis, and the details of its implementation can be the subject of constructive discussion. One possible solution may be the following: a convict spends the first ten years in a specialized high-security correctional facility. If no violations of the rules of serving a sentence are recorded during this period, he can be transferred from ordinary conditions of this institution to a correctional facility of strict or special regime for further serving his sentence in ordinary conditions of these institutions. These can be either correctional facilities or institutions specially organized for this category of people, but it is preferable to keep this category of criminals in ordinary territorial correctional facilities.

So, special regime institutions will maintain three groups of convicts: 1) persons who have committed new crimes while serving life imprisonment; 2) violators of discipline; their transfer to ordinary correctional facilities is postponed by virtue of current legislation; 3) newcomers who are waiting for the completion of a 10-year term in order to apply for transfer to a strict or special regime correctional facility.

Given the possibility of transfer, those sentenced to life imprisonment will have an incentive to comply with the law, which will improve the atmosphere in institutions and allow for more effective educational work.

The issue of life imprisonment should be considered taking into account the category of convicts serving 25–30-year imprisonment. These categories of convicts can be considered as a single specific group in terms of the organization of serving and executing sentences [16].

At the same time, when organizing the execution of long-term and life imprisonment, it is possible to apply various approaches. One of them should be considered fully justified, in which all categories of convicts will serve the first ten years of imprisonment in strict condi-

tions and, perhaps, in single special institutions [7]. Then, depending on their behavior, they can be transferred to less restrictive conditions and to other institutions, or continue to be in special institutions in case of malicious violations of the established order of serving their sentence.

This approach is fair and humane both for the society (dangerous criminals are in long-term isolation) and for convicts themselves, who will be able to improve their conditions after the first decade of service. In addition, other control options should be considered in order to make informed decisions. This will facilitate the creation of an effective system of the execution of sentences for those sentenced to long-term or life imprisonment. We find the current state of affairs economically, educationally, and preventatively inappropriate.

Results

In conclusion, attention should be drawn to the fact that a certain humanization of the execution of life and long-term imprisonment is a global phenomenon. In particular, the summary of the Department for the Execution of Judgments of the European Court of Human Rights (ECHR) draws attention to the fact that the European Court has noted that, although the European Convention on Human Rights does not prohibit the imposition of a life sentence on persons convicted of especially serious crimes, in order for the sentence to be compatible with Article 3 of the Convention, it must be reducible de jure and de facto. This means that there must be both a prospect of release for the prisoner and a possibility of review. The basis of such review must extend to assessing whether there are legitimate penological grounds for the continuing incarceration of the prisoner. In this regard, the importance of assessing the progress made by prisoners towards rehabilitation is underlined, since it is here that the emphasis of European penal policy now lies, as reflected in the practice of the contracting states. [17].

We believe that criminal legislation should provide for an effective organizational and legal mechanism for the initial review of sentences of life and long-term imprisonment no later than twenty-five years after their imposition and for regular reviews thereafter. At the same time, legislative criteria and conditions related to the review of sentences should be sufficiently clear and definite, and those sentenced to life imprisonment themselves should know from the very beginning of serving their sentences what they should do for their release and under what conditions such release is possible. Such an approach will require solving related organizational and legal tasks in the field of developing a network of special institutions, personnel training and provision of other resource support for their functioning.

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Legal Mechanisms for Countering Disinformation in the Fight against the Promotion of a Criminal Lifestyle as a Subculture

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Abstract

Introduction: the article is devoted to the analysis of legal mechanisms for countering disinformation in the framework of combating propaganda of a criminal lifestyle as a separate subculture. *Purpose*: based on the generalization of theoretical, legal, organizational and preventive methods of countering disinformation aimed at spreading destructive subcultures, including those promoting a criminal lifestyle as an acceptable social phenomenon, to identify promising areas for the formation of a sustainable anti-criminal worldview. *Methods*: historical, comparative legal, empirical methods of description, interpretation; theoretical methods of formal and dialectical logic; private scientific methods: interdisciplinary, systemic, comparative legal, statistical, system-structural, sociological. *Results*: the concept of a criminal lifestyle, its public danger and impact on young people and the role of legal norms in preventing the spread of disinformation that supports such views are considered. The article analyses current legislative initiatives, law enforcement issues, and proposals to improve legal regulation in the context of combating criminal propaganda. In addition, some socio-economic factors contributing to the spread of the destructive ideology, primarily among young people, are identified. *Conclusion*: the fight against disinformation should be based on an integrated approach that takes into account both legislative and educational measures. To reduce the demand of certain social strata for information of this kind, solving socio-economic problems is an important element of the system of measures to counter the spread of a destructive ideology of the criminal subculture. Measures aimed at forming an anti-criminal worldview should be implemented not only by law enforcement agencies, but also by prevention agencies with the involvement of public organizations.

Keywords: criminal lifestyle; subculture; disinformation; legal mechanisms; propaganda; the youth; law-making.

5.1.1. Theoretical and legal historical sciences.

5.1.2. Public law (state law) sciences.

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Introduction

Subcultures that support a criminal lifestyle are becoming an increasingly prominent element in the society. Among the threats posed by such subcultures, a special place is occupied by their ability to spread disinformation, which creates a false perception about the attractiveness of criminal life among young people. Propaganda of such ideologies is often carried out through Internet platforms, mass media and other communication channels, which poses a threat to public safety and stability. In this regard, legal mechanisms for countering disinformation in the fight against criminal propaganda require careful analysis and improvement.

Concept of criminal lifestyle as a subculture

A criminal lifestyle is a system of norms, values, and attitudes that justifies breaking the law and engaging in criminal activity. Such a subculture forms strong beliefs among its members that crime is not only justified, but also a profitable way to achieve personal goals. This leads to a distortion of ideas about law and justice, which in turn contributes to an increase in crime, especially among young people.

Russian researchers F.R. Khisamutdinov and A.E. Shalagin define criminal subculture as a system of values, customs, traditions, norms and rules of behavior distorted under the influence of the criminal world, which contributes to the organization and manageability of criminal groups and communities [1, p. 46]. According to Ya.E. Knol' and V.Yu. Britik, a criminal subculture is formed primarily among marginalized groups of the population, which often include young people from disadvantaged families and people in difficult situations. At the same time, a criminal subculture is associated with the image of a "tough guy", which contributes to its spread among young people who seek self-affirmation and recognition [2].

Modern criminal subcultures, such as, for example, the AUE extremist movement recognized as extremist in Russia, are widespread on the Internet, where the dissemination of information about criminal exploits and "heroes" becomes an element of maintaining the internal identity of groups. Thus, misinformation that supports a criminal lifestyle plays a key role in ensuring the viability of such communities.

Young people are the most susceptible to the destructive influence of misinformation, which forms false attitudes and beliefs. It is noteworthy that ideas romanticizing a criminal lifestyle often spread among people without criminal experience.

For A.M. Ryabkov and Yu.A. Tokareva who refer to the research of American scientists R. Merton, R. Cloward and L. Ohlin, it is contradictions in public life that trigger development of a criminal subculture. For example, the contradiction between the values imposed by society and the possibilities for achieving them according to the rules established by this society, as well as the difference between values of the lower strata and the middle class, is a prerequisite for the spread of a criminal subculture. At the same time, modern foreign psychologists point to the need for adolescents to belong to a strong group and a bright leader who forms the laws and principles of interaction him/herself, not obeying generally accepted norms [3, pp. 11–12]. At the same time, psychological foundations for the formation of a criminal subculture include external and internal factors. The former include attractiveness of antisocial behavior as independence and freedom, while the latter are based on the age-related features of personality development and the need for self-expression [3, p. 12].

Problems of spreading disinformation and its impact on society

Disinformation that supports criminal values can be presented in various forms: from fake stories about the heroism of criminals to distorted ideas about life in prison and rules of the criminal world. This information is disseminated through blogs, social media, video content, and other modern media platforms, making it particularly difficult to combat.

It is noteworthy that young people brought to criminal liability primarily receive information about a criminal subculture from the Internet and social networks. At the same time, schoolchildren serving a suspended sentence more often use criminal jargon and nicknames and listen to musical compositions promoting prison romance and a criminal lifestyle than those serving sentences in juvenile correctional facilities. They are more likely to follow unofficial

laws, norms and rules. This phenomenon can be partially explained by the work to curb the spread of criminal ideology carried out in juvenile correctional facilities [3, pp. 14–16].

Young people are vulnerable to such propaganda and often lack sufficient knowledge to evaluate the information. As a result, they get a false perception of criminal life as not only a legitimate, but also an attractive alternative to traditional ways of achieving success.

It should be noted that the problem of the younger generation's involvement in criminal subcultures is typical for many countries. Thus, A.A. Rean and I.A. Konovalov cite as examples groups of minors in the USA, Latin America and the Caribbean, Canada, Europe, China, Hong Kong, Africa and Australia. At the same time, in the United States, the emergence of youth criminal groups is associated with social and economic reasons, such as the search for security and the desire to earn money [4, p. 194]. European youth criminal gangs are smaller in size compared to American ones and show lower crime rates. Their descriptions often refer to subculture, dating networks, and problematic behavior [4, p. 195]. Chinese juvenile criminal subcultures are characterized by low organization, short-term presence of members in their composition, territorial attachment and commission of crimes in public places that do not pose a particular danger, but can lead to severe punishment in accordance with the law. In Hong Kong, most criminal youth subcultures receive financial and organizational support from "triads" (historically established organized crime groups) [4, p. 196]. Australia is characterized by the presence of ethnic conflicts among the youth of criminal subcultures defending their territory and intra-group status [4, p. 199]. In African countries, the presence of juvenile criminal subcultures is associated with a difficult socio-political situation in the region. At the same time, we identified a correlation between the experience of imprisonment and involvement in criminal groups in South Africa [4, p. 199].

Thus, the formation of a criminal subculture is often connected with social problems of society. However, false beliefs about the permissibility of a criminal lifestyle are formed due to the dissemination of destructive ideologies. It is noteworthy that often ideas romanticizing a criminal lifestyle are spread not in conversations with people who have a criminal record, but on the Internet.

A.A. Glukhova and D.A. Shpilev identify five main techniques used by website moderators:

1) substitution of traditional values by the criminal world ideology;

2) propaganda of sociopathic attitudes;

3) forcing the user to register on the website;

4) propaganda of aggressive behavior;

5) formation of a persistent ironic and negative attitude towards representatives of the law enforcement system [5, p. 1,646].

In this case, website moderators act as persons who create conditions for the activities of a criminal subculture rather than those directly organizing the activities themselves [5, p. 1,650].

Researchers identify six stages of teenagers' involvement in subculture:

1) the first acquaintance with materials of the website in order to arouse interest in the content;

2) registration on the website where the "as a dare" technique is used ("A website for tough guys", "No gays here", etc.);

3) discussion of universal human values, as well as rules of behavior of tough guys;

4) substitution of traditional values by the criminal world ideology starting with the discussion of theses no one can disagree with;

5) propaganda of social attitudes leading to the formation of the desire to ignore and violate the rights of others;

6) clarification of criminal customs and the special status of a thief in law.

Thus, this system is capable of forming controlled fighters with clear sociopathic, anti-law enforcement attitudes [5, p. 1,656]. As the above analysis shows, the spread of the criminal subculture ideology on the Internet is a socially dangerous phenomenon that can lead to general criminalization of society, especially the younger generation.

Legal mechanisms for countering disinformation

Nowadays, there are various norms in Russian legislation aimed at combating propagan-

da of violence, crime and extremism, but they do not always effectively counteract disinformation related to criminal subcultures.

By the decision of the Supreme Court of the Russian Federation of August 17, 2020 in case no. AKPI20-514c, the international public movement "Arrested Criminal Unity" was recognized as extremist and its activities are prohibited on the territory of the Russian Federation. This decision has a number of legal consequences not only for members of the extremist organization but also for those who carry out its propaganda.

At the same time, it is worth noting that the definition specified in the decision of the Supreme Court of the Russian Federation does not correspond to the definitions given in the Federal Law No. 114-FZ of July 25, 2002 "On Countering Extremist Activities" and the Criminal Code of the Russian Federation. According to this federal law, the definition of an extremist organization is given in the absence of a definition of the concept of movement [6, p. 76].

The key norms regulating the fight against propaganda of criminal ideologies are articles of the Criminal Code of the Russian Federation aimed at suppressing activities related to calls for violence, incitement to hatred or hostility. It is important that these articles deal not only with direct calls to commit crimes, but also with indirect propaganda of a criminal lifestyle. However, their application in practice faces difficulties related to defining the boundaries between freedom of speech and criminally punishable actions. In addition, as noted by M.P. Kleimenov, M.G. Kozlovskaya, A.I. Savel'ev, the norms of criminal law provide for responsibility for organizing activities of not only an extremist organization in accordance with Article 282.2, but also an extremist community in accordance with Article 282.1 of the Criminal Code of the Russian Federation. This raises the question of qualifying activities of the AUE movement as a community or organization [7, p. 76].

The resolution of the Plenum of the Supreme Court of the Russian Federation No. 11 of June 28, 2011 "On judicial practice in criminal cases of extremist crimes" does not explicitly clarify the issue of qualifying the AUE movement as an organization or community, however, the concepts of an extremist organization and an extremist community are disclosed. An extremist community is defined as a stable group of individuals who have joined together to prepare or commit one or more extremist crimes, while an extremist organization must be included in a special list of extremist organizations to be published. The list of public associations and religious organizations in respect of which a court has taken a final decision to liquidate or ban their activities on the grounds provided for by the Federal Law No. 114-FZ of July 25, 2002 also includes an international public movement "Arrested Criminal Unity" (Paragraph 78). As law enforcement practice shows, criminal acts to organize activities of cells of the AUE extremist movement is qualified under Article 282.1 of the Criminal Code of the Russian Federation [7–9]. However, there is also a practice of qualifying criminal activities related to the AUE movement under Article 282.2 of the Criminal Code of the Russian Federation as organization of activities of an extremist organization [10; 11].

Thus, in some cases, there may be competition between norms of articles 282.1 and 282.2 of the Criminal Code of the Russian Federation as rightly pointed out by S.A. Yudicheva. At the same time, an extremist community is a more dangerous criminal association, and if we narrow down the range of crimes by indicating their categorical affiliation to serious or especially serious crimes of an extremist orientation, then the organization of an extremist community can be considered as an independent crime in accordance with Article 282.1 of the Criminal Code of the Russian Federation, albeit on the basis of an organization recognized by a court as extremist [12, pp. 112–113].

Thus, criminal liability has been established for organizing activities of the cells of the movement promoting a criminal lifestyle. However, liability for spreading this kind of a destructive ideology is not limited to criminal law norms.

Administrative measures such as blocking of websites and removal of content containing criminal propaganda occupy a special place in the fight against criminal propaganda. However, in the context of the rapid growth of digital technologies and the spread of disinformation through anonymous platforms, these measures are not effective enough without proper content

control and the implementation of comprehensive monitoring measures.

In accordance with Clause 8 of Part 1 of Article 15.3 of the Federal Law No. 149-FZ of July 27, 2006 "On Information, Information Technologies and Information Protection", information materials of an international organization whose activities are prohibited on the territory of the Russian Federation in accordance with the Federal Law "On Countering Extremist Activities" are understood to be distributed in violation of the law and are subject to blocking. According to Yu.B. Nosova, to restrict access to information resources containing information materials of the AUE movement, the extrajudicial restriction procedure is applicable to information materials listed in clauses 1 and 3 of Part 5 of Article 15.1 of the federal law mentioned above [13, p. 171]. Information materials of an organization recognized by a court decision as prohibited on the territory of the Russian Federation in accordance with the Federal Law "On Countering Extremism" are not included in this list, and therefore the extrajudicial procedure for restricting access to such information materials is not applicable.

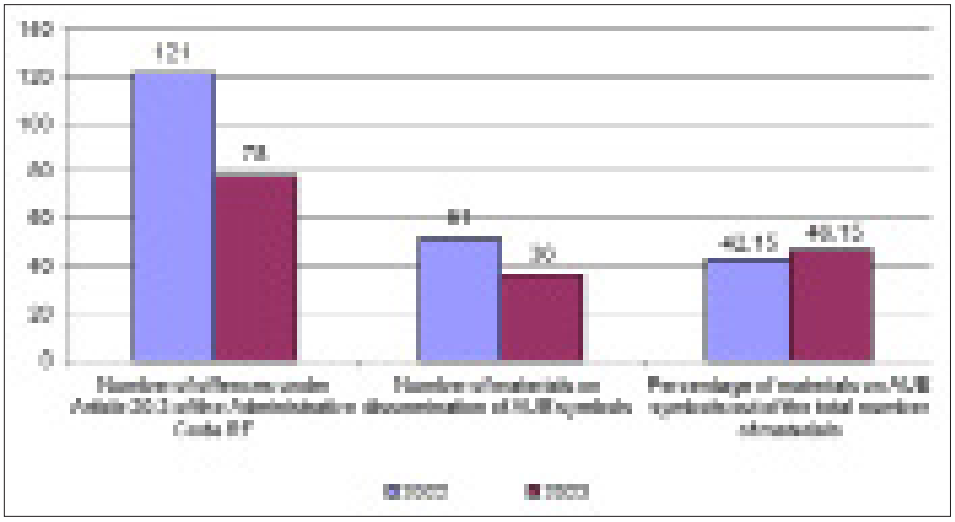

Diagram. Statistics of administrative offenses related to demonstration of prohibited symbols

Nowadays, there is a judicial practice of recognizing information materials of the AUE movement as prohibited for distribution on the territory of the Russian Federation, as evidenced by publications in the media and on the official websites of local governments on the Internet [14–16].

It is also worth noting that in addition to administrative measures aimed at suppressing the dissemination of information materials from the AUE movement, domestic legislation provides for liability in accordance with the Administrative Code of the Russian Federation. Examples of the AUE symbols are given in the descriptive part of the decision of the Supreme Court of the Russian Federation of August 17, 2020 in case no. AKPI20-514c. Liability is provided for demonstrating attributes or symbols of a prohibited organization in accordance with Article 20.3 of the Administrative Code of the Russian Federation. It is noteworthy that liability comes not only for the publication of information materials on the Internet, but also for the demonstration of such symbols during interpersonal communication or in public places. Thus, one of the elements of the symbols of the AUE movement is an eight-pointed star, which may be present on the body of some convicts. In this regard, demonstration of these symbols to third parties, including those in the same correctional institution, is an administrative offense. The existence of law enforcement practice in relation to persons serving criminal sentences in the form of imprisonment is evidenced by the presence of publications in the media and official websites of courts [17; 18]. It is noteworthy that repeated propaganda or demonstration of symbols by a person brought to administrative liability under

Article 20.3 of the Administrative Code of the Russian Federation implies criminal liability in accordance with Article 282.4 of the Criminal Code of the Russian Federation. An example is the sentencing of R.I. Bittuev for posting photographs of his body with tattoos demonstrating symbols of the AUE movement in the profile of the instant messaging service [19].

Bringing to administrative liability for propaganda of the AUE movement occupies a significant share among the total number of offenses provided for in Article 20.3 of the Administrative Code of the Russian Federation in the law enforcement practice of law enforcement agencies. Thus, in the Perm Oblast, the number of registered offenses related to propaganda of the AUE movement amounts to more than 40% out of the total number of offenses related to public demonstration of Nazi symbols and symbols of banned organizations in 2022 and 2023 (diagram).

Possible ways to improve legal mechanisms for countering disinformation aimed at propaganda of a criminal lifestyle.

To more effectively counter disinformation and propaganda of criminal subcultures, it is necessary to:

1. Develop clearer criteria for identifying and suppressing disinformation aimed at promoting a criminal lifestyle taking into account current realities of the digital society. For example, the list of symbols of the "AUE" criminal subculture described in the court decision recognizing the movement as extremist is limited to an eight-pointed star with black and white rays and epaulettes with a tiger's head, an eight-pointed star, wings and a swastika. This fact hinders bringing to justice persons who publish information materials promoting the criminal ideology using symbols not included in the court decision without conducting additional research. At the same time, in practice, it is difficult to assign research to graphic materials, since there are no experts in the relevant field in the system of the Ministry of Internal Affairs of Russia who are able to give a qualified conclusion about the affiliation of symbols to an extremist organization.

2. Strengthen control over Internet platforms where criminal information is disseminated by introducing new technologies for monitoring and blocking content. In order to increase the security of the information space, we consider it appropriate to use computer monitoring systems, including those based on the use of artificial intelligence technologies. At the same time, an important aspect of the application of such technologies will be their legal regulation. As domestic researchers rightly point out, the legal regulation of artificial intelligence systems is only being developed nowadays [20, p. 25], and the issue of the legal personality of artificial intelligence remains controversial [20, p. 32–35]. The provision of computer technology with decision-making capabilities, for example, on classifying information material as prohibited, may even have economic consequences for its author (for example, a decrease in audience coverage on the Internet as a result of a decrease in the attractiveness of an information source for advertisers), which makes the issue of the legal personality of artificial intelligence particularly acute.

3. Work out educational programs aimed at fostering critical thinking among young people and preventing involvement in criminal subcultures, since they can reduce the number of people who show interest in the destructive ideology. In order to boost effectiveness of the fight against the spread of a criminal subculture, it is reasonable to carry out preventive work in youth groups most affected by this subculture within the framework of state, regional and municipal programs, involving not only representatives of the education system, but also public authorities, including law enforcement agencies, local governments and public organizations. For these purposes, the legal provision of preventive activities will play the role of a link that regulates the duties and responsibilities of each participant in this process.

4. Counter social prerequisites for the spread of a criminal subculture among young people. Research shows that the criminal subculture is most widespread in the least favorable economic and political environment. As mentioned above, the unattainability of the material benefits pushes people to commit criminal acts. Therefore, an important task of the state is to form a favorable economic and social environment in society, develop social elevator systems

and ensure their accessibility to the population, including from the lower social strata, as well as to inform the population about such opportunities. The legal support of these processes and law enforcement practice should guarantee the achievement of the stated goals.

5. Fix legal responsibility for creators and distributors of materials promoting criminal ideologies. At the same time, responsibility for digital platforms and mass media in order to protect the rights and freedoms of citizens, organizations and society as a whole can be based on principles of self-regulatory organizations, when the reputational and economic costs of a violator will be incomparably higher than the criminal and administrative penalties established by law, which will force them to follow strict ethical standards of monitoring and filtering of published information.

Conclusion

In order to form a stable anti-criminal worldview of the population, especially among young people, it is necessary to further general theoretical research of the problem within the framework of not only legal science, but also social, economic, cultural, pedagogical and political sciences. We identified key directions for improving legal mechanisms for countering disinformation aimed at promoting a criminal lifestyle. Countering the spread of the destructive ideology that promotes a criminal lifestyle is a complex task that requires an integrated approach that includes not only improving the regulatory framework for activities in this area and law enforcement practice, but also combining preventive measures with solving socio-economic problems. Legal mechanisms for countering disinformation and propaganda of a criminal lifestyle should be comprehensive and integrated, covering both legislative measures and public initiatives. Combating such phenomena requires not only the adoption of new laws, but also the development of effective law enforcement methods, as well as the formation of a stable anti-criminal worldview among citizens.

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Relevance of Studying a Problematic Issue of Placing and Detaining Convicts in Cell-Type Premises

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Abstract

Introduction: the issue of placing and detaining convicts in cell-type premises has a long history, being relevant not only due to the conflict behavior of convicts in conditions of long-term social deprivation, but also due to the need to suppress (prevent) the ideology of extremism in prison-type correctional institutions. *Purpose*: to determine the relevance and significance of the issue of placing and detaining convicts in cell-type premises in penitentiary institutions. *Materials and methods*: a review-analytical method including a theoretical and methodological analysis of available scientific and literary sources, as well as an ascertaining empirical method regulating the analysis of organizational-methodological and normative-legal sources. *Results*: all available theoretical and methodological sources on the studied problematic issue are analyzed. The conclusion about the relevance and significance of the issue of cell placement and detention of convicts in penitentiary institutions is substantiated. The experience of psychological work (diagnostic and correctional) in penitentiary institutions of ерцBryansk and Vladimir oblasts is described. *Conclusion*: to prevent possible problems of cell placement of convicts, it is necessary to take into account the intensity of past criminal activity of convicts and its type; serving a sentence in the past; personal characteristics; religion; socio-cultural development level; presence of mental anomalies; presence of categories of preventive registration; attitude to measures of influence, labor, and regime. The author gives recommendations on solving the problem of unstructured time of convicts through employment; diagnosing true intentions of groups of convicts; developing skills of tolerant and conflict-free behavior of convicts, etc.

Key words: convicts; placement in cell-type premises; ideology of extremism and terrorism; destructive behavior; conflicts; social deprivation; psychologists; prisons; penal system.

5.3.9. Legal psychology and accident psychology.

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Introduction

The issue of placement and detention of convicts in prison cells and locked rooms (punitive isolation ward, ward-type room, single ward-type room) has always been significant for the penal system. But today the relevance of this issue is of particular importance due to the strengthening of destructive personal characteristics of convicts in general and those who are kept in locked rooms and prisons in particular [1, p. 357; 2, p. 128; 3, p. 48]. There is an increase in the number and proportion of convicts with mental abnormalities due to drug and alcohol addiction before they have been placed in a pre-trial detention center and convicted [4, p. 54; 5, p. 23], as well as spreading the ideology of extremism and terrorism in penitentiary institutions [1, p. 358]. The destructive circumstances mentioned above contribute significantly to the urgency of the issue of cell placement and detention of convicts.

Empirical part

The issue of psychological compatibility in small social groups has been considered in sufficient detail by researchers. Thus, A.E. Krasovskaya presents the following components of compatibility: motivational-purposeful (consistency of motives and goals), perceptual (based on interpersonal perception), communicative (flexibility of communication patterns), behavioral (acceptance of another's style of behavior), and emotional (emotional preference) [6, p. 27].

S.V. Krutkin studying compatibility of military teams identifies the following criteria of psychological compatibility: emotional satisfaction with joint life activities with team members and emotional satisfaction of group members with joint life activities. Homogeneous combinations of factors of personal anxiety-adaptability and heterogeneous combinations of factors of leadership-subordination are of crucial importance for the mutual psychological compatibility of military personnel in a team [7, p. 118].

V.V. Kozlovskii defines compatibility as tolerance, which is an essential aspect of communication and coherence in the relationships and actions of different individuals and groups, a measure of compatibility of participants in interaction [8, p. 188]. This view translates the concept of tolerance into the category of basic categories of interpersonal interaction. Analyzing tolerance as a phenomenon of communication, the author points to the conflict potential of a low degree of its manifestation, "many socio-cultural conflicts are caused precisely by a low degree of tolerance, that is, incompatibility, disruption of relationships, and, consequently, blocking of communication" [8, p. 189].

The problem of placing and detinig convicts in cell-type premises is traditionally considered by penitentiary psychological researchers as part of the methodological issue of the formation of temporary tolerant small groups of convicts in conditions of social deprivation [9, p. 31; 10, p. 24; 11]. Various aspects of social mechanisms and patterns of functioning of small groups of convicts have been studied by I.P. Bashkatov, A.G. Bronnikov, Yu.A. Vakutin, B.F. Vodolazskii, V.G. Deev, V.F. Klyukin, S.I. Kurganov, A.I. Mokretsov, V.F. Pirozhkov, A.N. Sukhov, G.F. Khokhryakov, I.G. Shmarov, and others.

Studying the relevance of the issue of placement and detention of convicts in prison cells and locked rooms, the author uses materials of works prepared by the Research Institute of the Federal Penitentiary Service of Russia and departmental institutions. The author analyzed research materials obtained over the past twelve years as a result of psychodiagnostic and experimental psychocorrective work with convicts serving sentences in locked rooms (cells).

The review-analytical method applied includes a theoretical and methodological analysis of available scientific and literary sources, while the ascertaining empirical method regulates the analysis of organizational, methodological and regulatory sources.

It is worth mentioning that a few years ago penitentiary psychologists considered formation of temporary tolerant groups of convicts

in isolation from society. It added additional meaning to the generally accepted definition of tolerance as patience for a different worldview, religion, nationality, lifestyle, behavior and customs [9, p. 33; 10, p. 28].

The scientific and methodological literature devoted to the formation of tolerant groups fixes group cohesion as its main goal [12, p. 17; 13, p. 14; 15, p. 41], which seems inappropriate in conditions of penitentiary institutions. It does not seem advisable to first artificially form a group that meets operational requirements of psychological compatibility, and then purposefully work to rally this community, which may subsequently create the ground for the combined implementation of illegal intentions.

The formation of tolerant, emotionally distanced, conflict-free behavior of individuals who, contrary to their interests, are forced to stay in one limited territory for a long time, with strict regulation of activities and in conditions of emotional saturation with a formal group, can be considered optimal.

Tolerance has (and should have) its limits. For example, if you build a pyramid of opinions on an issue, then up to a certain level the convict treats it calmly, but from a certain level it is already irreconcilable. Expanding the boundaries of personal components of tolerance in this pyramid is one of the goals of optimal cell placement of convicts. A tolerant group of convicts, therefore, is a social community, within which the behavior, customs, worldview, and religion of each individual are tolerated, thereby ensuring their rights and safety.

When creating a special informal environment for convicts, specific conditions for serving sentences in penitentiary institutions are formed [15]. It is recommended to take these features into account when forming various groups of convicts in correctional institutions, since the group includes convicts who initially have no reasons or motives for joining, which can be an additional factor in increasing the period of adaptation to the group, communication difficulties, and the occurrence of short and long-term conflict situations.

The analysis of available scientific and methodological sources shows that the subjects of research activities of the Federal Penitentiary Service of Russia who conducted not only theoretical but also applied (experimental) study of the problematic issue considered in the article include the Research Institute of the Federal Penitentiary Service of Russia and several interregional departments of psychological work of the territorial bodies.

Thus, the study conducted by the interregional department of psychological work of the Federal Penitentiary Service of Russia in Krasnoyarsk Krai shows that when forming groups of convicts of various types it is necessary to take into account:

– intensity of past criminal activity of convicts, its type;

– serving a sentence in the past;

– personal characteristics;

– religion;

– socio-cultural development level;

– presence of mental abnormalities;

– presence of preventive accounting categories;

– attitude towards measures of influence, labor, regime, etc. [16, p. 24].

The study of the differentiation of convicts into groups conducted by another interregional department of psychological work has identified a number of patterns, the knowledge of which helps to prevent undesirable phenomena [8, p. 17]. First, unity is achieved in a group when its members become attached to each other more than they realize it. The longer such a group functions in stable conditions, the more cohesive it becomes.

Second, when regulating intra-group relations in order to achieve necessary tolerant interaction, the following phenomena may occur:

– if a group has been functioning for a long time and its members know each other's abilities, then convicts are usually chosen who are well versed in the environment and can point out solutions to emerging problems related to the functioning of the group, but they often do not take into account the abilities, skills and desires of each member of the group when assigning responsibilities. Thus, ignoring the interests of certain convicts boosts unhealthy competitiveness and the likelihood of conflict, which ultimately leads to even greater polarization of relations, verbal and physical aggres-

sion, which can lead to operational problems of varying degrees of complexity;

– representatives of the group are much more loyal to their group, do not compromise for fear of "turning on their friends" and defend the generally accepted intra-group point of view. The mechanisms operating within the group have a huge impact on all areas of the convict's socio-psychological functioning. Thus, intra-group dynamics as a natural phenomenon has a number of both positive and negative sides [8, p. 19].

Ignoring intra-group dynamics in cell-by-cell placement can lead to socio-psychological, operational and regime problems within both an individual cell and a correctional institution as a whole [17, p. 148].

Summarizing the research materials of both interregional departments of psychological work, we can propose the following measures to prevent problems connected with placement of convicts in cell-type premises:

– ensuring that employees are aware of the psychological mechanisms operating at different stages of the group's development;

– ensuring that employees are aware of the specifics of a criminal subculture that affect the interaction of convicts;

– conducting psychological measures aimed at conflict prevention;

– constant and prompt cooperation of employees of all departments and services on problems arisen due to placement of convicts in cell-type premises;

– constant monitoring of the dynamics of the socio-psychological situation;

– systematic rotation of convicts;

– ensuring the priority of key vectors of work in this direction, i.e. the formation of tolerant attitudes and preventing the consolidation of small groups of a negative orientation.

In 2013, considering the problematic issue of detaining convicts in prison cells, the staff of the Federal Research Institute of the Federal Penitentiary Service of Russia developed a diagnostic and psychological corrective program "Formation of temporary tolerant groups in conditions of isolation from society", consisting of two modules: diagnostic and psychological corrective. The applied part of the program was tested in the Bryansk Juvenile Correctional Facility of the Federal Penitentiary Service of Russia in the Bryansk Oblast and the Prison No. 2 of the Federal Penitentiary Service of Russia in the Vladimir Oblast [10, p. 48].

The staff of the institute notes that the work on the formation of temporary tolerant groups presupposes a group form of work (this is what the program is designed for) [10, p. 37]. However, due to the regime requirements, it is not always possible for prison inmates to perform group exercises. However, the exercises in the program are selected in such a way that they are suitable for individual work, laying a certain foundation for the development of tolerant relations among convicts belonging to the same group in conditions of cell placement.

After implementing relaxation, art-therapeutic and socio-psychological blocks of the diagnostic and psychological corrective program, certain positive results were achieved in the emotional-volitional, behavioral and interpersonal spheres of convicts' life [10, p. 41; 18, p. 56]. This is why we are now interested in the research experience of the staff of the Institute and the interregional departments of psychological work of the territorial bodies of the Federal Penitentiary Service of Russia, who conducted not only a theoretical study of the issue of temporary placement of convicts, but also implemented the experimental part of the research work.

In modern conditions of detaining convicts in cell-type premises, we can identify the following problems: conflict behavior, consequences of prolonged social deprivation, a rise in the destructive general characteristics of convicts (criminal law, penal enforcement, socio-demographic, etc.), increased manifestations of mental abnormalities due to drug and/or alcohol addiction of convicts before conviction [4, p. 37], and spread of the ideology of extremism and terrorism in penitentiary institutions [19, p. 180].

Conclusions

First, the theoretical and applied (experimental) studies conducted earlier on the problematic issue of detaining convicts in cell-type premises are still of some interest, as they achieved certain positive results and proposed a number of practical recommendations.

1. Certain mechanisms of group dynamics begin to work in any community of people who have been together for a long time. To prevent such phenomena, it is required to conduct regular rotation, otherwise there may emerge acute emotional protest reactions and even attempts to commit acts of disobedience. Rotation does not imply the transfer of one convict to another cell, but the renewal of a separate group by more than 60% [6, p. 39].

Another positive aspect of rotation is the significant emotional energy intensity of this process: convicts adapt to the microclimate of a new group, arrange their lives and build interaction with new cellmates, which temporarily reduces the overall non-constructive activity in the group.

2. A low percentage of convict employment in labor is an important aspect. On the one hand, it is an indicator of the stability of their criminal attitudes, on the other – the difficulty of combating a prison subculture. However, the key problem of unemployment is the presence of unstructured time, which creates the ground for conflicts caused by monotony and various kinds of violations of the regime of serving sentences.

3. Most groups of convicts in places of deprivation of liberty, regardless of the nature of their orientation, hide their true intentions. It is impossible to assert that a particular community of convicts has a positive orientation. Employees of a penitentiary institution should try to diagnose intentions of the group of convicts.

4. The problems of cell placement extend beyond the authority of the institution's psychologist, since the distribution of cells is primarily handled by the staff of the operations department. In some cases, recommendations of a psychologist are taken into account only within the framework of available operational information, the occurrence of problems in existing groups, which shifts the focus from psychological work to operational work.

5. Conducting trainings (other psychotechnics) aimed at cohesion and team building is impractical in conditions of cell placement of convicts, since it boosts their intra-group activity and cohesion. In this regard, it seems advisable to work individually to stabilize the emotional background of individual convicts, to develop skills of tolerant and conflict-free behavior in conditions of incarceration, which requires strengthening the role of the employee in intra-group processes – large-scale extensive work of correctional psychologists.

6. Conditions of cell placement imply separation, not cohesion of convicts. This model, focused on international standards rather than the Russian mentality, is unusual for both employees and convicts and can be passively rejected. Thus, when a particular group of convicts looks well-to-do and the authorities of a facility may reject rotation with this group. It will lead to the formation of an influential community, which will subsequently begin to dictate its terms [20, p. 48; 21, p. 115].

Second, the theoretical and applied research on the detention of convicts in cell-type premises was conducted in 2013–2018. This state of affairs automatically determines the relevance and significance of the problematic issue of detaining convicts in prison cells and locked rooms, taking into account current conditions of the functioning of the penal system.

In modern conditions of increased destructive general characteristics of convicts and manifestations of mental abnormalities due to drug and alcohol addiction before conviction, as well as the spread of the ideology of extremism and terrorism in penitentiary institutions, the need for theoretical and applied research with mandatory experimental study of the problematic issue of temporary placement and detention of convicts is also extremely urgent.

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

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Abstract

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

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

5.1.4. Criminal law sciences.

5.8.1. General pedagogy, history of pedagogy and education.

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Introduction

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

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

The Concept for the Development of the Penal System up to 2030 approved by the Decree of the Government of the Russian Federation No. 1138-r on April 29, 2021 is also focused on improving educational, psychological and social work with convicts, aimed at forming a respectful attitude towards society, work, norms, rules and traditions of human community, increasing the level of openness and forming a positive opinion about activities of the penitentiary system defines wider interaction with civil society institutions as one of the directions for further development.

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

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

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

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

Results

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

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

The concept of "correction of convicts" fixed in the Penal Code of the Russian Federation does not have clear criteria for evaluating its correction, but contains a description of the process. The researchers propose to formulate the concept as follows: correction of a convicted person is the formation of a stable volitional refusal from illegal activities, while a stable refusal implies the absence of offenses, penalties, compliance with internal regulations, labor discipline, participation in educational activities, etc. [6, pp. 18–19]. At the same time, the Penal Code of the Russian Federation determines public impact as one of the means, which can act both independently and in combination with labor, physical, and patriotic education.

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

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

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

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

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

In addition to territorial authorities, institutions of the penal system are also entitled to conclude cooperation agreements. Such agreements are usually concluded with public organizations whose activities cover the needs of a narrow circle of convicts. For example, the Arkhangelsk Juvenile Correctional Facility of the Federal Penitentiary Service in the Arkhangelsk Oblast has concluded cooperation agreements on counseling for juvenile convicts with the Autonomous Non-Profit Organization "Center for the Protection of Family, Motherhood and Childhood "Mamina Pristan" and the ones on physical education of juvenile convicts with the regional public organization "Rugby Federation of the Arkhangelsk Oblast". The composition and number of associations with which agreements have been concluded at the institution is unstable, so the mentioned Arkhangelsk Juvenile Correctional Facility interacted with fifteen public organizations in 2020–2023.

Subjects of assistance in educational work with juvenile convicts.

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

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

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

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

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

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

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

According to the materials of the study on the Arkhangelsk Juvenile Correctional Facility, 45% of the respondents were raised in single-parent families, 15% – in orphanages and boarding schools, that is, more than half of the convicted minors did not have a full and caring family as a role model. Meanwhile, family education is one of the priorities of Russian state policy at the present stage and a constitutional value. Minors have the right to communicate with relatives and be brought up, if not in a family, then with its participation. The activity of parent committees contributes to prompt correction of convicts, effective educational work with minors, establishing socially useful ties with the family, motivating adolescents to law-abiding behavior, providing assistance to orphans and persons deprived of parental care, as well as minors from disadvantaged families, etc. For the effective implementation of these measures, it is required to create a high-quality parental committee ready to participate in the correction of minors. So, correctional facility employees hold conversations with potential members of the parent committee and single out persons with an active and law-abiding lifestyle who have the opportunity to actively participate in the work of the committee.

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

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

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

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

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

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

Assistance of public associations in physical education of juvenile convicts.

Considerable attention in modern Russian society, including in correctional institutions, is paid to the state of health of citizens and increasing attractiveness of physical culture and sports. This problem is especially relevant for adolescents: the level of health in adolescence depends on the implementation of life plans, including vocational training, the pursuit of social development, the creation of a family and the birth of children, etc. Thus, according to statistics, the number of children aged 0 to 17 years with the first health group in 2021 decreased by 4.6% compared to 2016, the number of obese adolescents almost doubled from 2010 to 2022, the number of respiratory diseases increased by 15% [13, p. 59; 14, p. 77]. In the course of the study conducted by the Arkhangelsk Juvenile Correctional Facility, it was found that bad habits were the main causes of deterioration in the health of pupils in more than half of the cases: more than 80% of them had tried and actively consumed alcohol, tobacco, about a quarter – narcotic substances before conviction. In many cases, teenagers follow a negative example – alcoholism and drug addiction in their environment and family. The above leads to the conclusion about the importance of forming health-saving competencies, including confidence in the need for an active lifestyle, physical culture and sports, and rejection of bad habits.

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

– participation in sports events organized in juvenile correctional facilities as co-organizers;

– assistance in the organization of permanent sports sections in the juvenile correctional facility;

– assistance in the purchase of sports equipment, arrangement of sports grounds.

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

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– participation in sports events organized in juvenile correctional facilities as co-organizers;

– assistance in the organization of permanent sports sections in the institution;

– assistance in the purchase of sports equipment and arrangement of sports grounds.

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

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

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

Promotion of patriotic education of juvenile convicts.

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

As part of the implementation of the first direction, work is underway to organize museums and alleys of fame, simulator complexes and obstacle courses for pre-conscription training of pupils on the territory of a juvenile correctional facility. Thus, in the Arkhangelsk Juvenile Correction Facility there is a museum “Arkhangelsk – the city of military glory”, an obelisk dedicated to the citizens of Arkhangelsk who laid down their lives to protect the Motherland, an Alley of Memory dedicated to the memory of soldiers who died during the Great Patriotic War, the war in Afghanistan and the armed conflicts in the North Caucasus due to joint efforts of employees and public organizations of a military-patriotic orientation. Juvenile convicts were involved in research work on the selection of materials, which also had educational significance.

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

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

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

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

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

In addition to the above-mentioned areas of interaction between public organizations and juvenile correctional facilities, materials of the official websites of institutions for juvenile convicts also reveal such vectors of interaction as environmental and religious education, assistance in re-socialization and preparation for release. Thus, within the framework of the environmental direction, juvenile correctional facilities interact with regional and all-Russian environmental organizations and movements, including participating in regional all-Russian actions and marathons on tree planting, plastic collection, landscaping, etc. The research and development of this area in educational work with juvenile convicts will contribute to the formation of socially significant competencies of minors. We also consider it important to study interaction between juvenile correctional facilities and religious organizations and public associations focused on helping people who find themselves in a difficult life situation.

Conclusion

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

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

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Digital Transformation of Departmental Vocational Education: Problems and Prospects

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Abstract

Introduction: the article is devoted to the problem of digital transformation of departmental vocational education. The research is relevant due to the active introduction of digital technologies into education, the creation of a digital environment in universities, and the use of digital tools in the process of teaching and upbringing, which not only contributes to improving the effectiveness of the educational process, but also creates problems and poses new challenges to the pedagogical community. *Purpose*: to conduct a theoretical analysis of the digital transformation of departmental education, to identify positive and negative aspects of this process, to discuss problems and prospects of the educational process using digital tools, and to consider the pedagogical feasibility of integrating digital resources into the system of departmental education. *Methods*: analysis of scientific literature, systematization and interpretation of the results of the conducted research. *Results*: it is revealed that digital transformation opens up undeniable advantages for education in organizing a modern educational space, saturating it with the possibilities provided by digital technologies for individualizing learning, introducing interactive teaching methods, expanding opportunities for self-realization and self-actualization, using a network form of education that allows attracting the best specialists, scientists and experts in the field of penitentiary science. However, digital transformation also creates new challenges that require non-standard solutions and innovative strategies to overcome the problems departmental universities and teachers face, in particular in ensuring the training of teaching staff for the use of technology and cybersecurity. The future of education is associated with the active introduction of virtual reality technologies, artificial intelligence, and digital technologies, teachers should be prepared for the fact that digital transformation of education is a continuous process, but its effectiveness and quality are largely determined by the harmonious interaction of technical innovations and pedagogical expediency.

Keywords: digital transformation; digital technologies; departmental educational organization; cadet; digital educational environment; digital culture; pedagogical expediency.

5.8.1. General pedagogy, history of pedagogy and education.

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Introduction

Digital technologies are actively introduced in all spheres of our lives. Examples of digitalization are used today in the economy, the social sphere, everyday life, the public administration system and other areas of society, making our lives more comfortable. The modern education system is also mastering digital technologies, a digital environment is being created in universities, digital resources and tools are used in the learning and upbringing process.

At the current development stage, the education system is moving from digitalization to digital transformation. At the first stages of the introduction of digitalization there was a transition to a digital form of information representation (digitization of information and its organization). Digital technologies and information were used to improve the quality and effectiveness of the educational process and optimize institutional operations, for example, in the administration of the educational process, admission of applicants, etc. A new stage, digital transformation is being implemented today.

Coverage of the problem under study in the scientific literature

At the state level, digitalization processes, including the education system, are regulated by laws and other regulatory legal acts. Thus, the decree of the President of the Russian Federation No. 474 of July 21, 2020 "On the national development goals of the Russian Federation for the period up to 2030" indicates the achievement of "digital maturity" of key economic sectors and the social sphere as one of the targets of the national goal of "digital transformation".

By the decree of the Government of the Russian Federation No. 3759-r of December 21, 2021 "Strategic direction in the field of digital transformation of science and higher education", digital maturity of an educational organization is "achievement by an educational organization of the indicators established in the methodology for assessing the digital maturity of educational organizations subordinate to the Ministry of Education and Science of the Russian Federation". The decree "On approval of methodological recommendations for the introduction of modern digital technologies into basic general education programs", approved by the Order of the Ministry of Education of the Russian Federation No. R-44 of May 18, 2020, presents indicators of digital transformation, such as digital infrastructure of an educational organization, conditions for solving administrative tasks, use of digital technologies by teachers at various stages of the pedagogical process, use of digital tools by students, formation of digital competence of students, professional development of teachers in the field of digital technology, management of an educational organization in the context of digital transformation".

The works of A.A. Andreev [1], A.A. Verbitskii [2] and others reveal opportunities and risks of active introduction of digital resources.

E.V. Petrova's research presents a position on the digital transformation of didactics, which, according to the scientist, is based on "a paradigm shift from traditional learning to the design of the learning process: learning becomes a reflexive form of multi-cross-action" [3, p. 26].

Relevant problems of digital transformation of departmental education are the following: automation of educational processes in universities and preparing qualified specialists for modern challenges, such as information wars and information warfare in order to achieve information superiority [4].

We consider digital transformation as deep systemic changes in culture, technology, and positions of the educational process subjects requiring the creation of new educational mod-

els, rethinking of pedagogical strategies, innovative directions, and the change in forms and methods of organizing training.

Results and discussion

Significant contradictions in the training of specialists for the penal system in the context of the new technological reality are the following:

– technological equipment of professional activity in connection with the opportunities offered by the use of digital technologies;

– the need for a systematic scientific approach to modernizing the training of penitentiary specialists in modern conditions and the formation of current educational practice of departmental institutions, new goals and function of education.

To resolve the existing contradictions today, it is not enough to adapt new technologies in the educational process – this is the past of the education system, it is necessary to rethink pedagogical strategies, teaching methods, forms of interaction between teachers and students. It is connected with the goals that a modern person tries to achieve due to dynamic development of science and technical re-equipment of all spheres of society. In the modern world, a specialist should be flexible, capable of constant self-development, ready to quickly collect and process large flows of information, sociable, creative, ready for innovation, and having analytical abilities. Training of such a specialist requires introduction of radical changes, which poses new problems, including transition to an innovative culture, administrative processes based on horizontal links, and new ways of presenting educational materials and evaluating knowledge [5–7].

Lifelong learning assumes teaching a person to improve his/her knowledge, gain new competencies, and build new development routes for self-realization and self-actualization.

Educational platforms, multimedia, and virtual reality technologies comprise a digital resource through which cadets not only learn more effectively, form digital competencies, but also practice their skills and consolidate their acquired skills on simulators, and enrich their initial practical experience. Though digital technologies provide certain opportunities for teachers and students, their introduction poses certain problems for educational subjects and creates new challenges.

The main factors that have a significant impact on digital transformation of the educational process are resources and capabilities of the organization; skills of subjects of the educational process; use of digital technologies; and digital culture of employees of the educational organization. We will consider these factors in more detail and analyze their significance for the effectiveness of the educational process.

Undoubtedly, integration of various technologies into the educational process is impossible without a perfect educational and material base of the university (online platforms, software, computers, tablets, interactive whiteboards specially designed for educational purposes, etc.). Today it is the condition of the very existence of the university. Talking about benefits of using digital resources is no longer relevant. It is generally recognized by teachers and students that providing access to information by means of digital tools makes the learning process broader and more convenient, as it opens up opportunities for both teachers and cadets to gain relevant knowledge and view educational materials online at a convenient time, which forms deeper and more versatile competencies. As for psychological advantages, the possibility of visual perception of information is especially important for men (the main contingent of universities in the law enforcement system) for more effective and in-depth assimilation of knowledge. Digitalization enriches the learning process with new forms of interactivity and multimedia, which opens up new forms of interaction between teachers and cadets, stimulating a deeper learning impact.

Taking into account the departmental affiliation of universities, universities of the Federal Penitentiary Service of Russia may not use all

software products in the educational process, but only those that have passed certain expertise or certification.

In the context of digital transformation, civil universities are also facing significant challenges and problems, in particular, restrictions on the use of modern technical devices. Universities of the law enforcement system, the Ministry of Defense, and other law enforcement agencies should meet high standards of cybersecurity. Realizing that the introduction of digital technologies should take into account, first of all, the interests of the department, it is necessary to consider opportunities to meet the needs of participants in the educational process. The problem of exclusion of cadets from the digitalized educational process due to the existing digital divide needs to be resolved. It is possible to create accessible and inclusive conditions for participants in the education system.

It is quite obvious that the pedagogical effect of digital technologies, their impact on the effectiveness of the educational process and the quality of training are largely determined by the teacher. The teaching staff needs to acquire competencies of integrating digital technologies into the educational process.

The methodology "Digital Competence Index" (G.U. Soldatova, E.I. Rasskazova, T.A. Nestik) allows to evaluate an integral indicator of digital competence and its four components by subscales: knowledge, skills, motivation and responsibility [8].

A systematic approach also requires a review of pedagogical approaches, pedagogical expertise of potential challenges and opportunities accompanying digital transformation of education. Digitalization sets teachers the task of developing interactive learning materials and assignments, tests, and individualized learning plans, which requires additional time for their development. A teacher can create such programs together with a student, but the content and methodological aspect should be developed by a teacher. At the same time, such interaction enhances communication between participants in the educational process and facilitates mutual understanding.

The introduction of digital technologies into the education system significantly changes the teacher's mission and the functions he/she performs. Once having been a translator of knowledge, the teacher becomes a mentor providing guidance to students along the educational route. Organizational, pedagogical, and psychological conditions of learning are changing, which obliges the teacher to change, rethink, and develop, including in the field of information and digital technologies [9]. Recognizing that digital educational technologies give a transformational character to the changes taking place at the same time, it is important not to forget that the urgent task is to preserve the humanistic mission of education.

The global goal of education is to introduce an individual to the achievements of human civilization and to relay and preserve its cultural heritage. In this regard, the purpose of the educational process is the formation of personal value-semantic systems based on universal humanistic values. No digital technologies can affect mechanisms of interiorization of values and personal development without the personality of another individual, since "opportunities to empathize, develop a value attitude to the facts of the world around us, and learn to interact with other subjects open up in the process of dialogue as a way of existence for culture and man" [10]. We back the point of view of I.Yu. Kameneva that "it is at this level the educational process includes the student's personal experience and his/her (experience's) further development associated with the development of personal functions – those human manifestations that realize the phenomenon of "being a person" [11].

Let us consider digital culture as a digitalization factor. This definition has appeared in our vocabulary due to the active spread of digital technologies and the emerging digital society.

Culture" is organically related to education. It is easy to assume that digitalization will affect culture, while forming new meanings. Humanity faces a new challenge – to learn how to transform the emotional background to a digital context, which requires a developed emotional intelligence [12]. Today, emotional intelligence is discussed in dissertations and considered in numerous studies. However, it is still required to study new communication formats, aggravation of age-related interactions, complexity of mutual understanding, and openness of digital recourses, as well as to develop regulatory and ethical rules, regulations, and standards [13].

The education system needs a new vision of ways to regulate interpersonal relationships between teachers and students in the digital world. Students, as bearers of other values, easily cross boundaries in the relationship between teacher and student; it requires the introduction of appropriate regulations.

Conclusion

1. The main opportunities that digital transformation opens up for education are the individualization of learning and adaptation to the needs of educational process subjects to ensure the effectiveness of the process and expand opportunities for self-realization and self-actualization. The introduction of online courses and virtual technologies helps involve the best specialists, scientists and experts in the education process. This form will also allow cadets from different universities to interact, share experiences, and create joint projects. Digitalization of education demonstrates indisputable advantages in organizing a modern educational space, saturating it with the opportunities provided by digital technologies for learning, introducing interactive teaching methods, subject-to-subject interaction of participants in the educational process, and optimizing the educational process as a whole through the introduction of digital programs. Digital technologies allow a teacher to conduct any lesson at a higher technical level by saturating it with relevant information, presenting complex educational material visually and in an unusual way, and helping students perceive information more deeply and consciously. The gradual abandonment of paper media will contribute to the optimization of time management in the professional activity of a teacher.

2. The creation of digital textbooks, teaching aids, and educational materials with interactive elements makes lessons visual and exciting, as well as gamifies education as a whole, which will contribute to the deep immersion in the disciplines being studied and the formation of cadets' abilities in demand in the XXI century, such as creativity, critical thinking, interactivity, collaboration, and communication.

3. Digital transformation of education requires effective training of teaching staff for the use of technology, which can be implemented in various forms of self-study, retraining in courses, participation in webinars, specialized trainings, in collaboration with teachers who have successfully integrated digital technologies.

4. Despite its multiple advantages, digitalization of education also creates new challenges, requires non-standard solutions and innovative strategies to overcome the problems, departmental universities face.

Today, virtual reality and artificial intelligence are being actively introduced in the educational process. It enriches cadets' learning experience, contributes to effective knowledge acquisition, and development of the skills necessary for successful adaptation to professional activities in the digital age.

We should be prepared for the fact that digital transformation of education is a continuous process, but its effectiveness and quality are largely determined by harmonious interaction of technical innovations and pedagogical expediency.

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