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Legal Regulation of Interaction between State Bodies and Civil Society Institutions in Activities of Criminal Executive Inspections: Challenges and Development Prospects

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Abstract

Introduction: the article analyzes legal regulation of interaction between state bodies and civil society institutions in the activities of criminal executive inspections, identifies existing problems, and defines prospects for the development of this interaction in the context of humanizing criminal policy and expanding the application of non-custodial sentences. *Purpose*: based on the analysis of current legislation and law enforcement practice, to identify problems in the legal regulation of interaction of criminal executive inspections, state bodies and civil society institutions, as well as to develop proposals for improving the regulatory framework in this area to boost effectiveness of the execution of non-custodial sentences and resocialization of convicts. *Methods*: comparative legal analysis, formal legal method, systematic analysis of regulatory legal acts. Theoretical methods of formal and dialectical logic, analysis of statistical data, and empirical analysis of law enforcement practice are applied. Results: the analysis reveals the fragmentation and lack of systematicity in the legal regulation of the interaction considered. There are the following problems: absence of a legally defined concept of "interaction" in relation to the activities of criminal executive inspections; insufficient regulation of information exchange between interacting subjects; and a lack of a clear delineation of powers and responsibilities among interacting subjects. Significant potential for the participation of law enforcement and social rehabilitation public associations in activities of criminal executive inspections is identified. The necessity of improving legislation regulating the procedure for coordinating places for serving compulsory labor is substantiated. *Conclusions*: a set of measures to improve legal regulation of interaction of criminal executive inspections, state bodies and civil society institutions is proposed, including the development and adoption of special regulatory legal acts governing this interaction; supplementing the Penal Code of the Russian Federation with a separate chapter "Interaction of institutions and bodies executing punishments with state bodies and civil society institutions"; legislative consolidation of the possibility of concluding interaction agreements between criminal executive inspections and various subjects of crime prevention; development of standard forms for such

agreements; adoption of a federal law regulating the procedure for coordinating a list of places for serving compulsory labor with local self-government bodies and organizations; legislative consolidation of forms of participation of civil society institutions in the activities of criminal executive inspections.

Keywords: criminal executive inspections; interaction; state bodies; civil society institutions; alternative punishments; resocialization of convicts.

5.1.4. Criminal law sciences.

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The modern criminal policy of the Russian Federation is characterized by a steady trend towards humanization and expanded application of punishments and criminal law measures not involving the isolation of convicts from society. According to judicial statistics from the Judicial Department of the Supreme Court of the Russian Federation, the share of persons sentenced to non-custodial punishments and criminal law measures exceeds 70% of the total number of convicts [1]. Criminal executive inspections of the Federal Penitentiary Service of Russia play a key role in the execution of these types of punishments, and their activities are impossible without effective interaction with state bodies and civil society institutions. The specifics of their functioning lie in the fact that the successful achievement of punishment goals (correcting convicts and preventing the commission of new crimes) in this case is only possible through the consolidation of efforts of various subjects of preventive influence. As E.V. Lyadov rightly notes, "the execution of punishments alternative to imprisonment, by their legal nature, presupposes the active involvement in this process not only of specialized state bodies but also of civil society institutions" [2, p. 15]. Interaction between these subjects of crime prevention is implemented exclusively in the form of assistance, since criminal executive inspections do not have authoritative or controlling powers over other state bodies and public organizations. Their relationships are built on the principles of cooperation, mutual assistance, and support to achieve common goals – the execution of non-custodial sentences, crime prevention, and resocialization of convicts [3, p. 50]. However, the existing legal regulation of this interaction is characterized by fragmentation, a lack of a systematic approach, and the presence of legal gaps. The fundamental norms regulating the interaction between criminal executive inspections and state bodies are enshrined in the Regulations on criminal executive inspections approved by the decree of the Government of the Russian Federation No. 729 of June 16, 1997. According to Clause 7 of this document, activities of criminal executive inspections are ensured through interaction with units of internal affairs bodies, administrations of enterprises, institutions and organizations where convicts are employed, local self-government bodies, prosecutor's offices, courts, and public associations. This norm is general and does not disclose specific mechanisms, forms, and methods of interaction. The Penal Code of the Russian Federation also contains separate provisions on the interaction between criminal executive inspections and other subjects. Thus, Part 1 of Article 25 of the Penal Code of the Russian Federation establishes that those sentenced to compulsory labor are sent to organizations determined by local self-government bodies in coordination with the criminal executive inspections. However, the legislation lacks norms that detail the procedure for such coordination, the responsibility of the parties, and ways to resolve disagreements that arise.

The Federal Law No. 33-FZ of March 20, 2025 "On general principles of the organization of local self-government in the unified system of public power" is a fundamental regulatory act that fixes basic principles of functioning and powers of local self-government bodies within the unified system of public power of the Russian Federation. In the field of crime prevention and interaction with penitentiary system

institutions, the law enshrines a number of key provisions and powers. It defines that local self-government bodies are an integral part of the unified system of public power, performing public administration functions at the municipal level. This emphasizes not only their administrative independence but also their coordinating role in implementing state tasks, including crime prevention and assistance to penitentiary institutions. Local self-government bodies are authorized to develop and implement local programs and measures aimed at preventing crimes and other offenses within the municipality, which includes organizing preventive campaigns, educational work among the population in general and representatives of specific at-risk groups identified in cooperation with law enforcement agencies. Furthermore, the law mandates systematic work with special categories of citizens, including persons released from places of deprivation of liberty, to minimize factors contributing to crime recidivism.

Local self-government bodies are obliged to establish and maintain effective interaction with territorial units of the Ministry of Internal Affairs, criminal executive inspections, and social services to coordinate preventive measures and exchange information necessary for crime prevention.

The law provides for the creation of joint commissions and working groups to ensure prompt resolution of issues related to recidivism prevention, support, rehabilitation of offenders, and legal assistance. The functions of local self-government bodies include ensuring the mechanism for coordinating and controlling the places and list of types of work for serving compulsory labor.

It should be noted that local self-government bodies monitor the respect for the rights and social guarantees of convicts serving sentences within the municipality, which is an important component of recidivism prevention. They participate in organizing events aimed at social rehabilitation of persons released from places of deprivation of liberty, including assistance in employment, education, medical and psychological help. They provide comprehensive support to persons released from correctional institutions, which requires established coordination with healthcare institutions, employment services, and public organizations.

The law assigns local self-government bodies to attract public associations, religious, and national-cultural organizations to crime prevention. This includes both participation in joint preventive campaigns and implementation of programs for disseminating legal knowledge and fostering a tolerant attitude to convicts in the society.

The federal law No. 33-FZ creates a comprehensive legal and organizational basis for the activities of local self-government bodies in the field of crime prevention and assistance to penitentiary system institutions. It contains a clear list of powers aimed at creating an effective interdepartmental and public system for crime prevention and support for persons directly involved in the penitentiary process, thus contributing to improving the quality of penal policy implementation at the municipal level and strengthening the unified system of public power.

The authors consider it appropriate to develop a draft law regulating the procedure for coordinating places for serving compulsory labor. Its general provisions should include powers of local self-government bodies, a coordination procedure regarding the formation of proposals for the selection and approval of places for serving sentences, the need to specify the territory, a number of workplaces and working conditions, the obligation and timeframe for criminal executive inspections to consider the aforementioned proposals, deadlines for providing reasoned consent or refusal, a procedure for eliminating comments or requirements of criminal executive inspections, and a procedure for resolving existing disagreements. The provisions on responsibility of the parties should reflect the responsibility of local self-government bodies for providing conditions that comply with established labor and safety standards for those serving sentences, the responsibility of criminal executive inspections for timely consideration of proposals and informing local self-government bodies about it, and the disciplinary responsibility of interacting parties for violating coordination deadlines or unjustified refusal. The federal law No. 218-FZ of July 23, 2025 “On amending the Criminal Code of the Russian Federation and repealing Clause 7.1 of Part 1 of Article 299 of the Criminal Procedure Code of the Russian Federation” (the document comes into force on January 20,

2026, after one hundred and eighty days from the date of its official publication) stipulates that corrective labor is assigned to a convict who has a primary place of work. In turn, according to the federal law No. 219-FZ of July 23, 2025 "On introducing amendments to the Penal Code of the Russian Federation" (the document comes into force on January 20, 2026, after one hundred and eighty days from the date of its official publication), Part 4 of Article 39 of the Penal Code of the Russian Federation is stated as follows: "A convict dismissed from his/her primary place of work after the court's verdict (ruling, resolution) is obliged to find employment independently or register with the employment service agencies to find suitable work within 15 days from the date of registration with the criminal executive inspection or from the date of dismissal. The convict does not have the right to refuse the job or retraining offered to him/her by the employment service agencies". It should be noted that N.V. Ol'khovik previously pointed out the advisability of including employment service agencies in the subjects participating in the organization of the execution of punishments in the form of compulsory and corrective labor, specifically in determining the organizations where these punishments can be served [4, p. 63].

To implement provisions of the federal law No. 6-FZ of February 6, 2023 "On probation in the Russian Federation", the order of the Ministry of Labor No. 779n of October 27, 2023 "On approval of the standard agreement on interaction of institutions executing punishments in the form of forced labor or deprivation of liberty and criminal executive inspections with employment service agencies in the course of activities in the field of post-penitentiary probation" was issued. It defines the areas of activity of subjects of post-penitentiary probation (probation in relation to persons sentenced to deprivation of liberty and forced labor, released from correctional institutions and correctional centers). The order came into force on January 1, 2024. According to this document, one of the areas of interaction between criminal executive inspections and employment service agencies is the monthly provision of information to criminal executive inspections about available vacancies and a list of professions in demand in the labor market. The agreements are designed to ensure interaction between institutions executing punishments in the form of deprivation of liberty and forced labor with employment service agencies, with the goal of promoting employment for persons for whom a decision has been made to provide assistance in resocialization, social adaptation, and social rehabilitation. In light of the adoption of the federal law No. 219 of July 23, 2025, there is a need to specify the forms and deadlines for providing information, taking into account the halving of the period for involving convicts in serving sentences in the form of corrective labor.

A significant gap in the legal regulation is a lack of clear regulation of the interaction between criminal executive inspections and civil society institutions. To improve the effectiveness of crime prevention work, it should be carried out in close cooperation with state and public structures [5, p. 50]. In the authors' opinion, it is necessary to include a corresponding section in the Penal Code of the Russian federation similar to Section V of the RSFSR Correctional Labor Code, to improve the legal regulation of public participation in the process of correcting convicts [6, p. 24]. The public remains the most important element of the prevention system [7, p. 489].

Article 23 of the Penal Code of the Russian Federation stipulates the assistance provided by public associations to institutions and bodies executing punishments. However, specific forms of such assistance in relation to activities of criminal executive inspections are not disclosed. As a result, the potential of civil society in solving the tasks of resocializing convicts is insufficiently used.

The federal law No. 182-FZ of June 23, 2016 "On the fundamentals of the system for crime prevention in the Russian Federation" establishes the legal basis for public participation in activities aimed at preventing offenses, including among persons sentenced to punishments. This regulatory act defines a range of subjects who, along with traditional subjects of crime prevention, are entitled to participate in relevant events. According to Part 4 of Article 2 of the federal law No. 182-FZ, persons involved in crime prevention activities include citizens of the Russian Federation, public associations, and other organizations. The federal law No. 44-FZ of April 2, 2014 "On the participation of citizens in the protection of public order" supplements and specifies norms of the federal law

No. 182-FZ stipulating that citizens of the Russian Federation who have reached the age of 18 have the right to participate in the activities of law enforcement-oriented public associations created by them at the place of residence, location of property, work, or study. Such associations operate in the form of a public initiative body without legal entity status. Key aspects of their functioning are the following: 1) assisting internal affairs bodies (police) and other law enforcement agencies in ensuring public order; 2) participating in the prevention and suppression of offenses; 3) disseminating legal knowledge and explaining norms of behavior in public places [8, p. 339].

Thus, key areas of possible interaction between criminal executive associations and law enforcement-oriented public associations are as such:

– participation in activities aimed at preventing offenses and crimes by convicts;

– assistance in monitoring the behavior of convicts and their compliance with court-imposed duties and restrictions;

– participation in educational work with convicts;

– assistance in the legal education of convicts;

– assistance in fostering a respectful attitude towards people, society, labor, norms, rules, and traditions of human society among convicts.

It is also important to consider possibilities of socially rehabilitative public associations. Their activities expand opportunities for providing assistance to convicts, enhance performance of criminal executive inspections, and reduce recidivism rates. Further development of cooperation between criminal executive inspections and public associations is a serious factor for successful implementation of penal policy and ensuring public safety.

Interaction between criminal executive inspections and socially rehabilitative public organizations can be carried out in several key areas, including:

– provision of social, psychological, legal, and other assistance to convicts;

– assistance in employing convicts;

– assistance in obtaining education and vocational training for convicts;

– assistance in restoring socially useful connections;

– prevention of alcohol and drug addiction among convicts;

– assistance in the spiritual and moral education of convicts;

– assistance in adapting convicts to life in society.

These socio-legal and preventive measures can apply to all convicts registered with criminal executive inspections, regardless of the application of probation to them, and will contribute to the successful resocialization of persons sentenced to non-custodial punishments and criminal law measures [9, p. 69].

We find it reasonable to develop standard interaction agreements between criminal executive inspections and public associations, depending on the nature of their activities and organizational structure.

The analysis of law enforcement practice allows us to identify several key problems in the legal regulation of interaction of criminal executive inspections with state bodies and civil society institutions. First, the absence of a legally defined concept of “interaction” in relation to activities of criminal executive inspections leads to different interpretations of its content and forms. It seems appropriate to supplement the Penal Code of the Russian Federation with the following definition: interaction of institutions and bodies executing punishments with state bodies and civil society institutions is “an activity of various subjects based on law and coordinated in terms of goals, place, and time, aimed at achieving the goals of penal legislation”.

Second, the insufficiency of regulations governing information exchange between interacting subjects should be noted. As I.N. Smirnova notes, “the absence of an effective system of information exchange between criminal executive inspections, internal affairs bodies, local self-government bodies, and employment services significantly reduces the effectiveness of preventive work with convicts” [10, p. 719]. To solve this problem, it is necessary to legislatively establish the procedure, deadlines, and volume of information to be exchanged, taking into account the requirements of personal data legislation.

Third, the lack of a clear delineation of powers and responsibilities of the interacting subjects creates difficulties. For example, when organizing the involvement of convicts in com-

pulsory labor, criminal executive inspections face problems in controlling the serving of the sentence. The federal law No. 33-FZ of March 20, 2025 creates a basis for the participation of local self-government bodies in the process related to compulsory labor but does not grant them the status of a body directly executing the punishment. Their role is as follows:

– determining spheres and types of socially useful labor;

– acting as organizers or customers of these works, providing workplaces;

– exercising indirect control over the quality of work performed and sharing relevant information with criminal executive inspections;

– forming municipal legal acts regulating interaction with criminal executive inspections regarding compulsory labor.

Thus, the norms of the aforementioned law defining the competence of local self-government bodies in the field of landscaping, utilities, and social development of the territory form the foundation for practical implementation of compulsory labor punishment despite the fact that direct supervision remains with criminal executive inspections. In accordance with Part 1 of Article 28 of the Penal Code of the Russian Federation, "the administration of organizations in which convicts serve compulsory labor is entrusted with controlling the performance of the work assigned to convicts, notifying the criminal executive inspection of the number of hours worked or of the convicts' evasion from serving the sentence". However, issues related to assisting in controlling the procedure and conditions of serving the sentence, the procedure and deadlines for notifying the controlling body about failures to report for compulsory labor and other violations are not legally elaborated.

To address the identified problems, it seems necessary to adopt a set of measures to improve the legal regulation of interaction with state bodies and civil society institutions.

First, it is advisable to develop and adopt regulatory legal acts regulating the interaction of state bodies and civil society institutions in the execution of non-custodial punishments and criminal law measures. They should define:

– goals, objectives, principles, and main directions of interaction;

– the composition of participants in the interaction;

– forms and methods of interaction;

– procedure, forms, and deadlines for information exchange;

– powers and responsibilities of the interacting subjects;

– mechanisms for assessing the effectiveness of interaction.

Second, the Penal Code of the Russian Federation should be supplemented with a separate chapter "Interaction of institutions and bodies executing punishments with state bodies and civil society institutions", which should include articles regulating the interaction of criminal executive inspections with:

– internal affairs bodies;

– local self-government bodies;

– employment services;

– social protection bodies;

– medical organizations;

– educational institutions;

– public organizations;

– religious associations.

Third, it seems necessary to legislatively consolidate the possibility of concluding interaction agreements between criminal executive inspections and various subjects of crime prevention, providing for standard forms of such documents. Agreements should be formed taking into account participants' common goals (e.g., standard agreements with law enforcement-oriented public associations, socially rehabilitative associations, etc.). This measure will formalize relations between interacting subjects and specify their rights and obligations.

The issue of improving legal regulation of interaction between criminal executive inspections and civil society institutions is particularly relevant. As A.A. Plotnikov notes, "Public control and participation in correcting convicts are the most important elements of an effective system of punishment execution" [11, p. 64].

It should be emphasized that the expansion of the application of non-custodial punishments and criminal law measures entails the need for public control over the observance of the rights of persons registered with criminal executive inspections. Part 1 of Article 3 of the federal law No. 212-FZ of July 21, 2014 "On the fundamentals of public control in the Russian Federation" enshrines the right of citizens of the Russian Federation to participate in the exercise of public control both as part of public and other non-

state non-profit organizations and personally. The rights and freedoms of persons serving criminal sentences are better protected if the relevant institutions are under public control. It is important to more actively involve public organizations, including non-governmental ones, to monitor the observance of convicts' rights [12, p. 71]. Public control over activities related to the execution of punishments is regulated by relevant federal laws. Professor V.E. Yuzhanin argues that the federal law No. 76-FZ of June 10, 2008 "On public control over the observance of human rights in places of forced detention and on assistance to persons in places of forced detention" can be applied only in relation to persons isolated from society [13, p. 20]. At the same time, attention should be drawn to the absence of a regulatory legal act governing public control over the observance of the rights of persons registered with criminal executive inspections and issues of assistance to them.

It seems necessary to legislatively consolidate the following forms of participation of civil society institutions in activities of criminal executive inspections:

– public control over the activities of criminal executive inspections;

– participation in educational work with convicts;

– assistance in employing convicts;

– organization of vocational training for convicts;

– providing social, psychological, medical, and other assistance to convicts;

– assistance in the work of executing punishments and criminal law measures.

Fourth, to improve the effectiveness of the execution of compulsory labor punishments, the development and adoption of a federal law regulating the procedure for coordinating a list of places for serving them with local self-government bodies and organizations would be justified.

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