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CONTENT

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"March of the Vanquished": Preparation, Organization and Symbolic Significance of Escorting German Prisoners of War through Moscow on July 17, 1944

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Abstract

Introduction: based on the analysis of published and unpublished archival documents, as well as the Soviet periodical press, the author considers organizational, military-political and symbolic aspects of the mass convoy of prisoners of war of the German army in Moscow on July 17, 1944. *Purpose*: to study a set of interdepartmental measures to concentrate prisoners of war in Moscow, organize movement of columns, maintain public order in the city, and ensure media coverage of the "march of the vanquished". *Methods*: theoretical methods of formal and dialectical logic, empirical methods of description and interpretation, textual and formal legal methods. *Results*: we have reconstructed a complete picture of the preparation, conduct and information support of the mass convoy of German prisoners of war in Moscow. *Conclusion*: the author concludes that the "march of the vanquished" was of great political and ideological importance, demonstrating the military and moral superiority of the Soviet army over Hitler's troops and the idea of just retribution. The propaganda operation, unprecedented in its scale, the course of which was personally supervised by J.V. Stalin, instilled faith in the hearts of the Soviet people in the approaching Victory of the Soviet Union over Nazism.

Keywords: Great Patriotic War; German prisoners of war; escorting; internal affairs agencies; military propaganda.

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Introduction

In the history of the Great Patriotic War, there are several exceptionally vivid symbolic events that had a significant impact on its perception by contemporaries. One of these events was the "March of the vanquished" – the mass convoy of German prisoners of war through Moscow on July 17, 1944. The history of this unprecedented propaganda event has been covered both in documentary publications [1; 2; 5] and scientific articles [3]. In this article, the author describes the preparation, course and results of the convoy of German prisoners of war through Moscow, as well as the perception of this event by contemporaries and its symbolic significance.

In the summer of 1944, Soviet troops conducted one of the largest and most successful offensive operations of the Great Patriotic War period, Operation Bagration. As a result of the defeat of the German army group Center, Belarus, most of Lithuania and a significant part of Poland were liberated. According to the Soviet Information Bureau, units of the 1st Baltic, 1st, 2nd and 3rd Belorussian fronts captured 158,480 German soldiers and officers, including 22 generals, from June 23 to July 23, 1944 [4]. In general, according to the Directorate for Prisoners of War and Internees of the NKVD of the USSR, in 1944, it received 7 times more prisoners of war than in the previous two years of the war (Russian State Military Archive. Archive 1p. List 23a. Case 1. Page 23).

In order to demonstrate the military successes achieved, the Soviet government decided to conduct a unique propaganda campaign – the march of captured Germans through the streets of Moscow. The NKVD of the USSR developed a detailed plan for transporting prisoners of war, which included material and sanitary provision, organization of the movement of columns, and maintenance of order during movement.

Research

The event was prepared in close cooperation with the military command and state security agencies. The Deputy Head of the Central Directorate of Military Communications, Major General of the Technical Troops V.I. Dmitriev and the Head of the Transportation Department of the USSR People's Commissariat of State Security, the Commissioner of State Security D.V. Arkad'ev were appointed responsible for the transportation of prisoners of war; the Chief of Staff of the Rear of the Red Army, Lieutenant General M.P. Milovskii and the Deputy Head of the NKVD Military Supply Department, Major General of the Quartermaster Service Ya.F. Gornostaev – for food provision, the Head of the Sanitary Department of the NKVD Department of Prisoners of War and Internees, Colonel M.K. Yezhov – for provision of medical and sanitary services to prisoners of war; the Commander of the Moscow Division of the NKVD Convoy Troops Colonel I.I. Shevlyakov – for military protection and organization of convoy service while transporting prisoners by rail, the Commander of the Cavalry Regiment of the 1st Motorized Rifle Division of the NKVD, Lieutenant Colonel Vasil'ev – for guarding and escorting around the city, and the Chief of the Moscow Police, Police Commissar of the 2nd Rank V.N. Romanchenko – for ensuring public order on the city streets [5, p. 135].

The scale of preparatory activities is eloquently evidenced by the figures. It was planned to deliver 60,000 disarmed German soldiers to Moscow, including: 26,000 people from the 1st Belorussian Front, 5,000 people from the 2nd Belorussian Front and 29,000 people from the 3rd Belorussian Front. There is evidence in publications that before sending prisoners of war to Moscow, healthy and able-bodied Nazi soldiers and officers were selected [6].

In the period from July 11 to July 16, 1944, 26 railway trains were supposed to transport 20 generals, 1,200 officers and 58,780 privates. Getting prisoners of war off the train in Moscow was scheduled to begin at 8 p.m. on July 15 and end at 9 p.m. on July 16, 1944. Then they had to be concentrated in three points: 33 thousand people on the Moscow Hippodrome square, 19 thousand people on the territory of the cavalry regiment of the 1st Motorized Rifle Division of the NKVD troops, 8 thousand at the Moscow-Tovarnaya station of the Western Railway. After the convoy was completed, it was planned to send prisoners of war in 26 echelons to NKVD camps from Savelovsky, Rzhevsky, Oktyabrsky, Yaroslavsky, Kazansky, Kursky, Paveletsky, Kievsky, Belorussky railway stations, as well as Boynya and Kanatchikova stations [5, p. 136].

Before the march, the prisoners were planned to be divided into 26 echelon columns, each of which, in turn, was divided into three

battalion columns – the first two for 800 people and the third for 900 people. The movement of the columns was ordered to be carried out in rows of 20 people along the front and 40 people in depth. An interval of 25 m was established between battalion columns and 50 m between echelon columns.

The route of the columns was agreed as follows: the Moscow Hippodrome, the Leningradskoe Highway, the Gorky Street, the Mayakovsky Square and further along the Sadovoe Ring through Samotechnaya and Kolkhoznaya squares, the Krasnye Vorota, the Kursky Railway Station Square, Taganskaya, Dobryninskaya, Krymskaya, Smolenskaya, Kudrinskaya, and Mayakovskaya squares, the Gorky Street, the Leningradskoe Highway, and the Moscow Hippodrome. Thus, the circular movement of the columns was envisaged. The lead column was supposed to move from the hippodrome, followed by a column from the territory of the cavalry regiment, followed by a column from the Moscow-Tovarnaya ramp of the Western Railway. Generals and officers were to follow in a special group (following the third column) under the letter "3-A". The movement of columns was planned to be a free step, and not in the "attention" position. The prisoners of war had to follow in the form (uniforms, shoes, insignia) in which they arrived from the places of captivity.

Guarding echelons of prisoners on the way was assigned to convoys organized at places of getting the contingent to the train, to the 36th division of the NKVD escort troops when prisoners were transported from places of getting off the train to concentration points, and to the cavalry regiment of the 1st Motorized Rifle Division of the NKVD troops when they marched through the city. Each guard was armed with a rifle and a saber. During the movement of columns through the city, maintaining order was the responsibility of the Moscow police, with a cavalry squadron, a separate motorcycle battalion, ordinary and operational personnel being involved. According to a specially developed plan, reinforced police units were required to be deployed at points of large concentrations of people. Control over the movement of trams and vehicles during the passage of convoys was entrusted to employees of the department for traffic regulation [5, p. 137].

Food supplies (dry provisions) for prisoners of war on their way to Moscow were to be provided at the expense of the resources of the 1st, 2nd and 3rd Belorussian fronts, before and after the convoy – funds of the NKVD Military Supply Directorate. To supply prisoners of war with water, 20 tanker trucks were located at the concentration points. From July 12 to July 15, prisoners of war were to receive hot meals once a day, on July 16 – twice a day, and on July 17 a hot breakfast was provided.

Medical and sanitary services for prisoners of war during transportation were provided by a doctor and a paramedic per train. Patients to be hospitalized were evacuated to the sanitary train No. 668, located on the military platform of the Belorussky Railway Station. Medical posts were set up at the concentration points of prisoners of war (the hippodrome, the cavalry regiment and the ramp of the freight station). During the movement of prisoners of war through the city, medical care was provided at mobile first-aid posts, which had vehicles for evacuating patients to sanitary trains at Kazansky, Paveletsky, Kievsky and Belorussky Railway stations. Patients who did not require hospitalization were offered to be evacuated in echelons in a general manner, and in case of mass concentration, they were sent to special hospitals. In case of death, prisoners of war were buried by forces of the Krasnogorsk NKVD camp No. 27 [5, p. 138].

On July 13, 1944, the Head of the People's Commissariat for Internal Affairs L.P. Beria sent a report to the USSR State Defense Committee and J.V. Stalin about the upcoming convoy of prisoners of war through Moscow. Unlike the plan previously developed by the NKVD, it was proposed to escort prisoners of war not on July 17, but on July 15, that is, two days earlier. The number of escorted prisoners of war decreased from 60 to 55 thousand people, and the number of troop trains – from 26 to 24. The concentration of prisoners of war was established not in three, but in two points: at the Moscow hippodrome and the parade ground of the 1st Motorized Rifle Division of the NKVD. Both points, located in the area of the Khoroshevsky and Leningradskoye highway forks, were planned to be isolated and guarded by convoy troops.

The route of prisoners of war underwent changes as well. They were supposed to be

escorted from the Moscow Hippodrome along the Leningradskoye Highway, the Gorky Street, the Mayakovsky Square and further along the Garden Ring along Sadovo-Triumfalnaya, Sadovo-Karetnaya, Sadovo-Samotechnaya, Sadovo-Sukharevskaya, Sadovo-Spasskaya, Sadovo-Chernogryazskaya, Chkalovskaya, Zatsepny Val, Zhitnaya, Krymsky Val streets, Zubovsky and Smolensky boulevards, the Tchaikovsky Street, through the Kudrinskaya Square along Barrikadnaya and Krasnopresnenskaya streets, through the Krasnopresnenskaya Square, along the Vagankovskaya Street to the hippodrome.

It was also indicated that the columns would include 20 people in a line, 800 people in a battalion column, with the exception of two sections of the route – from the Kursky Railway Station to the Krymskaya Square and from the Kudrinskaya Square to the Khoroshevsky Highway, where these rows were supposed to be reduced to a line of 10 people along the front due to the width of the street in these places. The movement was scheduled to begin at nine o'clock in the morning and be completed by four o'clock in the evening. The report also included a diagram of Moscow indicating the route of the convoy of prisoners of war [5, pp. 138–139].

However, the proposed date of the event had to be postponed due to difficulties with the reception and transfer of prisoners of war, as evidenced by L.P. Beria's report No. 758/b of July 16, 1944 addressed to J.V. Stalin. It detailed shortcomings in the work organization at the assembly points of prisoners of war and the prisoners of war affairs department at the 2nd Belorussian Front. To eliminate them, the Deputy Head of the Prisoners of War Department of the NKVD of the USSR N.T. Ratushnyi, the Head of the NKVD Convoy Troops V.M. Bochkov, and a group of operatives and interpreters were sent there [5, p. 140]. In order to improve the reception of prisoners of war from military units and formations and their evacuation inland, in July–August 1944, the front-line department of the UPVI of the NKVD of the USSR was formed, the system of front-line institutions of military captivity was reorganized, new reception and assembly points were deployed, front-line reception and transfer camps (Russian State Military Archive. Archive 1p. List 9a. Case 8. Pages 165–167; List 23a. Case 1. Pages 15–19).

On July 15, L.P. Beria submitted another statement to J.V. Stalin. It indicated that the convoy of prisoners of war through Moscow would begin at 11 a.m. on July 17. The route of the prisoners of war through the city was once again adjusted. It was planned to march 18 echelon columns from the hippodrome along the Leningradskoye Highway, the Gorky Street through the Mayakovsky Square, along Sadovaya-Karetnaya, Sadovaya-Samotechnaya, Sadovo-Sukharevskaya, Sadovo-Chernogryazskaya streets to the Kursky Railway Station Square. The remaining 8 echelon columns were to move from the Mayakovsky Square along Bolshaya Sadovaya and Sadovo-Kudrinskaya streets through Krymskaya and Kaluzhskaya squares and further along the Bolshaya Kaluzhskaya Street [2, p. 39].

The command of columns was entrusted to the Commander of the Moscow Military District, Colonel-General A.A. Artem'ev. It is interesting to note that the latter commanded the parade on the Red Square on November 7, 1941, and in May–June 1945 he was entrusted with the organization and general management of the Victory Day Parade [7]. The Commandant of Moscow, Major General K.R. Sinilov, and the Chief of the Moscow police, 2nd rank Police Commissioner V.N. Romanchenko were appointed responsible for maintaining order on the streets and the movement of vehicles and pedestrians. The operation was prepared in strict secrecy. The notification of the Moscow Police Chief about the convoy of prisoners of war was planned to be printed in the newspaper Pravda and transmitted over the Moscow closed radio network at 7–8 a.m. on July 17 [2, p. 39; 5, p. 139].

The newspaper Pravda of July 17, 1944 published a notice by the Moscow Police Chief, 2nd Rank Police Commissioner V.N. Romanchenko, "The Moscow Police Department informs citizens that on July 17, part of the German prisoners of war, ordinary and officers, will be escorted through Moscow in the number of 57,600 people from among those recently captured by the Red Army troops of the 1st, 2nd and 3rd Belorussian fronts. In this regard, on July 17, from 11 a.m., the movement of vehicles and pedestrians along the routes of the columns of prisoners of war will be limited. Citizens are obliged to observe the order established by the police

and not allow any antics towards prisoners of war" [8].

On the evening of July 17, 1944, L.P. Beria sent a report No. 763/b addressed to J.V. Stalin (State Defense Committee), V.M. Molotov (People's Commissariat for Foreign Affairs of the USSR) and G.M. Malenkov (Central Committee of the CPSU(b)) on the results of the convoy of German prisoners of war through Moscow. It reported that the movement of columns of prisoners of war from the Moscow Hippodrome had begun at exactly 11 a.m. on July 17 along the route: the Leningradskoe Highway, the Gorky Street, the Mayakovsky Square, Sadovo-Karetnaya, Sadovo-Samotechnaya, Sadovo-Chernogryazskaya, Chkalova streets, the Kursky Railway Station and along Kalyaevskaya, Novoslobodskaya and 1st Meshchanskaya streets. 42,000 prisoners of war went along this route, including a convoy of 1,227 generals and officers, of them 19 generals and 6 senior officers (colonels and lieutenant colonels). The movement of the columns on this route lasted 2 hours and 25 minutes [2, p. 45].

The second part of the columns of prisoners of war marched from the Mayakovsky Square along Bolshaya Sadovaya and Sadovo-Kudrinskaya streets Novinsky and Smolensky boulevards, Zubovskaya and Krymskaya squares, the Bolshaya Kaluzhskaya Street, and the Kanatchikova Station of the District Railway. It took 4 hours and 20 minutes for 15,600 prisoners of war to pass along this route.

Afterwards prisoners of war were sent to camps by train. At 7 p.m., all 25 echelon convoys were in the train and sent to their destinations. Of the total number of 57,600 prisoners of war escorted through the city, only four prisoners needed medical attention and were sent to the sanitary train "due to weakness". Upon arrival at the Kursky railway station, generals were loaded onto trucks and delivered "to their destination" [2, p. 45].

During the passage of the columns of prisoners of war, the population behaved in an organized manner. Citizens saluted the Red Army, the Supreme High Command, generals and officers of the Red Army. There were also anti-fascist shouts, such as "Death to Hitler!", "Death to fascism!", "Bastards, so that they die", "Why didn't you get killed at the front?". No incidents were recorded in the city during the event. After the passage of prisoners of war, the city streets were cleaned with irrigation machines [5, pp. 141–142].

Among the German generals who marched through streets of the capital were eminent military leaders of the Third Reich: the Acting Commander of the 4th Army Lieutenant General Vincenz Muller, the Commander of the 78th Assault Division Lieutenant General Hans von Traut; commanders of the 27th and 53rd Infantry Army Corps Generals Paul V lckers and Friedrich Hollwitzer, the Commander of the 260 Infantry Army Corp Gunther Klammt, the Commander of the 45th Infantry Division, Major General Joachim Engel, the Commander of the 383rd Infantry Division, the Commandant of Orel, Bryansk and Bobruisk, Lieutenant General Adolf Hamann, the Commandant of Mogilev Major General Gottfried von Erdmannsdorff and others. After the march, they were sent under heavy guard to Butyrskaya and Lefortovo prisons for interrogations and operational investigative measures. The fates of the mentioned German generals developed in different ways. Some (A. Hamant and G. Erdmannsdorff) were sentenced to death by hanging by a military tribunal for the atrocities committed on their orders, while others (G. Traut and F. Hollwitzer) were sentenced to twenty-five years of hard labor. Someone died during the imprisonment (P. Völckers and J. Engel), some survived Soviet captivity and returned to post-war Germany (V. Muller, F. Hollwitzer, G. Traut) [6].

According to eyewitnesses, during the convoy, German generals, who had their uniforms, orders and insignia left behind under the terms of the surrender, behaved arrogantly. They tried not to look around, pretending that they were "not broken by captivity". As for Wehrmacht soldiers, their behavior was different: some frowned and glared at the sides, others walked in silence, lowering their eyes and looking at their feet, while others looked curiously at the capital and Muscovites [9].

On the following day, reports on this extraordinary event appeared on pages of central Soviet newspapers. So, the newspaper Pravda of July 19, 1944, published essays "The Germans in Moscow" by L. Leonov, "They Saw Moscow" by B. Polevoi and a poem "There is No Court More Terrible" by D. Bednyi. Later, a documen-

tary short film “The Convoy of German Prisoners of War through Moscow” (1944, directed by I.V. Venzher) was shown on the screens of Soviet cinemas. According to the instructions of the Agitation and Propaganda Department of the Central Committee of the CPSU(b), before publication, all materials had been sent for review and approval to the head of the Main Political Directorate of the Red Army, the Secretary of the Central Committee of the CPSU (b) A.S. Shcherbakov [3].

“The Nazis, who had dreamed of conquering the whole world, marched through the squares of Moscow, but not as winners, but as the vanquished”, was the main idea that the Soviet propaganda organs sought to convey to readers and viewers. “The would-be masters of the planet, they trudged past us – lanky and gobby, with their hair curled up like the devils in the chronicles, in tunics open, belly out, but not yet on all fours, in panties and barefoot, and others in sturdy, brass-studded boots, which were good enough to reach India if it weren’t for Russia...,” Leonid Leonov wrote with irony and sarcasm. The attentive eyes of the writer did not escape the reaction of Muscovites, who silently watched the march of the disarmed enemy with a feeling of contempt, “My people does not cross the boundaries of reason and does not lose their hearts in their passion. In Russian literature, there are no words of abuse or cliff-hanging against an enemy soldier captured in battle. We know what a prisoner of war is. We do not burn prisoners, we do not mutilate them, we are not Germans! Not a well-deserved spit or stone flew towards the enemies being transported from station to station, although widows, orphans and mothers of those tortured by them stood on the sidewalks for the entire length of the procession. But even Russian nobility cannot protect these criminals from the venomous word of contempt: whoever kills a child loses the high rank of a soldier...” [10]. The authors of the scientific work “The Great Patriotic War of the Soviet Union. 1941–1945. Brief history” describe a similar reaction of Muscovites [11, pp. 356–357].

By analogy with Moscow, similar marches of the vanquished were held in capitals of some Soviet republics liberated from the enemy. So, on August 16, 1944, 36,000 former enemy soldiers, including 549 officers, were escorted through streets and squares of Kiev. The Deputy People’s Commissar of Internal Affairs of the USSR S.N. Kruglov and the People’s Commissar of Internal Affairs of the USSR V.S. Ryasnoi were appointed responsible for the operation. “The March of Shame” lasted over five hours, and the total length of the route running through the central districts of the city was more than twenty kilometers. The movement of columns of the defeated enemy was observed by over 150,000 Kievans. Prisoners of war were guarded by soldiers of the NKVD escort troops and police officers patrolled the streets [12].

After the event, prisoners were sent to rebuild destroyed cities, factories and mines, as well as other facilities of the national economy. In general, on December 5, 1944, over 435 thousand prisoners of war were allocated to the Union and Republican People’s Commissariats for labor use (Russian State Military Archive. Archive 1p. List 9a. Case 8. Pages 148–149).

Conclusions

Thus, the convoy of German prisoners of war through the streets of Moscow on July 17, 1944 was an important socio-political event that marked the collapse of the Nazi army on the Soviet-German front. This event, carried out under the personal control of J.V. Stalin, had not only domestic political, but also foreign policy significance, as it clearly demonstrated the increased military power of the Soviet Union.

The “March of the vanquished” was a major blow to the image of the German armed forces. If the capture of F. Paulus ‘s army at Stalingrad was brought to a mass audience through posters, photographic and cinematographic products, here Muscovites became living witnesses of the convoy of a huge mass of enemy soldiers and officers, which had a strong psychological impact.

The public escort of the disarmed enemy represented a symbolic debunking of the image of superman and supernationalism, which were cultivated by Nazi propaganda. In the minds of the Soviet people, this was an act of just retribution against Nazi Germany, which sought to enslave the peoples of the Soviet Union. At the same time, the USSR was opposed to the Third Reich in the practice of treating prisoners of

war. The latter retained the right to life and were sent to restore the national economy destroyed by the war.

The first experience of mass escorting of prisoners of war, which required close cooperation and coordination between various government departments and the military command, was later implemented during similar events in other cities of the Soviet Union liberated from the Nazi occupiers.

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Law of July 13, 1913: Organizational and Legal Aspects of Forming the Prison Staff Training System in Tsarist Russia

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Abstract

Introduction: the article discusses various approaches to improving the level of professional training of prison guards in tsarist Russia, including those who guarded female convicts. The role of heads of the Main Prison Administration in initiating professional training of prison employees is noted, the specifics of activities in this area and the complexity of solving issues requiring diverse knowledge are described. *Purpose*: to show the origins of professional penitentiary education, the role of the law of July 13, 1913 ("On the establishment of the school to train candidates for the positions of a senior prison warden in Saint Petersburg and the school to train candidates for the positions of a female prison warden in Moscow"), to disclose its legal provisions fixing the competence of the Saint Petersburg School for the Training of Senior Prison Female Wardens and the Moscow School for the Training of Female Wardens. An order of enrollment in schools, a legal status of students, financial support for the educational process, teachers, students, and their official position after training are considered. The article uses *methods* of comparative analysis, analogy, idealization, generalization, formalization, and concretization. *Results*: the article reveals approaches to the stages of professional training of prison employees and describes achievements of individual scientists (I.F. Foinitskii, N.F. Luchinskii) and heads of the Main Prison Administration of Tsarist Russia (M.N. Galkin-Vraskoi, S.S. Khrulev) in proving the importance of effective performance of penitentiary institutions. *Conclusions*: the law of July 13, 1913 on the establishment of schools in Saint Petersburg to train candidates for the positions of a senior prison warden and in Moscow to train candidates for the positions of a female prison warden in the period of September 1, 1913 to December 31, 1915 is the first law that elevated penitentiary education to the rank of the state.

Keywords: Main Prison Administration; Saint Petersburg; Moscow; school; prison guards; training.

5.1.1. Theoretical and historical legal sciences.

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Introduction

Specialized education of employees of any law enforcement agency presupposes the availability of appropriate educational institutions. The origin of the solution to this issue is of particular interest to penal system employees, teaching staff, as well as to those who care about the history of the Russian state.

The question of the need to train specialists to serve in penitentiary institutions of the Russian Empire was raised by the heads of the Main Prison Administration (GTU) and scientists. Thus, in 1872, Professor Ivan Ya. Foinitskii, a well-known Russian prison researcher and one of the founders of penal law, published an article "Draft Basic Principles of a Prison Reform in Russia" in the Judicial Bulletin [1, p. 11], in which he also touched on educational topics. However, this did not immediately solve the long-standing problem. Professor Sergei V. Poznyshev noted a negative attitude of the Russian Empire government to the application of scientific achievements in the field of criminal punishment execution. The complexity, psychological difficulties, specifics of the organization of serving sentences in prison, importance of the prison sector for society and law and order were not taken into account. "No special penitentiary knowledge is required for simple purposes and primitive rudeness of this "dead" house. A strict and efficient supervisor, strong locks and bars, external discipline and the absence of escapes seemed enough ... for good management of penitentiary activities [2, p. 13].

I.Ya. Foinitskii, a professor at the Saint Petersburg University, was the first (1874) not only in Russia, but also in the world community to pay direct attention to prison education. He introduced a special course on prison studies for all law students and taught it for more than 20 years, until 1905. The course began with individual articles, such as "Prison Reform and Prison Studies (introductory lecture delivered on January 8, 1874)", "The Russian Punitive System" [1, p. 11], published by Ii 1874 in the Judicial Journal and Collection of State Knowledge. According to contemporaries, I.Ya. Foinitskii's articles and lectures "had outstanding scientific and practical significance" [1, p. 12].

Researchers associate training of penal system personnel with the creation of the Main Prison Administration in the Russian Empire in 1874 [3; 4] and with its first head, Mikhail N. Galkin–Vraskoi [5; 6]. He headed the department from 1879 to 1896. In order to strengthen the training process and to inform employees about activities of the Main Prison Administration, Mikhail Galkin–Vraskoi initiated the publication of the Prison Bulletin journal in January 1893.

To train specialists for positions in the prison department, it was planned to establish special preparatory courses. In 1912, "the Main Prison Administration already submitted a draft law for the establishment of such courses.... According to the draft law, courses for training candidates for prison positions were to be called "Prison courses" and conducted at the Main Prison Administration under the direct supervision of the head of this department" [7, p. 1205]. However, the issue was not resolved at the legislative level. Therefore, the head of the GTU (Stepan S. Khrulev) decided to conduct systematic readings on prison studies at the department. "To organize the readings and manage them closely ... the Editor of the Prison Bulletin, Inspector of the Main Prison Administration, Acting State Councilor N.F. Luchinskii was appointed" [7, p. 1205].

They started on March 1, 1912. The program included a professionally focused range of issues of interest to prison officials, such as "1) principles of criminal law and a punishment doctrine, especially a brief history and comparative analysis of various penitentiary systems; 2) basic concepts of psychology and neuropsychiatry; 3) an outline of the state structure in Russia with more detailed explanations regarding the organization of judicial and prison units; 4) readings combined with practical exercises on various branches of prison management and economy, such as construction, prison hygiene, food and clothing supplies for prisoners, prison work, prison statistics and reporting, etc." [7, pp. 1,205-1,206]. On May 10, 1912, the reading at the GTU ended. The editorial "The experience of systematic readings on prisons at the Main Prison Administration" of the Prison Bulletin for 1912 was devoted to the breadth of tasks and their complexity requiring a variety of professional knowledge. Nikolai Luchinskii wrote, "An ideal prison head should combine all kinds of professions: a soldier and an adminis-

trator, a quartermaster and an architect, a technician and a merchant, and even a psychiatrist and a lawyer" [8, p. 6].

Thus, the scientific community emphasized the need to create a prison staff training system and to issue a special legislative act regulating the creation of such educational institutions.

Research

On July 13, 1913, a law highly approved by the State Council and the State Duma was adopted. It fixed the following: "I. To establish from September 1, 1913 to December 31, 1915 1) a school in Saint Petersburg to train candidates for the positions of a senior prison warden and 2) a school in Moscow to train candidates for the positions of a female prison warden on the basis of the Provisions of these schools" [9; 10].

The significance and uniqueness of this legislative act lay in the fact that it was the first document of this level [11; 12], which started prison education on September 1, 1913. It included logistical, financial, educational, social, pension, and organizational provisions. They established the legal status of schools, students, and graduates, as well as the competence of managers and a special council (commission). The provisions attached to the law allowed, in the course of comparative legal research, to establish certain differences in the organization of activities and the status of these two schools.

1. Training of candidates for the position of a senior warden was organized at the school located in Saint Petersburg prisons. It admitted 30 junior prison guards who had served for at least two years. Special attention was paid to the selection of candidates for local studies. This is evidenced by the instruction of the Acting Head of the GTU G.F. Boetticher. "In view of the extremely serious requirements placed on persons who hold positions of senior prison guards in terms of service duties and who are their closest supervisors in this regard, but often even in charge of certain branches of management in places of detention as assistants to the prison governor, the selection of persons who will take the course at the designated school should be carried out with special care and prudence" [13, p. 964]. In addition to the above, it was recommended to pay attention to the level of education, age, state of health, moral (lack of addiction to alcohol) and service qualities (execution of orders from superiors) [13].

The free training course lasted four months, twice a year – from January 15 to May 15 and from August 15 to December 15. Junior prison guards who were sent to study in accordance with the procedure determined by the head of the GTU received an allowance that included the cost of a third-class railway ticket for travel from the duty station to Saint Petersburg and back, plus thirty kopecks for every day they were on the road. All students received the salary set by him at their former place of service, used an apartment and food in kind. Upon completion of the training, graduates who passed tests received a special certificate and the right to take advantage of their appointment to the position of a senior warden.

We should mention another objective decision (of July 26, 1913) fixed in the instructions of the acting head of the State Technical University. So, "due to a short period of time left for the opening of the school in Saint Petersburg... this year, only junior guards serving in European Russia can be trained, which is why these rules will not apply to guards serving in other localities until the beginning of 1914" [13, p. 965].

1.1. During this period, a school was also established at the Moscow Female Prison to train female candidates for the position of a female prison warden. Its capacity was twenty-five people and the training period was six months from September 1 to March 1. Female persons were accepted for training solely on their own request, were at least 21 years old and were capable of serving in prison guards due to their state of health. Candidates had to have any education or pass the admission test. The longer period of study, compared to the Saint Petersburg school, was explained by the lack of female experience in the prison system. The training was free and an allowance of fifty kopecks per day was provided.

Female graduates, as well as junior guards, received a special certificate that gave them the advantage of holding the position of a female prison warden. After the graduation they were obliged to serve in prison for at least three years. In case of non-fulfillment of the obligation, they had to return the amount of money they received as a school allowance.

2. The Saint Petersburg school was managed by the head of the school, appointed by the head of the Main Prison Administration. He was authorized to carry out administrative, economic and educational activities. A special committee was created at the school and the provincial prison inspector was its chairman. The committee included a head of the school and teachers, as well as two elected members of the Saint Petersburg Charitable Committee. The competence of the school committee was extremely limited: general supervision of teaching; taking measures that could contribute to successful training of students; discussion of issues related to administrative and economic activities.

2.1. The Moscow School for the Training of Female Wardens due to objective conditions was managed by the head of the Moscow Female Prison and his assistant. Their direct activity consisted in solving educational and administrative issues. A wider range of issues, along with educational and administrative issues, included the following:

– establishment, with the approval of the head of the State Technical University, of the school's teaching program and the procedure for conducting practical classes for students. As in Saint Petersburg, trainees could be assigned to temporarily serve as female prison guards in the Moscow Female Prison and the female department of the prison hospital. In this case, for temporary use, they received official uniforms in accordance with the established form;

– inviting teachers;

– admission to and graduation from school. This issue was decided by the council formed at the school. Its chairman was one of the headmistresses of the Moscow Ladies' Charity and Prison Committee (elected by it). The council included the Moscow provincial prison inspector (participated in the council as a deputy chairman of the council during her absence), one headmistress of the Moscow Ladies' Charity and Prison Committee, the head of the Moscow Female Prison, his assistant, and teachers of the school. In addition to the above, the council established the internal regulations of the school. Special instructions were approved by the Moscow governor.

At the Saint Petersburg School, the functions of setting internal regulations and appointing teachers were fulfilled by the head of the State Technical University. He also established the teaching program and the procedure for conducting practical classes. Thus, for objective reasons, the competence of the Moscow school council was broader than that of the Saint Petersburg committee.

3. Due to objective circumstances (number of students, frequency, duration of study), the Saint Petersburg School introduced an independent position of the head. He received 1,200 rubles a year – 600 rubles of monetary allowance and 600 rubles for food products. An apartment at the school was provided.

3.1. As we have already indicated, the Moscow School was headed by the head of the Moscow women's prison and his assistant.

The originality of the law of July 13, 1913 also consisted in the fact that it specifically outlined the goals of funds allocated from the state treasury. The law stipulated that the amount of loans required for the rental of premises for the Saint Petersburg School, for the rental of apartments for the head and barracks for students and for food for the latter, as well as for the establishment or rental of premises for the Moscow school, would be determined from 1914 in an estimated manner.

4. For the maintenance of the Saint Petersburg School, it was planned to allocate 3,400 rubles for 2 years starting from 1914, including: a) 1,200 rubles for the maintenance of the head of the school; b) 600 rubles for stationery and the purchase of textbooks. To illustrate the costs of purchasing textbooks and the cost of individual publications, we provide the following data: the annual subscription price of the Prison Bulletin with delivery and forwarding was 7 rubles; c) hiring of school teachers was 1,600 rubles.

4.1. As for the Moscow School of that period, it was planned to allocate 3,350 rubles per year, including: a) 900 rubles for salaries; b) 2,250 rubles for the provision of allowances to students at school; c) 200 rubles for office expenses and the purchase of textbooks. The total cost for both schools was 6,750 rubles a year.

5. In 1913, it was planned to allocate 2,766 rubles from the State Treasury to the Saint Pe-

tersburg School, of which: a) 400 rubles for the maintenance of the head of the school; b) 200 rubles for office expenses and the purchase of textbooks; c) 533 rubles for the hiring of teachers; d) 833 rubles for renting premises for schools, apartments for the head and barracks for students; e) 880 rubles for food for students.

5.1. The costs for the Moscow School in the specified period of time amounted to 1,616, including: a) 300 rubles for salaries; b) 750 rubles for the provision of allowances to students; c) 66 rubles for office expenses and the purchase of textbooks; d) 500 rubles for the rental of premises for the school.

The costs for both schools amounted to 4,382 rubles, with the expense attributed to the expected savings from appointments according to the State Expenditure List for 1913.

Based on individual materials published in the Prison Bulletin journal, both GTU heads and individual representatives of prison science (N.F. Luchinskii) perceived the creation of schools as an opportunity to improve the professional level and prestige of prison officers in tsarist Russia.

Conclusion

For objective reasons (gender, age, length of study, lack of prison service experience), the legal status of the Moscow School for the Training of Female Wardens and the Saint Petersburg School for the Training of Senior Prison Female Wardens had differences. The provisions on schools were fixed by law.

The law of July 13, 1913 “On the establishment of the school to train candidates for the positions of a senior prison warden in Saint Petersburg and the school to train candidates for the positions of a female prison warden in Moscow” served as a prerequisite for the subsequent purposeful education of employees of the penitentiary system. The experience of tsarist Russia in this area was successfully used afterwards.

During the period of the Provisional Government, a legal expert A.A. Zhizhilenko was appointed head of the Main Prison Administration (he leaved the post of professor at the Saint Petersburg University). On March 17, 1917, he signed Order No. 2 on the creation of penitentiary courses for retraining prison staff to work “in conditions of the renewal of the state system and free public life”.

Educational institutions of the USSR borrowed and improved the experience of training schools of prison wardens of the Russian Empire, for example, in conducting practical classes, introductory practices, internships in positions directly in the context of upcoming practical activities after graduation.

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Penal Characteristics of Particularly Dangerous Recidivists (Conditions and Place of Serving the Sentence, Social Ties)

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Abstract

Introduction: the article analyzes penal characteristics of particularly dangerous recidivists who are held in special-regime correctional facilities on the basis of materials of the 2022 special census of convicts and persons in custody. Some features of the execution of imprisonment in these correctional institutions are shown. The article specifies distribution of convicts according to the time of transfer to the place of serving their sentence; duration of detention in a pre-trial detention center; conditions of serving the sentence; the place of serving the sentence; the number of correctional institutions; the use of the right to telephone conversations; the receipt and dispatch of money transfers; the number of parcels and transfers received; the number of book parcels received; and the number of short-term and long-term visitations allowed. *Purpose*: to provide a detailed analysis of penal characteristics of convicts held in special-regime correctional facilities. *Methods*: comparative law and empirical methods of description, interpretation, theoretical methods of formal and dialectical logic, a legal-dogmatic method and a method of interpretation of legal norms. *Results*: the specifics of the conditions and place of serving a sentence and social ties of this category of convicts are described. *Conclusion*: the information obtained will make it possible to boost effectiveness of achieving the goals of punishment in the execution of imprisonment in special-regime correctional facilities.

Keywords: persons sentenced to imprisonment, special-regime correctional facilities, penal characteristics.

5.1.4. Criminal law sciences.

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Introduction

Recidivism has always posed an increased threat to the development of any state, including the Russian Federation. This negative phenomenon is combated in all possible directions: preventive, legal, organizational, social, reli-

gious, etc. One of the directions of countering recidivism is the state's penal policy.

One of the significant directions in the fight against recidivism is the established special procedure for the execution of imprisonment in relation to particularly dangerous recidivists who serve their sentences in correctional facilities of a special regime. Their legal situation was analyzed by S.V. Mikheeva [1], correctional effect on convicts in terms of the use of various means of correction was considered by S.N. Bychkov [2], and educational work with convicts was studied by Yu.Yu. Kuchkarev and E.V. Zautorova [3].

For the purpose of correcting convicts, it is important to consider their penal characteristics revealed as a result of the Ninth special census of convicts and persons in custody conducted in December 2022 [4]. Within the framework of this article, such elements as conditions and a place of serving a sentence, as well as social ties of convicts held in special-regime correctional facilities, will be considered.

Research methodology.

The Ninth special census of convicts and persons in custody was conducted by filing information about the identity of convicts and detainees into a specially designed computer program based on indicators pre-determined in the census form. In the special-regime correctional facility, a questionnaire was filled out for every fifth convict determined by random sampling.

Conditions and a place of serving the sentence as of the date of the census.

As a general rule, under Part 1 of Article 73 of the Penal Code of the Russian Federation, persons sentenced to imprisonment serve their sentences in correctional facilities on the territory of the subject of the Russian Federation in which they lived or were convicted. However, Part 4 of this article establishes an exception for particularly dangerous recidivists, according to which this category of convicts is sent to serve their sentences in prisons located in places designated by the Federal Penitentiary System of Russia.

In accordance with the Order of the Ministry of Justice of the Russian Federation No. 17 of January 26, 2018 "On approval of the procedure for sending persons sentenced to imprisonment to serve their sentences in correctional institutions and their transfer from one correctional institution to another", convicts are sent to serve their sentences no later than 10 days from the date of receipt of a notification of the entry into force of the court verdict by the administration of a pre-trial detention center or the correctional facility operating as a pre-trial detention center.

Given the remoteness of a special-regime correctional facility, the process of transfer from the pre-trial detention center may take a certain amount of time, with the possibility of temporary detention of convicts in transit points. In accordance with Part 7 of Article 76 of the Penal Code of the Russian Federation, the maximum period of detention of convicts in transit points is no more than 20 days.

According to the results of the 2022 census, half of the convicts (51%) of this category were transferred to the place of serving their sentence within 10 days (Table 1).

Table 1

Distribution of convicts in special-regime correctional facilities according to the period of transfer to the place of serving the sentence (%)

Transfer period		
up to 10 days	over 10 days up to 1 month	over 1 month
50.9	33.9	15.2

The distribution of convicts by the time of their detention in pre-trial detention centers after the entry of the court verdict into legal force is presented in Table 2.

Table 2

Duration of detention in pre-trial detention centers of convicts who were sentenced to imprisonment in special-regime correctional institutions after the entry of the court verdict into legal force (%)

Term of detention in the pre-trial detention center	The 2022 census
up to 10 days	26.2
over 10 days up to 1 month	30.8
over 1 to 2 months	8.8
over 2 months	7.8
over 4 months	26.4
Total	100

In special-regime penal correctional institutions, normal, light and strict conditions of serving the sentence are established for convicts.

The division of convicts by conditions of serving the sentence is the realization of the principle of differentiating the execution of punishments, stipulated by Article 8 of the Penal Code of the Russian Federation, as well as an element of the progressive system of the execution and serving the sentence.

Though the bulk of convicts are held directly in special-regime correctional institutions, there is an insignificant part of convicts who are assigned to serve their sentences in a special-regime penal correctional facility, but are held in other institutions:

– prison (transfer of persistent violators of the established order of serving the sentence in accordance with Article 78 of the Penal Code of the Russian Federation for up to three years);

– pre-trial detention center (convicts who are to be sent to correctional institutions to serve their sentences; convicts transferred from one place of serving their sentences to another; convicts left in a pre-trial detention center or transferred to a pre-trial detention center in accordance with the procedure established by article 77.1 of the Penal Code of the Russian Federation; convicts who are left in a pre-trial detention center with their consent for a period not exceeding six months);

– medical correctional facility;

– medical treatment and preventive care facility.

Table 3

Distribution of convicts by conditions of serving their sentences in special-regime correctional facilities (%)

Type of conditions (locations)	The 1999 census	The 2009 census	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
normal conditions	36.8	47.8	63.4	80.5
light conditions	6.3	13.8	11.6	10.1
strict conditions	56.9	38.4	22.5	6.4
preferential conditions			–	0.1
in a general regime prison			0.3	0.3
in a maximum security prison			1.8	1.8
in a penal colony, lives with his family in their own home or in rented accommodation			–	0.1
in a pre-trial detention center			0.4	0.7
total	100	100	100	100

As can be seen from the table, 97.5% of the convicts assigned to serve their sentences in the special-regime correctional facility are held in this institution in different conditions: 63.4% of them serve the sentence in normal, 11.6% – in light and 22.5% – in strict conditions.

An insignificant number of convicts are held in prison (maximum security or general regime) – 2.1% (convicts found to be malicious violators of the established order of serving their sentences while serving the sentences in the special-regime correctional facility and transferred by the court to prison under Article 78 of the Penal Code of the Russian Federation, for up to three years), as well as in a pre-trial detention center – 0.4%.

If we compare convicts held in the special-regime correctional facility with other convicted men serving their sentences, we can see the following:

– the proportion of persons held in strict conditions of serving the sentence in special-regime correctional facilities is much higher (3.5 times) than in other correctional facilities;

– the share of persons held in light conditions of serving the sentence in special-regime correctional facility is slightly higher (by 1.5%) than in other correctional facilities.

If we compare the conditions of serving sentences in dynamics, we can identify a trend of constant significant reduction in the proportion of persons held in strict conditions: in 1999, the proportion of such persons exceeded half of all convicts and amounted to 56.9%; in 2009 – 38.4%, and in 2022 decreased to 22.5%, that is more than in twice in twenty-three years. Accordingly, the share of convicts serving the sentence in other conditions increased, to a greater extent in normal conditions and to a lesser extent in light conditions.

Table 4 shows the distribution of convicts assigned to serve the sentence in special-regime correctional facilities by the institutions they were kept on the census day.

Table 4

An institution where convicts were held on the census day (%)

Type of institution	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
juvenile correctional facility	0.0	1.8
correctional facility	91.3	79.6
prison	2.2	2.1
penal settlement	0.0	7.6
medical correctional facility	0.8	1.3
medical treatment and preventive care facility	4.2	3.8
pre-trial detention center (maintenance)	0.0	1.9
pre-trial detention center, area functioning as a pre-trial detention center (the sentence has entered into force, but the convicted person has not yet been sent to a correctional institution)	0.5	0.9
pre-trial detention center, area functioning as a pre-trial detention center (the convicted person has been transferred from the correctional facility or left there for investigative actions)	0.7	0.7
pre-trial detention center (the convicted person has less than 6 months to serve)	0.0	0.1
pre-trial detention center (convicted person is being transported to the correctional facility)	0.3	0.2
Total	100	100

Convicts sentenced to serve the sentence in the special-regime correctional facility may be held in other institutions due to various circumstances (illness, transportation, etc.). As can be seen from Table 4, there are no significant differences in the type of institution where the convicts were kept on the census date. According to current legislation, convicts sentenced to serve the sentence in special-regime correctional institutions cannot be held in juvenile correctional facilities, penal settlements and pre-trial detention centers.

The data on the place of detention of inmates inside the correctional facility (table 5) are of great importance, as they allow certain conclusions to be drawn about characteristics of inmates.

Table 5

Place of detention on the census day (%)

Place of detention	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
in dormitories of the juvenile correctional facility, correctional facility, penal settlement	59.6	90.0
in the cell-type room of the special-regime correctional facility (in lockable rooms of general and strict regime correctional facilities)	34.9	3.1
in the general population cell in prison	1.7	1.9
in the solitary confinement in prison	0.6	0.2
in the penal (disciplinary) isolation ward of the juvenile correctional facility, correctional facility, penal settlement, prison	0.5	0.8
as a measure of punishment	0.7	1.6
in the solitary confinement of the special-regime correctional facility (in the cell-type room of general and strict regime correctional facilities)	0.5	0.2
in the single cell-type room	0.0	0.1
in the dormitory outside the protected area of the juvenile correctional facility, correctional facility	0.0	0.0
in their own or rented accommodation in the penal settlement, general-regime correctional facility	0.0	0.1
in the residential building in the juvenile correctional facility	1.5	2.0
in the cell of the pre-trial detention center, area functioning as a pre-trial detention center	100	100

As already noted, the most dangerous criminals are kept in special-regime correctional facilities. Being held in strict conditions, convicts do not live in lockable rooms, but in cell-type rooms. In addition, instead of a penalty in the form of transfer to a cell-type room, in the special-regime correctional facility convicts are transferred to a solitary confinement. If we compare convicts held in special-regime correctional facilities with other prisoners, it can be seen that in special-regime correctional facilities the proportion of people serving sentences in strict conditions (in cell-type rooms) is much higher – by 31.7%. This category of convicts is negatively characterized and is prone to violating conditions of serving their sentences. At the same time, the proportion of persons to whom penalties such as placement in a penal isolation ward and transfer to a solitary confinement is applied is insignificant, but lower.

It is proven that the further away a correctional institution is from the place of residence and, accordingly, from relatives of the convicted person, the more difficult it is for him to maintain socially useful connections that positively influence his correction. In this regard, it is no coincidence that the legislator provided for in Article 73 of the Penal Code of the Russian Federation a general rule according to which those sentenced to imprisonment serve their sentences in correctional facilities within the territory of the subject of the Russian Federation in which they lived or were convicted. Table 6 gives an idea of the place of serving the sentence.

Table 6

Distribution of convicts according to the place of serving the sentence (%)

Place of serving the sentence	The 1999 census	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
in the area (city) where he lived before his arrest	4.9	7.7	25.2
in another area (city), but in the same subject of the Russian Federation. where he had permanent residence	33.0	28.8	49.5
in another subject of the Russian Federation at the place of conviction	3.2	3.8	4.2
in another subject of the Russian Federation not at the place of residence and not at the place of conviction	54.0	58.2	19.0
had no permanent residence	4.9	1.5	2.1
Total	100	100	100

Unfortunately, there is no data on the ratio of the convicted person's place of serving his sentence to his place of residence before his conviction according to the 2009 census. However, if we compare the places of serving sentences according to the censuses of 1999 and 2022, the following positive trends are visible:

– there is a slight increase in the proportion of people serving sentences in the area (city) where they lived before their arrest – from 4.9% in 1999 to 7.7% in 2022;

– there is a sharp decrease in the share of convicts held in special-regime correctional facilities who did not have a permanent place of residence before their conviction from 4.9% in 1999 to 1.5% in 2022.

At the same time, the proportion of convicts serving the sentence in another subject of the Russian Federation (not at their place of residence and not at the place of conviction) increased from 54.0% to 58.2%. This category of convicts is in the most vulnerable conditions in terms of maintaining socially useful ties. Some researchers argue that in some cases serving a sentence outside the place of residence may have a positive effect on the convicted person. For example, S.M. Savushkin believes that "if there is no work in the correctional facility where the convict is serving his sentence, and with his consent, it might be advisable to transfer him to another region" [5. p. 88].

What is more, those held in special-regime correctional facilities much more often serve their sentences outside the subject of the Russian Federation in which they lived before their conviction. In special-regime correctional facilities, the proportion of such persons reaches 62.0%, while in other correctional institutions – 23.2%. The explanation for this circumstance is quite simple – the number of special-regime correctional facilities is significantly smaller (as of January 1. 2023 – 35 units) than the number of general (164) and strict (251) regime correctional facilities, as well as panel settlements (94).

The data on the place of imprisonment clearly characterize the dialectical contradiction noted in science. Public danger of a particularly dangerous recidivist necessitates exerting an increased educational influence on him, including with the help of his family, while the economic factors, on the contrary, determine the territorial distance of convicts from their place of permanent residence.

These data should be taken into account when deciding on establishing new special-regime and combined-type correctional facilities provided for in the Concept for the Develop-

ment of the Penal System of the Russian Federation for the Period up to 2030.

The issue of transporting convicts from one correctional facility to another is closely related to the place of serving the sentence. In some cases, possible transfer to other correctional facilities under Article 78 of the Penal Code of the Russian Federation encourages a convicted person to behave. In other cases it can have a negative impact, for example, when a convict is transported to another facility of the same type. Table 7 shows a number of institutions in which the convict served his sentence.

Table 7

Distribution of convicts according to the number of correctional institutions in which they served the sentence (%)

Number of correctional institutions in which the convicted person served his/her sentence under the court verdict	The 1999 census	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
1	72.8	54.5	56.8
2	17.5	29.6	23.3
3	5.9	9.5	6.7
4 and more	3.8	6.4	13.2
total	100	100	100

If we compare the places of serving sentences according to the censuses of 1999 and 2022, it can be seen that the proportion of people serving sentences in one institution decreased significantly from 72.8% in 1999 to 54.5% in 2022.

Social ties of convicts

The punishment goal of correcting convicts is achieved through various means of correction, the main of which are outlined in Part 2 of Article 9 of the Penal Code of the Russian Federation: established procedure for the execution and serving of punishment (regime), educational work, socially useful work, general education, vocational training and social impact. It seems that one of the means of correcting convicts is to maintain social ties between convicts and their family, relatives and other positive environment. Researchers proposed to include the maintenance of convicts' social ties in the list of basic means of correction provided for in Part 2 of Article 9 of the Penal Code of the Russian Federation [6. p. 90]. This is exactly what the legislator did in the Republic of Kazakhstan (Paragraph 3 of Part 1 of Article 7 of the Penal Code of the Republic of Kazakhstan).

The maintenance of social ties of convicts is expressed in the following aspects of serving a sentence of imprisonment:

– going out the correctional facility;

– phone conversations;

– receiving money transfers;

– receiving parcels, transfers, and book parcels;

– short-and long-term visitations.

Unlike convicts serving sentences in juvenile correctional facilities, penal settlements, and general and strict regime correctional facilities, convicts serving sentences in special-regime correctional facilities are not allowed to go out the institution (Part 3 of Article 97 of the Penal Code of the Russian Federation).

Under Article 92 of the Penal Code of the Russian Federation, persons sentenced to imprisonment are granted the right to telephone conversations. The legislator does not formally limit the number of these conversations, but establishes that in the absence of technical capabilities the administration of the correctional institution can limit a number of telephone conversations to twelve per year.

Table 8 gives an idea of the use of the right to telephone conversations by convicts held in special-regime correctional facilities. The analysis of data on telephone conversations of convicts shows a clear progress in this direction, related to the equipping of almost all correctional facilities with communication facilities, which allows convicts to fully exercise the right to telephone conversations. In the period from 1999 to 2022, the share of convicts who used the right to telephone conversations at least

once a year increased from 3.2 to 78.8%. At the same time, more than half of the convicts serving their sentences in special-regime correctional facilities make more than 4 calls per year. If in 1999 the share of convicts who did not use the right to telephone conversations for lack of technical capabilities amounted to 50.2%, then in 2022 – only to 0.6%.

Table 8

Distribution of convicts according to the use of the right to telephone conversations (%)

Number of telephone conversations of convicts per year		The 1999 census	The 2022 census	
		Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
1 time		2.0	7.3	6.5
2 times		0.7	7.0	5.9
3 times		0.2	5.2	5.9
4 times		0.2	6.9	7.4
more than 4 times	0.1	52.4	62.4	
no telephone conversations for lack of technical capacities	50.2	0.6	0.4	
no telephone conversations for lack of money	1.5	0.8	0.6	
no telephone conversations because there was no one to call	5.1	4.9	1.6	
no desire	40.0	14.9	9.3	
total	100	100	100	

If we compare special-regime correctional facilities with other institutions, it can be seen that convicts in special-regime correctional facilities enjoy the right to telephone conversations somewhat less often. So, if the share of convicts in special-regime correctional facilities using the right to telephone conversations at least once a year is 78.8%, then in other institutions it is 88.1%. The key reasons for the lower demand for telephone conversations in special-regime correctional facilities are the lack of desire to call (14.9%) and the lack of people to call (4.9%).

Under Part 5 of Article 91 of the Penal Code of the Russian Federation, persons sentenced to imprisonment have the right to receive money transfers. In addition, at the expense of funds held in personal accounts (money earned while serving a sentence. pensions. benefits. etc.), convicts are entitled to transfer funds to close relatives, and with the permission of the prison administration to other persons.

Money transfers are sometimes the only opportunity for convicts to purchase food and basic necessities in the store (online store) of the correctional facility, since some convicts are not provided with paid work and, accordingly, do not receive wages (Table 9). Table 10 gives an idea about funds transferred by convicts held in special-regime correctional facilities.

Table 9

Distribution of convicts according to their receipt of money transfers (%)

Receipt of money transfers per year	The 1999 census	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
1	*2*	*3*	*4*
yes	7.1	42.5	41.9

1	2	3	4
no	92.9	57.5	58.1
total	100	100	100

Table 10

Distribution of convicts according to money transfers (%)

Money transfers per year	The 1999 census	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
yes	1.6	15.9	15.0
no	98.4	84.1	85.0
total	100	100	100

As can be seen from the data presented, the proportion of convicts serving sentences in special-regime correctional facilities and receiving money transfers increased significantly – by 6 times. What is more, the share of convicts serving sentences in special-regime correctional facilities and transferring money (usually to relatives) increased by 9.9 times. The emerging trends should be considered positive, as they indicate, on the one hand, preservation of convicts' social ties with their families, and, on the other hand, betterment of convicts' employment of and a financial situation of their relatives.

There is no significant difference in the receipt and transfer of funds between convicts held in special-regime correctional facilities and other convicts serving their sentences.

In accordance with Part 1 of Article 90 of the Penal Code of the Russian Federation, persons sentenced to imprisonment are allowed to receive parcels, packages, and book parcels. Their number is limited according to the type of criminal record and the conditions of serving the sentence. In special-regime correctional facilities, convicts held in normal conditions are allowed to receive three parcels or packages and three book parcels during the year; convicts held in light conditions – four parcels or packages and four book parcels during the year; convicts held in strict conditions – one parcel or package and one book parcel during the year. As an encouragement measure (Article 114 of the Penal Code of the Russian Federation), convicts may be allowed to receive up to four additional parcels or packages during the year. In addition, sick convicts, first and second-degree disabled convicts may receive additional parcels and packages in the quantity and assortment determined in accordance with the medical report.

Table 11 presents the number of parcels and packages received by convicts held in special-regime correctional facilities. Table 12 gives an idea of the number of book parcels received by convicts held in special-regime correctional facilities.

Table 11

Distribution of convicts according to the number of parcels and packages they received (%)

Number of parcels and packages received per year	The 1999 census	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
1	2	3	4
1	-	29.1	16.9
2	-	20.8	17.9
3	-	10.6	18.2

1	2	3	4
4	-	5.3	13.5
5	-	2.4	4.7
6	-	1.3	2.9
7	-	0.4	1.5
8	-	0.6	1.0
9	-	0.1	0.5
10	-	0.2	0.4
11	-	0.0	0.2
12	-	0.2	0.9
0	54.0	29.0	21.4
total		100	100

Table 12

Distribution of convicts according to the number of book parcels they received (%)

Number of book parcels received per year	The 1999 census	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
1	-	17.1	13.3
2	-	6.1	6.4
3	-	1.3	3.1
4	-	0.6	2.2
5	-	0.1	0.3
6	-	0.1	0.2
7	-	0.0	0.0
8	-	0.0	0.0
9	-	0.0	0.0
10	-	0.0	0.0
11	-	0.0	0.0
12	-	0.0	0.0
0	66.4	74.7	74.5
total		100	100

So, in 2022, the proportion of convicts held in special-regime correctional facilities who did not receive a single parcel or package during the year decreased by almost half compared to 1999 (from 54.0% to 29.0%). It indicates an improvement in socially useful relationships of convicts. At the same time, the share of convicts who did not receive a single book parcel during the year increased slightly (from 66.4% to 74.7%). Convicts are less interested in receiving book parcels due to a change in postal rules that prohibited the transportation of food products (sweets, cookies, etc.) in book parcels.

If we compare special-regime correctional facilities with other correctional institutions, we can come to a conclusion that convicts in special-regime correctional facilities receive parcels, packages and book parcels in smaller quantities, which is explained, first of all, by the loss of socially useful connections. In addition, the minimum number of permitted parcels, packages and book parcels is legally provided for in special-regime correctional facilities.

Under Part 1 of Article 89 of the Penal Code of the Russian Federation, persons sentenced to imprisonment are provided with short-term visits lasting four hours and long-term visits lasting three days on the territory of the correctional facility. Long-term visits outside the correctional facility are not provided to convicts serving the sentence in special-regime correctional facilities. Visits of relatives or close people are crucial for maintaining socially useful ties.

During the year, prisoners in special-regime correctional institutions are allowed to have two short-term and two long-term visits in normal conditions of serving the sentence; three short-term and three long-term visits in light conditions; two short-term and one long-term visit in strict conditions. As an encouragement measure (Article 114 of the Penal Code of the Russian Federation), a convicted person may be granted up to four additional short-term or long-term visits during the year.

Table 13 reveals the number of short-term visits with relatives or other persons in the presence of a representative of the prison administration provided to convicts held in special-regime correctional facilities.

Table 13

Distribution of convicts according to the number of short-term visits provided to them (%)

Number of short visits per year	The 1999 census	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
1	-	8.6	15.0
2	-	2.7	8.1
3	-	0.8	3.5
4	-	0.1	1.8
5	-	0.0	0.5
6	-	0.0	0.3
7	-	0.0	0.1
8	-	0.0	0.1
9	-	0.0	0.1
10	-	0.0	0.1
11	-	0.0	0.0
12	-	0.0	0.3
0	85.5	87.8	70.1
total		100	100

It is worrying that the overwhelming majority (87.8%) of convicts held in special-regime correctional facilities did not exercise their right to short-term visits during 2022. Compared to other correctional institutions, this indicator is higher (worse) by 17.7%. Of the inmates in special-regime correctional facilities who exercised the right to short-term visits, the majority had only one short-term visit during the year.

If we compare the data with the 1999 census, the proportion of inmates held in special-regime correctional facilities who did not exercise the right to a short-term visit remained virtually unchanged.

Long visits are granted with the right to live together with a spouse, parents, children, adoptive parents, adopted children, siblings, grandparents and grandchildren, and with the permission of the head of the correctional facility with other persons. Table 14 gives an idea of the number of long-term visits granted to inmates.

Table 14

Number of long-term visits granted to inmates in special-regime correctional facilities (%)

Number of long-term visits per year	The 1999 census	The 2022 census	
	Convicts serving the sentence in the special-regime correctional facility	Convicts serving the sentence in the special-regime correctional facility	Convicted men serving the sentence in other correctional facilities
1	-	10.3	12.4
2	-	3.4	9.1
3	-	1.4	4.8
4	-	0.5	2.2
5	-	0.2	0.5
6	-	0.2	0.3
7	-	0.0	0.1
8	-	0.0	0.1
9	-	0.0	0.1
10	-	0.0	0.0
11	-	0.0	0.0
12	-	0.0.	0.1
0	92.7	84.0	70.3
total		100	100

In 2022, the share of convicts held in special-regime correctional institutions who did not use their right to long-term visits was also very high (84.0%). Compared with the 1999 census, the proportion of convicts who did not exercise the right to long-term visits decreased by 8.7%. When compared with other correctional facilities, the proportion of convicts held in special-regime correctional facilities who did not exercise their right to long-term visits was by 13.7% higher.

How can we explain the fact that convicts so rarely use short- and long-term visits?

First, the fact that many convicts serve their sentences far from home and family is reflected in the census. Relatives and friends often cannot afford (even within the framework of the norms established by the Penal Code of the Russian Federation) to visit convicts for financial reasons, their state of health, etc.

Second, some convicts held in special-regime correctional facilities have lost socially useful ties with relatives and friends due to recidivism and long sentences. According to the 2022 census, 69.9% of those serving the sentence in special-regime correctional facilities were not married, and the marriage of 8.9% of the convicts broke up [4, pp. 12–13].

Third, this result was influenced by the development of information technologies, primarily the telephone network. With the wider introduction of the practice of providing video visits to convicts, an increase in the role of traditional visits is not expected.

Fourth, the frequency of visits was affected by the coronavirus pandemic. For several years, correctional facilities had been closed to relatives for reasons of non-proliferation of the epidemic. Although the restrictions on visits were lifted in 2022, convicts and their family members got used to communicate in the easiest way, namely through money transfers, parcels and telephone conversations.

Conclusion

In comparison with 1999, the proportion of convicts serving sentences in normal and light conditions increased in 2022 and the share of convicts in strict conditions of special-regime correctional facilities cut to a third. It is worth mentioning that it does not demonstrate the betterment of convicts' behavior, but rather the realization of a tendency to humanize the treatment of convicts.

Compared with 1999, there is a contradictory dynamics in the indicator, such as the time spent in the correctional facility at the place of residence of the convicted person's family. Economic factors (a small number of special-regime correctional facilities) determine the territorial distance of convicts from their place of permanent residence to a greater extent than for other categories of convicts. Compared with 1999, there is also a positive trend in the use of legal

opportunities to maintain social ties with relatives by convicts in special-regime correctional facilities. However, the static nature of maintaining socially useful relationships recorded by the 2022 census, especially the use of the right to short- and long-term visits, indicates the need for additional measures to be taken in the penitentiary to maintain family relations of convicts. Certain steps are being taken in this regard. On March 12, 2025, at an expanded meeting of the Board, Director of the Federal Penitentiary Service of Russia A. Gostev noted that "according to the results of the work carried out with convicts who had lost socially useful ties, more than 2.4 thousand people resumed family relations in 2024" [7]. An insufficient level of maintaining socially useful relationships among convicts serving sentences in special-regime correctional facilities confirms the relevance of the probation service designed to provide persons released from prison with assistance in adapting to life at large, employment and finding accommodation. On the other hand, it indicates the need for adjusting probation mechanisms with regard to the emerging practical experience in applying the norms of the Federal Law "On Probation in the Russian Federation" and proposals of legal science [8, pp. 196–201].

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The Interests of Justice as an Object of Criminal Law Protection in a Crime Provided for in Article 305 of the Criminal Code of the Russian Federation

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Abstract

Introduction: the article analyzes certain issues of the theory and practice of applying Article 305 of the Criminal Code of the Russian Federation. *Purpose*: based on the generalization of theoretical provisions of criminal procedure science and the practice of criminal prosecution of judges for making knowingly unlawful judicial acts, to show key problematic issues affecting the effectiveness of protecting the interests of justice in the detection and investigation of this category of crimes. *Methods*: theoretical methods of formal and dialectical logic, historical, comparative legal, empirical methods of description, interpretation; private scientific methods, such as legal-dogmatic and interpretation of legal norms. *Results*: the analysis of the studied material has shown that criminal law tools and procedural mechanisms for protecting the interests of justice need to be improved. *Conclusion*: in order to enhance the protection of the interests of justice when considering cases of crimes provided for in Article 305 of the Criminal Code of the Russian Federation, it is necessary to limit the dispositive principle in the criminal prosecution of a judge, to conduct additional research into the stages of committing this crime and the possibility of criminal prosecution for an unfinished crime; to identify its elements and to establish its combination with other official criminal acts of representatives of the judiciary; and to provide representatives of the judicial community and other authorized persons with the opportunity to participate in criminal cases of this category in order to protect the interests of the Russian Federation.

Keywords: unlawful judicial act, deliberate unlawfulness, criminal liability of a judge, criminal prosecution of a judge, Article 305 of the Criminal Code of the Russian Federation, interests of justice, crimes against justice.

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Article 305 of the Criminal Code of the Russian Federation: significance and applicability

Justice in the modern world is deservedly given the role of one of the most effective ways to protect human rights, and, as scientists aptly put it, it is "one of those highest social values that humanity could present in its justification at the trial of history" [1, p. 13]. Until recently,

"the court and the justice it administers are one of the most sought-after methods of conflict resolution based on the norms of real law" [2, p. 47]. It covers all procedural activities without exception, regardless of the stages and type of legal proceedings, "because only in this case judicial supremacy will be a single principle of the court's activity, and not its local property" [3, p. 46]. It is the only way to implement judicial power as one of the types of state power, and the branch is the friendliest to a person and a citizen, as focused as possible on ensuring his/her interests, including from abuse by representatives of its other branches.

Therefore, it is understandable that its own interests are subject to special legal protection, including by criminal law (Chapter 31 of the Criminal Code of the Russian Federation). Today, it contains more than two dozen articles that identify criminally punishable acts that infringe on the normal solution of tasks the court addresses. These articles are designed for a wide variety of audiences, from ordinary people who are not even involved in the proceedings to professional participants in the proceedings – investigators, interrogators, prosecutors, and lawyers. One of these articles stands out for its special provision – this is Article 305 of the Criminal Code of the Russian Federation ("Imposition of a deliberately unlawful sentence, decision or other judicial act").

This article is unique due to the range of subjects (because it is intended only for the "elite" of law enforcement officers – the very administrators of justice) and the order of its application (which, due to their special constitutional and legal status, is always carried out in a special procedure with regard to the provisions of Chapter 52 of the Criminal Procedure Code and Article 16 of the Law on Status of Judges). The specified criminal act involves only judges and is qualified separately from other official crimes, for example, abuse of official powers (Article 285 of the Criminal Code of the Russian Federation) or their excess (Article 286), receiving a bribe (Article 290), mediation in bribery (Article 291.1), forgery (Article 292), which are designed for a wider range of subjects. It should be noted that not all officials – prosecutors, lawyers, deputies, ministers, notaries, commissioners – can "boast" of having such an exceptional corpus delicti, provided only for them and for no one else.

"Elitism" of this article determines its special position among other articles of the Criminal Code of the Russian Federation and its infrequent use in comparison with them. In order to compile a complete and objective picture of the specifics of the criminal law protection of the interests of justice as an object of crime under Article 305 of the Criminal Code of the Russian Federation, we have conducted an independent study, the results of which are regularly supplemented and partially described earlier [4, 5]. The author studied materials of over 100 cases of criminal prosecution of judges for making a knowingly unlawful judicial act for the period of 2002–2024 starting from the moment of initiation – obtaining consent to initiate criminal proceedings against a judge in the judicial qualification board, including 55 verdicts against judges under Article 305 of the Criminal Code of the Russian Federation. The main research was conducted as part of the work on the dissertation on the topic "The concept of improving the special procedure for criminal proceedings against judges in the Russian Federation". As practice shows, cases of criminal prosecution of judges for knowingly unlawful judicial acts occur about 3–5 times a year, while, according to official statistics, the number of persons convicted under it is even lower – 1–2 sentences a year. This is a negligible number compared to, for example, theft, fraud, drug trafficking, etc., which tens of thousands are committed annually in our country. In this regard, in theory and practice, opinions are often expressed about the inapplicability of Article 305 of the Criminal Code of the Russian Federation. "There is practically no actual practice of applying this rule" [6, p. 4] and "crime statistics in the field of justice indicate a small proportion of these crimes in the total crime" [7, p. 4].

We cannot agree with the judgments about uselessness of this article. This article is used much less frequently even than other articles of Chapter 31 of the Criminal Code of the Russian Federation. However, we emphasize that its use should not be compared with the use of other articles of the Criminal Code of the Russian Federation, at least because of a "small number" of the subject of the crime (the proportion of the judiciary, excluding retired judges, averages about 40 thousand people, i.e. less than 1% of the total population of the Russian Federation). At the same time, it is necessary to take into account not only the number of verdicts under Article 305 of the Criminal Code of the Russian Federation, but also the number of cases of other closure of criminal proceedings (for example, termination of criminal proceedings due to statute of limitations, amnesty, reconciliation

of the parties or active repentance), as well as cases of failed initiation (refusal of the qualification board of judges to consent to the initiation of criminal proceedings in accordance with the provisions of Article 16 of the Law on the Status of Judges – for example, in the absence of deliberate intent in the judge's act). According to scientists, "criminal liability for making knowingly unlawful decisions is not always realized" [8, p. 22].

The increased importance of this encroachment for the state is indicated by the very fact of the existence of criminal liability for making unlawful judgments in all previously existing models of domestic criminal law (Article 114 of the Criminal Code of the RSFSR of 1926, Article 111 of the Criminal Code of the RSFSR of 1922, Article 177 of the Criminal Code of the RSFSR of 1960), which provided for a similar responsibility of judges for this crime. But at the same time, in the first editions of codes, this article established that judges had a selfish or other personal goal and stipulated heavier sanctions – "up to and including execution".

We believe that for as many centuries justice itself has existed, so its antipode – "anti-justice". One of the first examples of this is the legendary episode with Pontius Pilate who made "a decision not based on his personal conviction, but at the insistence of a crowd demanding blood and execution" [3, p. 45]. There have always been and will always be unscrupulous parties and judges' attempts to "bend justice to themselves", and therefore it is obvious that the proper observance of the interests of justice is ensured by Article 305 of the Criminal Code of the Russian Federation acting as an invisible and once quite tangible guardian of its fragile essence. However, this does not mean that although it is not originally designed for "circulation use", the application of its provisions does not face problems. Many of them are connected with the fact that "in theory and practice, there are no scientifically sound criteria for qualifying what has been done under Article 305 of the Criminal Code of the Russian Federation" [6, p. 4]. Unfortunately, the Plenum of the Supreme Court of the Russian Federation in its resolution No. 20 of June 28, 2022 "On some issues of judicial practice in criminal cases of crimes against justice" ignored Article 305 of the Criminal Code of the Russian Federation [9, p. 268], obviously, taking into account the same insignificant statistical indicators of its application, which are not at all indicators of its real relevance.

We should mention a recent trend of the decreased number of detected crimes under Article 305 of the Criminal Code of the Russian Federation (in the period 2002 – 2015, it occupied a leading position among all official crimes of judges, accounting for about 80% of their total number). Today, the proportion of crimes under Article 290 of the Criminal Code of the Russian Federation is significantly increasing. But we do not think that this is due to the fact that there are fewer unlawful decisions being made. Scientists, speaking generally about crimes against justice, note their very high level of latency ("an even greater number of persons who have committed such acts remain outside the field of view of law enforcement agencies, since these crimes are traditionally considered highly latent" [8, p. 22; 10, p. 6], "in fact there are incomparably more facts of illegal arrests, detentions, unlawful sentences, etc." [11, p. 602]) and present a number of criminological reasons (these crimes "are not registered, criminal cases are not initiated and perpetrators often go unpunished", "it is very difficult and sometimes impossible to prove a violation of the law on the part of a judge", "even registered crimes of law enforcement officers are hardly ever brought to trial, the case is usually limited disciplinary action or dismissal from service", "this is connected with corporate, falsely understood "solidarity" of lawyers who condescend to violate the rule of law by their colleagues, so for more dangerous reasons, such as personal acquaintances in leadership circles, bribery of officials, criminal connections" [11, p. 602]. While agreeing with these statements basically, we note that from a procedural point of view, these theses require more detailed argumentation.

Procedural mechanisms for protecting the interests of justice

One of the procedural means of protection is the opportunity to participate in proceedings as a victim with all the rights granted by Article 42 of the Criminal Procedure Code of the Russian Federation. However, this article neither provides for the possibility of recognizing public elements as victims in a criminal case, for example, the Russian Federation, nor guarantees the participation of its representatives in the case (traditionally they are the prosecutor's office). Formally, victims in such cases are most often recognized as individuals or legal entities, whose interests are directly infringed by an unlawful judicial act. As a rule, these are participants who have not been notified of the case consideration, the date and time of the court

session, whose rights and interests are affected by the judicial act, who have lost their property, been brought to administrative responsibility, etc. There are no representatives of victims on behalf of the judicial community, whose bodies include councils, judicial qualification boards, etc. The law assigns them the task of establishing the authority of the judiciary and ensuring that judges comply with the requirements of the Code of Judicial Ethics (paragraph 4 of Article 4 of the Federal Law No. 30-FZ of March 14, 2002 "On Bodies of the Judicial Community in the Russian Federation"). But the authority of the judiciary is severely undermined by the commission of crime qualified according to Article 305 of the Criminal Code of the Russian Federation:

– "these deliberate actions of Judge L. entailed significant violation ... of the legally protected interests of society and the state, which resulted in discrediting and undermining the authority of the courts of the Russian Federation and gross violation of the activities of the courts regulated by law" (verdict of the Frunzensky District Court of Ivanovo of September 5, 2017 No. 1-123/2016 in respect of L., Justice of the Peace of the judicial district No. 5 of the Frunzensky judicial district of Ivanovo);

– "by her actions, Judge E. twice grossly violated the above-mentioned norms of civil procedure and arbitration procedure legislation, undermined the authority of the judiciary in the state, disrupted normal work of the judicial authorities, and also harmed the legitimate interests of individuals in the civil process" (verdict of the Supreme Court of the Russian Federation of April 25, 2007 No. UKPI07-2 in respect of E., Judge of the Trusovsky District Court of Astrakhan);

– "the specified deliberate actions of Judge H. entailed a significant violation ... of the legally protected interests of society and the state, which resulted in damage to the reputation of judges, discrediting and undermining the authority of judicial authorities, and gross violation of the activities of courts regulated by law, which contributed to the formation of a negative attitude towards the court and the judicial profession in society" (decision of the Supreme Court of the Russian Federation of September 28, 2023 No. AKPI23-732, appellate ruling of the Supreme Court of the Russian Federation of January 16, 2024 No. APL23-475 in respect of Kh., Justice of the Peace of judicial district No. 33 within the boundaries of the administrative-territorial entity of Velikie Luki, Pskov Oblast);

– "Judge A. foresaw the inevitability of socially dangerous consequences in the form of a violation of the established procedure for the judge to exercise his official powers in the administration of justice and the formation of S.'s beliefs about corruption of the judicial authority, undermining the authority and discrediting the latter... By his actions, Judge A. significantly violated ... the legally protected interests of the state, since he undermined the authority of the judiciary, discredited the status of a judge and disregarded the oath of a judge" (decision of the Supreme Court of the Russian Federation of September 6, 2023 No. AKPP And 23-683, appellate ruling of the Supreme Court of the Russian Federation of November 23, 2023 No. APL23-420 in respect of A., Judge of the Maikop City Court of the Republic of Adygea), etc.

We cannot agree that the formation of a "negative opinion about the judiciary" in the society is "an unfounded speculation of the prosecution, since the court has not been presented with any evidence that the intentionally committed violations of the law by Justice of the Peace F. were made public and the population expressed their negative attitude towards the judiciary in the country" (verdict of the Tyumen Regional Court of July 30, 2014 No. 2-28/2014 in respect of F., Justice of the Peace of the judicial district No. 5 in Tobolsk). Every case of criminal prosecution of a judge for any crime is a phenomenon that always causes a wide public response and is painfully perceived as something extraordinary that requires an immediate and adequate reaction, although the population, as a rule, does not actively express this (in rallies, pickets, protests, etc.).

Another way to protect criminal law interests is the possibility of appealing a judicial act affecting the interests of a particular subject, even if he/she was not involved in the case. In accordance with the provisions of procedural legislation, the subjects of appeal, in addition to direct participants in the legal dispute, also include "other persons to the extent that the appealed court decision affects their rights and legitimate interests". In various types of legal proceedings (articles 389.1, 401.2, 412.1 of the Criminal Procedure Code of the Russian Federation, articles 320, 376, 391.1 of the Civil Procedure Code of the Russian Federation, articles 295, 318, 332 of the Code of Administrative Judicial Procedure of the Russian Federation, articles 42, 257, 273, 308.1 of the Arbitrazh Procedure Code of the Russian Federation) they are called differently:

– “persons who were not involved in the case and whose rights and obligations were determined by the court”;

–“other persons if their rights and legitimate interests were violated by court decisions”;

– “persons who were not involved in the administrative case and whose rights and obligations were determined by the court”;

– “other persons if their rights, freedoms and legitimate interests were violated by judicial acts”;

“persons who did not participate in the case, but whose rights and obligations were considered in the judicial act of the arbitration court”.

However, representatives of the Russian Federation or the judicial community are not explicitly listed in any of the listed articles among the subjects of appeal, cassation or supervisory review of sentences passed under Article 305 of the Criminal Code of the Russian Federation for the issuance of unlawful judicial acts in criminal, civil, administrative, arbitration cases.

Finally, another way to protect public interests (including the interests of justice) is the right to apply to a court for compensation for damage caused to the Russian Federation, its subjects or municipalities. They are vested with the prosecutor’s office, which are authorized to commit such actions in accordance with Part 1 of Article 45 of the Civil Procedure Code of the Russian Federation, Part 1 of Article 39 of the Code of Administrative Judicial Procedure of the Russian Federation, Part 1 of Article 52 of the Arbitrazh Procedure Code of the Russian Federation. It is difficult to imagine the amount of the monetary equivalent of the damage caused to the authority of the judiciary to be compensated by a judge convicted of committing a crime provided for in Article 305 of the Criminal Code of the Russian Federation. Practice has no lawsuits for compensation for damage caused to the Russian Federation as a result of diminishing the interests of justice and the authority of the judiciary, filed against judges convicted under Article 305 of the Criminal Code of the Russian Federation.

Thus, procedural mechanisms for protecting the interests of justice – the main object of the crime provided for in Article 305 of the Criminal Code of the Russian Federation – seem rather abstract today.

The structure of an object of criminal encroachment and characteristics of its purpose

The object of this criminal offense, provided for in Article 305 of the Criminal Code of the Russian Federation, also requires clarification, given that the resolution of the Plenum of the Supreme Court of the Russian Federation mentioned above does not specify it (“the authors of the explanations turned out to be such skilful lawyers that they were able to characterize elements of crimes without mentioning the object against which they are directed” [1, p. 14]).

Traditionally, scientists identify two objects of encroachment in this crime – the main and additional. The main one is social relations that ensure that the court solves the tasks of justice, and the additional one is the rights, freedoms and legitimate interests of the parties [12, p. 221; 13, p. 429]. It is worth mentioning that this particular emphasis follows from the construction and arrangement of this article formulated by the legislator: the corpus delicti is placed precisely in Chapter 31, and, for example, not in Chapter 19 of the Criminal Code of the Russian Federation (“Crimes against the constitutional rights and freedoms of man and citizen”), where it might have sounded like “Violation of the right to judicial protection by issuing an unlawful judicial act by a judge”. That is, the legislator assigns the interests of justice absolute priority over the interests of the individual.

In principle, this is typical for all articles of Chapter 31 of the Criminal Code of the Russian Federation and many articles of its other chapters. At the same time, this priority separates justice as an object of criminal law protection from public service and service in local government bodies, crimes against which are concentrated in Chapter 30 of the Criminal Code of the Russian Federation. This seems logical considering that the judge, as the subject of a crime under Article 305 of the Criminal Code of the Russian Federation, is not a civil servant, but holds a government position. However, at the same time, there is a confusion of objects of criminal legal protection of the entire Section X (“Crimes against the state power”) and Chapter 30 (“Crimes against state power, interests of public service and service in local governments”), from the title of which the mention of state power should be excluded. Another consequence of this is the possibility of establishing a combination of the crime provided for in Article 305 of the Criminal Code of the Russian Federation with the crimes provided for in Chapter 30 of the Criminal Code of the Russian Federation.

It should be noted that the participants in the process, being dissatisfied with the court decision, in any case seek to accuse the judge of the intentional nature of his/her illegal actions.

Under such conditions, it seems fair to say that "any person in whose interests a court decision is annulled or changed by a higher authority may consider that it was originally decided not in accordance with the law; therefore, a crime under Article 305 of the Criminal Code of the Russian Federation took place" [14, p. 101]. Therefore, the increased standard of proof provided by an awareness element (according to scientists, this element obliges the law enforcement officer to establish not just intent, but "prior awareness of the accused about any significant circumstance" [15, p. 73]), looks justified. In addition, the above-mentioned emphasis in the disposition of Article 305 of the Criminal Code of the Russian Federation and the priority of the interests of justice over the private interests of participants in the proceedings do not allow us to talk about the possibility of criminal prosecution of a judge for any decision that one of the parties is dissatisfied with.

Today, the legislator does fix the purpose as a necessary element of this crime, freeing the law enforcement officer from the need to identify it. It seems a serious omission, since the purpose of committing a crime under Article 305 of the Criminal Code of the Russian Federation determines whether or not it is necessary to identify elements of other crimes in the judge's act. As practice shows, the purpose of committing this crime in the vast majority (about 80% of the cases) is mercenary [we have written about this earlier – 16–18] (it is assumed that direct remuneration in the form of a monetary equivalent is a bribe). That is, bribery as the main way to influence the judge makes the crime provided for in Article 305 of the Criminal Code of the Russian Federation, in the vast majority of cases, a corruption-related crime [19, p. 338]. This is also confirmed by the research of other scientists: "motives for the issuance of knowingly unlawful judicial acts in the vast majority of cases are based on the material needs of subjects (including the need for a systematic increase in their well-being, as well as stable earnings)" [8, p. 23; 20, p. 78]; "in cases of knowingly unlawful judicial acts, personal motives prevail, which in most cases are related to corruption, requests from "high patrons" of the perpetrators, or close relations with representatives of the criminal world (which mostly remains in the shadows)" [11, p. 604]. That is, in this case, the judge's act should be classified as a set of crimes provided for in articles 305 and 290 of the Criminal Code of the Russian Federation and Article 292 in case of a fake protocol of the court).

In accordance with the provisions of Part 2 of Article 10 of the Federal Law No. 273-FZ of December 25, 2008 "On Combating Corruption" and Paragraph 2 of Article 3 of the Law on the Status of Judges, the personal interest of a judge, which affects or may affect the proper performance of his/her official duties, is understood as the possibility for a judge to receive income in the form of material benefits or other undue advantages directly for the judge, his/her family members or other persons and organizations with which the judge is financially or otherwise bound. In relation to the crime in question, this is judge's various kinds of dependence on the parties to the dispute due to services previously rendered by them, bound by certain obligations to them, a sense of unpaid debt, etc. – and, as a result, a desire to please, thank, and do justice. This type of dependence indicates the presence in the judge's act of elements of a combination of crimes provided for in articles 305, 285 (286) of the Criminal Code of the Russian Federation (as well as, in the presence of a forged protocol, additionally Article 292 of the Criminal Code). And only sometimes, in about every tenth case, the issuance of an unlawful judicial act is solely due to improper organization of work, it is committed in order to prevent further delay in the consideration of cases, reduce the number of pending cases, conceal negligence in their work and improve its performance in order to avoid adverse disciplinary consequences (i.e. in this case Article 305 of the Criminal Code of the Russian Federation is applied in its "pure form" or in combination only with Article 292 of the Criminal Code of the Russian Federation).

The interdependence of the acts provided for in articles 305 and 290 (as well as articles 285, 286, 292 of the Criminal Code of the Russian Federation) seems obvious, and the establishment of this relationship and the imposition of more severe punishment for a combination of crimes is a necessary condition for the proper protection of the interests of justice. However, the purpose of issuing an unlawful judicial act in the investigation of this crime is not always established, and the totality of this crime with others is often not identified.

Limitation of the dispositive principle in criminal prosecution under Article 305 of the Criminal Code of the Russian Federation

The presence of the interests of justice – the most abstracted category focused on an unlimited range of people, "whose goal is to protect human and civil rights and freedoms" (review

of judicial practice of the Supreme Court of the Russian Federation No. 1 (2015), decision of the Supreme Court of the Russian Federation of February 27, 2019 No. AKPI19-35, etc.) – further narrows the possibility of implementing a dispositive principle, which is already limited in criminal proceedings, for example, reconciliation of the accused with the victim. It is allowed for crimes of minor and moderate severity committed for the first time (which is quite suitable for the parameters of the act provided for in Part 1 of Article 305 of the Criminal Code of the Russian Federation) and is organized only between the judge and the victims – individuals: "The victim considers the above sentence illegal, since the evidence was not examined during the trial, he was not questioned as a defendant, the parties did not debate, he was not given the right to address the court with the last word, the verdict was not announced, and he did not participate in court sessions. But subsequently, Judge L. fully compensated him for moral damage in the amount of 70,000 rubles, and he refused to file claims" (verdict of the Frunzensky District Court of Ivanovo of September 5, 2017 No. 1-123/2016 in respect of L., Justice of the Peace of the judicial district No. 5 of the Frunzensky judicial district of Ivanovo).

The ethical aspect of such "reconciliation" is highly questionable. And if the victim can determine a sufficient amount for him/herself based on his/her own level of pretension and ideas of justice, then who and to what extent can determine the amount of moral damage caused to the Russian Federation and how should a judge apologize to it when making amends? Obviously, there are no answers to these questions. Therefore, such reconciliation is more like a "compensation" for legalizing criminal behavior of a representative of public authority in relation to a person and a citizen, for violating the right to judicial protection guaranteed by Article 46 of the Constitution of the Russian Federation, rather than reaching a legitimate compromise between equal parties to a criminal dispute.

The price of the "deal with justice", no matter how much it is set, looks very cynical: "During another meeting, Judge G. explained to him that he could make a decision in favor of S., but for this he needed to transfer 2,000,000 rubles, which was the price for making an illegal and unjustified decision" (verdict of the Proletarian District Court of Rostov-on-Don of July 19, 2024 No. 1-13/2024 against G., judge of the Temryuksky District Court of the Krasnodar Territory).

That is, perhaps, satisfying the interests of an additional object of criminal encroachment, such reconciliation does not compensate in any way for the interests of the main object – justice, and even if all the formal conditions provided for in Articles 76 of the Criminal Code of the Russian Federation and Article 25 of the Criminal Procedure Code of the Russian Federation are fulfilled, it only emphasizes its inappropriateness. Therefore, we believe that the specifics of the object of the crime provided for in Article 305 of the Criminal Code of the Russian Federation should entail a direct prohibition on termination of the case for reconciliation, active repentance, a court fine and on any other compromise grounds. Positive post-criminal behavior, which is required in most of these cases, can only serve as a mitigating circumstance and reduce the amount of responsibility.

Identification of the interests of justice as an object of criminal encroachment in each crime of a judge related to the exercise of official powers

The interests of justice as an object of criminal encroachment are not always established in the criminal behavior of a judge related to the exercise of official powers. The Constitutional Court of the Russian Federation, in its decision No. 23-P of October 18, 2011 ("In the case of the review of the constitutionality of the provisions of Articles 144, 145 and 448 of the Criminal Procedure Code of the Russian Federation and Paragraph 8 of Article 16 of the Law of the Russian Federation "On the Status of Judges in the Russian Federation" in connection with the complaint of citizen S.L. Panchenko") in the case of S.L. Panchenko, emphasizes that the crime provided for in Article 305 of the Criminal Code of the Russian Federation is usually accompanied by a number of other crimes, such as "Fraud" (Article 159), "Abuse of official authority" (Article 285), "Abuse of official authority" (Article 286), and "Receiving a bribe" (Article 290). On the one hand, this suggests that the crime provided for in Article 305 of the Criminal Code of the Russian Federation is extremely rarely committed as a single one. As rightly noted by scientists, many illegal actions "are related to receiving or attempting to receive a bribe (mainly for promising to terminate a criminal case, acquit, satisfy an illegal claim, etc.)" [11, p. 603]. At the same time, the Supreme Court of the Russian Federation clarified that the list of crimes listed above by the Constitutional Court of the Russian Federation is not exhaustive. These crimes are often com-

mitted “in addition” to the pronouncement of a deliberately unlawful judicial act (although not necessarily only them).

On the other hand, it seems that all illegal activities of a judge connected with his official powers are somehow focused on his adoption of an unlawful judicial act. A judge, in accordance with his constitutional and legal status, is endowed with only one public function aimed at the exercise of judicial power – the administration of justice (unlike, for example, an employee of the prosecutor’s office, in whose arsenal, in accordance with the Federal Law of January 17, 1992 No. 2202-1 “On the Prosecutor’s Office of the Russian Federation” has more than ten supervisory and non-supervisory powers). Therefore, the judge is an object of criminal interest not for “general patronage” or “general connivance”, but only in connection with his/her ability, abusing his/her official powers, exceeding them or acting in accordance with them, to make a decision in favor of one or another participant in the process. Moreover, these actions can be directly related to the adoption of a judicial act in the framework of a specific criminal, civil or administrative case, as well as to some organizational actions, for example, aimed at accepting the case for its own production: “Lawyer K. appealed to Judge K. with a proposal to recognize initial protocols of interrogations of H., the suspected and accused, as inadmissible evidence, in which he accused D. of committing crimes, Judge K. agreed, demanding funds in the amount of 13,000,000 rubles, of which 4,000,000 rubles were the guarantor of his acceptance of the criminal case for his trial” (verdict of the Moscow Regional Court of August 28, 2023 No. 2-62/2023 against K., Judge of the Lytkarinsky City Court of the Moscow Oblast).

It is this opportunity that attracts a certain category of unscrupulous persons to the judge, turning him/her into a “tool” for committing a crime. Otherwise, all criminal communication with the judge is devoid of any meaning. In some situations, these individuals (representatives of the parties, lawyers, acquaintances, |acquaintances of acquaintances, etc.) can prompt the judge to illegal actions by placing pressure on him/her, but most often by bribing, promising him/her remuneration in one form or another . Sometimes the judge him/herself may suggest this to the representatives of the parties (for example, to extort a bribe) (decision of the Qualification Board of Judges of the Sverdlovsk Oblast of June 5, 2018 on the resignation of a judge of the Arbitration Court of the Sverdlovsk Oblast, decision of the Higher Qualification Board of Judges of the Russian Federation of November 28, 2018 on the consent to initiate criminal proceedings, decision of the Supreme Court of the Russian Federation of February 26, 2019 No. AKPI19-71, appellate ruling of the Supreme Court of the Russian Federation of May 21, 2019 No. APL19-153).

The signs of the conditionality of a bribe by the issuance of an unlawful judicial act are quite obvious:

– “for the bribe received from D., Judge G. issued a ruling on the introduction of a monitoring procedure for the LLC and on the approval of the interim manager P. and announced its operative part, and then produced this (motivated) ruling in full” (verdict of the Central District Court of Barnaul, Altai Krai of April 11, 2023 No. 1-6/2023 in respect of G., Judge of the Arbitration Court of Altai Krai);

– Judge A. offered P. to transfer 100,000 rubles to him for making a decision on the satisfaction of the claim. A. insisted that a positive decision on the claim would be made after he received the full amount of the bribe. Under such circumstances, the civil case was postponed” (verdict of the Supreme Court of the Russian Federation of October 21, 2011 No. UKPI11-10 in respect of A., Judge of the Voroshilovsky District Court of Rostov-on-Don);

– “Judge K., as a result of repeated negotiations agreed to the proposal. Thus, he had a criminal intent: to recognize interrogation protocols of D.’s as the suspected and accused as inadmissible evidence, to stop the criminal prosecution of A. and D. in terms of their crimes committed as part of an organized group, qualifying their acts as committed by a group of persons by prior agreement, to impose the minimum possible punishment on A. and D. in the absence of legal grounds, for which he demanded a bribe in the form of money in the amount of 13,000,000 rubles, which is a particularly large amount” (verdict of the Moscow Regional Court of August 28, 2023 No. 2-62/2023 against K., Judge of the Lytkarinsky City Court of the Moscow Oblast).

In theory and practice, there is a stable opinion about the need to establish a set of crimes in these acts, “if the imposition of a knowingly unlawful sentence, decision or other judicial act is related to receiving a bribe, the socially dangerous act in question must be classified according to the set of crimes provided for in articles 305 and 290 of the Criminal Code of the

Russian Federation" [21, p. 101]. However, at the same time, receiving a bribe (Article 290 of the Criminal Code of the Russian Federation) is the main element (annual reports on the number of persons brought to criminal responsibility and types of criminal punishment, reports on the number of persons convicted of all types of crimes of the Criminal Code of the Russian Federation and other persons against whom judicial acts have been issued in criminal cases) (i.e., an act that would have been committed in any case) and the issuance of an unlawful judicial act (Article 305 of the Criminal Code of the Russian Federation) is an optional one (an act might and might not be committed). Scientists define this qualification as optional and superstructural, "additional qualification occurs when it has already been established that what has been done is provided for by certain elements of a crime (a certain corpus delicti), but this is still not enough to give a final criminal assessment of what has been done" [22, p. 119; 23].

Indeed, the crime provided for in Article 305 of the Criminal Code of the Russian Federation is not always completed by the time the bribe is received, quite often "parties" agree on an advance payment scheme. The entire amount of the illegal remuneration is transferred to the judge, he/she makes a decision in the interests of the payer. As a result, the composition of the crime provided for in Article 305 of the Criminal Code of the Russian Federation is not always revealed, and the totality of crimes in the judge's act is also not established. It seems that this omission is a direct consequence of the practical impossibility of criminal prosecution for an unfinished crime under Article 305 of the Criminal Code (see below), as well as the additional nature of the qualification of the act provided for in Article 305 of the Criminal Code, and also does not provide an adequate level of protection of the interests of justice.

Non-obviousness of the commission of a crime under Article 305 of the Criminal Code of the Russian Federation

Criminal prosecution of a judge for any crime is burdened with procedural difficulties provided for in Chapter 52 of the Criminal Procedure Code and Article 16 of the Law on the Status of Judges. In the case of prosecution under Article 305 of the Criminal Code of the Russian Federation, non-obviousness of this crime is a complicating element. After all, everything looks good: the judge is engaged in day-to-day work, studying case materials, holding court sessions, giving instructions to staff on the preparation of requests, notifications, notices of the parties, and draft documents, announcing judicial acts, etc. Some people (participants in the dispute, representatives of the prosecutor's office and the bar, visitors) may come into his/her office and talk about something in private, but this is not criminal in principle. There is no violence, threats, illegal entry into other people's premises, violation of public order, expression of disrespect for society, etc., i.e. the method of its commission is not obvious. It is only when law enforcement officers are arrested at the scene of a crime during an operational experiment that it becomes known that this seemingly respectable activity was criminal in nature.

But this happens most often when the subject of a bribe or other illegal remuneration is being detained, i.e. when committing crimes under articles 159 or 290 of the Criminal Code of the Russian Federation. It should be noted that the method of obtaining illegal remuneration has remained traditional – the transfer of cash, when the crime is suppressed and then the collection of evidence is also focused on these types of crimes. In addition to the testimony of bribe-giving witnesses, they include the following evidence:

– resolutions on conducting an operational search event "operational experiment"; reports on its results, according to which information was obtained about the presence of corpus delicti in the actions of the judge; resolutions on declassification of information constituting a state secret and their carriers; resolutions on providing results of operational search activities to the body of inquiry, investigator or court; statements of persons on their voluntary consent to participate in operational search activities in order to identify and suppress criminal activities of a judge;

– testimony of FSB officers who participated in the arrest; testimony of witnesses and members of the public who were present during the arrest;

– protocols of inspections of mobile devices, electronic media of audio and video recordings of bribe negotiations, call details from subscriber devices, flash drives with video surveillance cameras;

– acts of inspection, processing and issuance of funds and dummy funds, protocols of inspection of premises, buildings, structures, terrain and vehicles with the seizure of documents, objects and materials;

– expert opinions (phonoscopic, linguistic, criminalistic), etc.

The materials used to formalize red-handed detention become one of the main evidence under articles 290 or 159 of the Criminal Code of the Russian Federation, but they cannot confirm the issuance of an unlawful judicial act. A certain intersection of evidentiary means is possible, but at the same time it is impossible to use the powerful resource of surprise inherent in the institution of detention, designed to ensure that the controlled person is not ready for law enforcement intervention and is caught red-handed. This creates a specific "set" of evidentiary tools used in the detection and investigation of crimes under Article 305 of the Criminal Code of the Russian Federation. In this situation, the following means of proof are required: testimony (from participants in the trial, employees of the court staff, the chairman of the court, and other judges), protocols of document inspections, materials on criminal, civil, and administrative cases, as well as other documents, such as acts of the judge appointment and termination of his/her powers, and acts of higher courts on the cancellation of his/her judicial decision as unlawful. A protocol of the court session that was not actually held is regarded as physical evidence.

Their collection is carried out in a slightly different way than the collection of evidence incriminating the receipt of a bribe or other illegal remuneration. As a rule, there is no need to conduct examinations and searches in the judge's office and living quarters, or to listen to his/her telephone conversations. It is impossible to catch a judge at the moment of pronouncing an unlawful judicial act (especially given the absence of an unambiguously defined moment of its pronouncement). Practically none of the evidence listed above is direct, and therefore they must be collected in sufficient totality. However, due to the limited coercion applied to judges, this collection is difficult, and subsequently, when submitting a submission by the Chairman of the Investigative Committee of the Russian Federation to the Higher Qualification Board of Judges of the Russian Federation for consent to initiate criminal proceedings, materials confirming receipt of illegal remuneration are provided in sufficient volume, and materials confirming that remuneration was offered for making an unlawful decision are, as a rule, absent.

In most situations, when investigating them, if Article 305 of the Criminal Code of the Russian Federation is not the main one, but an additional one, the question of the possibility of such a connection (totality) is not investigated at all:

– B. said that in the case of decisions mitigating criminal liability, he was ready to transfer a monetary reward to the judge... In connection with the above, Judge T. decided to receive a particularly large bribe from B.'s relatives through an intermediary for performing actions within his authority in the interests of the latter. Judge T. was convicted under Part 6 of Article 290 of the Criminal Code of the Russian Federation (verdict of the Krasnoyarsk Regional Court of December 29, 2022 No. 2-26/2022 in respect of T., Deputy Chairman of the Sovetsky District Court of Krasnoyarsk);

– D. during repeated meetings with Judge S., with whom he maintained a trusting relationship, appealed to him with a request for assistance in acquitting his acquaintance in the Volzhsky District Court of Saratov. S. decided to carry on as if he could, using his official position, to ensure such a verdict for receiving funds in the amount of 15 million rubles. Judge S. was convicted under Part 3 of Article 30, Part 4 of Article 159 of the Criminal Code of the Russian Federation (verdict of the Penza Regional Court of March 21, 2019 No. 2-04/2018 against S., Judge of the Saratov Regional Court);

– Judge K. had a criminal intention to ensure the issuance of a ruling on the refusal to satisfy the bankruptcy trustee's application submitted to the Moscow Arbitration Court for a monetary reward. Judge K. was convicted under Part 3 of Article 30 and Part 4 of Article 159 of the Criminal Code of the Russian Federation (verdict of the Simonovsky District Court of Moscow of July 12, 2022 No. 1-102/22 in respect of K., Judge of the Moscow Arbitration Court);

– Judge R. received an arbitration case on the claim of "AR" against "RB" LLC. During the preparation for the consideration of this arbitration case, he had the intention to receive a bribe for making a decision to dismiss the claims. Judge R. was convicted under Part 6 of Article 290 of the Criminal Code of the Russian Federation (verdict of the Krasnodar Regional Court of September 23, 2015 No. 2-29/2015 against R., Judge of the Arbitration Court of the Krasnodar Territory).

In such cases, criminal prosecution under Article 305 of the Criminal Code of the Russian Federation turns out to be directly dependent on the will or capabilities of law enforcement agencies, turns into a kind of private prosecution: if there is sufficient evidence, criminal prosecution will take place, and consent to initi-

ate criminal proceedings will be sought from the qualification board of judges, if not, the investigative authorities are limited only to prosecution for obtaining bribes (fraud). It should be noted that the differentiation of a judge's responsibility between articles 290 and 159 of the Criminal Code of the Russian Federation depends on whether the case for which the judge received or intended to receive illegal remuneration was in his/her proceedings. If so, i.e. the judge had a real opportunity to make such a decision by lawful or illegal actions, then he was liable under Article 290 of the Criminal Code of the Russian Federation. If a judge received a reward through deception or abuse of trust for facilitating such actions that he could not carry out due to the lack of appropriate official powers or official position (the case was handled by other judges, including in a higher court, and he/she only promised to "help resolve the issue"), the deed should be qualified as fraud committed by a person using his/her official position (see Paragraph 24 of the resolution of the Plenum of the Supreme Court of the Russian Federation No. 24 of July 9, 2013 "On judicial practice in cases of bribery and other corruption crimes"). However, the objects of criminal law protection here are different, and the interests of justice are not protected by Article 290 of the Criminal Code of the Russian Federation, much less Article 159 of the Criminal Code of the Russian Federation, which is even placed in another section of the Criminal Code of the Russian Federation, in particular, "Crimes in the sphere of economics". And, in addition, we have already discussed the need to limit the dispositive (private) principle in the prosecution of encroachment on the interests of justice.

It follows that the interests of justice require additional identification of elements of a crime under Article 305 of the Criminal Code of the Russian Federation in any criminal act of a judge related to the exercise of official powers.

Is liability for an unfinished act provided for in Article 305 of the Criminal Code of the Russian Federation possible?

The pronouncement of an unlawful judicial act, in the presence of obvious elements of this crime, is not imputed to the judge due to the fact that the crime provided for in Article 305 of the Criminal Code of the Russian Federation is often not completed. This may be due to the suppression of receiving illegal remuneration, which was intended for the judge for making an illegal decision. But then the responsibility for it must come as for an unfinished deed.

However, the issue of establishing a stage of the crime provided for in Article 305 of the Criminal Code of the Russian Federation is not considered either in theory or in practice, although the intentional nature of this act in itself does not exclude it. It should be noted that the judge's intention to make an unjustified judicial decision originates during the first agreements with the parties, is specified during the discussion of "details" of the court decision – terms, amounts, ways of compensation for harm, etc., when accepting fictitious documents from participants without due diligence and in violation of instructions, etc. It is implemented by printing the text of the court decision, certifying it with his signature and the seal of the court, and is completed by making, certifying and issuing copies of the illegal court decision to the parties (executors), instructing staff to produce retroactively forged minutes of the court session, etc.:

– "In the period up to September 19, an unidentified person asked Justice of the Peace A. to recognize citizen V. the owner of a BMW X5 car in violation of the procedure established by law. A., realizing the illegal nature of the request, agreed, after which he received a falsified statement of claim. On September 19, the defendant intentionally, with the aim of making a deliberately unlawful decision, issued an illegal ruling on the acceptance of the statement of claim for his production, initiating civil case No. 2-468. On the same day, continuing to implement the intent to make a knowingly unlawful decision, bypassing the mandatory stage of preparing the case for trial, issued an illegal ruling on the appointment of the case for trial. On September 24, realizing the intent to make a knowingly unlawful decision, issued a knowingly unlawful decision, which satisfied the claim. From September 24 to October 10, the defendant made a copy of the knowingly unlawful decision of September 24 in the civil case No. 2-468, signed and sealed it; after that, he handed it over to an unidentified person for subsequent presentation to the traffic police and vehicle registration authorities" (verdict of the Sverdlovsk Regional Court of July 27, 2007 No. 2-77/07 against A., Justice of the Peace of the judicial district No. 2 of the Nizhneserginsky district of the Sverdlovsk Oblast).

Undoubtedly, these circumstances primarily characterize the subjective side – intent, defining it as premeditated (as opposed to sudden) and specified (as opposed to indefinite) [24, pp. 90–92] and testify that planning of the issuance of an unlawful judicial act begins long before

it is pronounced. However, the earlier ruling of the Constitutional Court of the Russian Federation in the case of S.L. Panchenko stipulates the inadmissibility of criminal prosecution of a judge under Article 305 of the Criminal Code of the Russian Federation, if the judicial act issued by him/her has entered into legal force and has not been annulled in accordance with the procedure established by the procedural law as unlawful. Subsequently, this position is reflected in criminal procedure legislation. Article 448 of the Criminal Procedure Code of the Russian Federation was supplemented with Part 8 of a similar content (Federal Law No. 54-FZ of April 5, 2013). It completely eleminated the possibility of distinguishing stages of the crime under Article 305 of the Criminal Code of the Russian Federation and bringing to justice for preparing for it (under Part 2) or attempting to commit it. It should be noted that in none of the cases we considered, the act provided for in Article 305 of the Criminal Code of the Russian Federation was qualified with reference to Article 30 of the Criminal Code of the Russian Federation (neither before 2011, nor even after). We assume that in such a situation there would have been many more cases of application of Article 305 of the Criminal Code of the Russian Federation and the discussion about its "dead" nature would have come to naught.

In case the adoption of a judicial act was not completed for reasons beyond the judge's control (for example, due to detention at the place of receiving a bribe for issuing an unlawful judicial act) or criminal prosecution was not initiated due to procedural difficulties, peculiarities of evidence, etc., then these actions directed against the interests of justice remain unpunished.

Conclusion

We believe that the interests of justice as the main object of criminal law protection in the crime qualified under Article 305 of the Criminal Code of the Russian Federation require a more balanced approach to law enforcement: limiting the dispositive principle, additional study of its stages and the possibility of criminal prosecution for an unfinished crime, establishing its combination with other official criminal acts, and presenting the possibility for representatives of the judicial community and other authorized persons to participate in their defense.

The range of problems mentioned requires an integrated approach to their solution from the point of view of the theory of criminal law sciences, legislation and practice of its application. Among the priority measures, it seems necessary to specify the disposition of Article 305 of the Criminal Code of the Russian Federation, stating in it that the illegality of a judicial act must be established by a court of a higher instance by canceling it in accordance with the procedure provided for by procedural law, thereby bringing it into line with Part 8 of Article 448 of the Criminal Procedure Code of the Russian Federation, as well as with the above-mentioned position of the Constitutional Court of the Russian Federation, expressed in the resolution No. 23-P of October 18, 2011. The same close attention should be paid to the study of questions about its objective and subjective sides, sanctions and sentencing practices, the specifics of initiating, investigating and considering criminal cases of this category, problems of disciplinary responsibility of the judge who has committed this act and issues of termination of his/her status.

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Current State and Ways to Improve Mediation in Criminal Proceedings of the Kyrgyz Republic

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Abstract

Introduction: it has now been proven that the use of mediation procedures in various spheres of public life, as a rule, is characterized by a high degree of effectiveness in conflict resolution. The sphere of criminal proceedings is no exception, which also needs additional measures to reconcile representatives of the prosecution and defense sides, with mandatory respect for the rights and legitimate interests of each of them. The problem of regulation in the criminal procedure legislation of the Kyrgyz Republic of mediation as an alternative and restorative method of resolving a criminal case, as well as the specifics of its application in a specific criminal case, is the subject of this study. *Purpose*: based on the analysis of normative acts of Kyrgyzstan and Russia, the practice of using mediation in the criminal process of individual states, the works of legal scholars, official statistical data, to develop proposals aimed at improving the criminal procedure legislation of the Republic of Kyrgyzstan on the issues under study. *Methods*: dialectical, comparative-legal, system-structural, induction, deduction, analysis, synthesis, etc. The *results* of the study confirm the existence of shortcomings in the current legislation of Kyrgyzstan in terms of certain features of the regulation of mediation procedures in criminal proceedings. The identified shortcomings are of a private nature, and therefore can be eliminated without reviewing the system-forming institutions of criminal law and the process. *Conclusions*: 1) one of the conditions for confirming necessary qualifications of a mediator is the availability of higher legal education; 2) mediation functions, along with a professional mediator, may be performed by a law enforcement official and (or) judicial authorities conducting criminal proceedings; 3) the conclusion of a mediation agreement does not prevent the accused / defendant from refusing to recognize certain legally significant circumstances and facts established in the case.

Keywords: alternative method; restorative justice; defense; mediation; mediator; suspect; the accused; victim; conflict resolution; court.

5.1.4. Criminal law sciences.

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Introduction

Any civilized state strives to minimize negative consequences caused by the commission of a crime. This rule applies equally to both the victim of criminal activity and the person found guilty of committing a criminally punishable act. In the countries of the post-Soviet space, liberalization of criminal liability is mainly carried out by mitigating punishment. This is manifested, for example, in the form of the inclusion in criminal laws of new types of punishments alternative to imprisonment, the introduction of new types of exemption from criminal liability and punishment, the expansion of judicial discretion in choosing options for mitigating liability measures applied to the convicted. Examples of humanized conditions of the execution of sentences can also be found in current penal codes of the former USSR countries. They are usually associated with the creation of conditions for the execution of new types of punishments that do not involve isolation from society, a differentiated approach to determining the regime of serving imprisonment, etc. At the same time, the institutions of modern criminal procedure law contain a significant potential for saving criminal repression. Ensuring the proper resolution of a criminal conflict between the victim and the accused at the level of criminal proceedings seems to be a more effective solution in terms of respecting the rights and legitimate interests of the individual and ensuring the humanization of criminal liability measures without prejudice to achieving the goal of restoring social justice (correcting the convicted person, preventing the commission of new crimes). Therefore, mediation in criminal proceedings has quite great prospects, taking into account the existing social demand. Raising the issue of using mediation in criminal proceedings in Kyrgyzstan is relevant and timely, since this method of resolving cases is not used in law enforcement activities. The legislation of the Kyrgyz Republic lays the foundations for the use of mediation as an alternative method of conflict resolution, including in the field of criminal proceedings. At the same time, scientific literature proves significant social benefits of implementing mediation mechanisms in the framework of criminal proceedings [1, p. 122]. We believe that the introduction of mediation in criminal proceedings will reduce the production burden on law enforcement and judicial authorities. As part of the judicial reform, the Supreme Court of the Kyrgyz Republic has announced a sharp increase in the number of criminal cases to be considered in national courts of various instances. In 2020, the number of criminal cases amounted to 125,285 cases and court materials, at the end of 2024 – 251,620 cases. Also, according to the Supreme Court of Kyrgyzstan, the number of cases considered by a judge increased 2–2.5 times and up to 85 cases per month. For example, 23 judges administer justice in the Leninsky District Court of Bishkek. In 2022, this court considered 14,783 cases and court materials, in 2023 – 15,304, and in 2024 – 23,500. The average workload per judge ranges from 53 to 85 cases and court materials per month, which is 35-65 units higher than the established norm [2].

According to Part 3 of Article 61 of the Constitution of the Kyrgyz Republic, the state ensures the development of extrajudicial and pretrial methods, forms and methods of protecting human and civil rights and freedoms. The legal regulation of mediation is fixed in the Law of the Kyrgyz Republic No. 161 of July 28, 2017 (as of August 8, 2023) “On Mediation”. However, the institution of mediation in criminal proceedings still does not provide necessary reduction in the burden on the judicial system and the predicted effectiveness of resolving a criminal conflict in compliance with all the rights and legitimate in-

terests of its parties (the offender, the victim, etc.) without going through all the stages of the usual procedure of criminal proceedings. The removal of these barriers is currently another socially significant challenge for criminal law science.

Discussion

The assessment of criminal procedure mediation in the post-Soviet countries is ambiguous. If, for example, in the Russian Federation mediation procedures in the framework of criminal proceedings are still only the subject of scientific debate, then in the Republic of Kyrgyzstan mediation has already received official recognition and consolidation in the system of institutions of criminal procedure law. In general, this institution is quite positively perceived in the scientific community and, according to most researchers, mediation in criminal proceedings will contribute to improving the institution of reconciliation of the parties [3, p. 356].

However, based on the analysis of currently available research, it can be concluded that there is no common understanding among scientists of the essence of mediation in criminal proceedings. This conclusion is confirmed by ambiguous interpretations of the category in question. Thus, L.V. Golovko defines mediation as "any procedure in which the victim and the offender are given the opportunity, with the help of an impartial third party (mediator), to take an active part in solving problems that have arisen as a result of a crime" [4, p. 128].

According to V.N. Sizova, mediation is "an ordered set of certain methods used by special actors – mediators – in order to reach an agreement and resolve, by mutual expression of the conflicting parties, a criminal conflict that has arisen in relation to a strictly defined category of criminal cases of minor and moderate severity" [5, p. 158].

According to L.A. Voskobitova, mediation is "a law-based opportunity to resolve conflicts with the help of an intermediary in the most acceptable way for the parties, leading to the conclusion of an amicable agreement or termination of proceedings" [6, p. 65].

L.N. Simanovich defines mediation in criminal cases as an element of restorative justice, through which criminal proceedings are accelerated (de lege ferenda), financial economy and effective restoration of the violated rights of the victim are ensured [7, p. 47].

Mediation in criminal proceedings, according to A.A. Arutyunyan, is a type of special (simplified) procedure for considering a criminal case. Its application helps to simplify and, as a result, in some cases speed up criminal proceedings by refusing criminal prosecution under certain conditions or by introducing differentiated procedures aimed at resolving a criminal conflict without conducting an investigation and judicial proceedings in a general manner [8, p. 21].

Of the scientifically based decisions proposed by Russian scientists on the expediency of introducing mediation into the criminal process as one of the means of effectively resolving a criminal conflict, the legislator approved the use of this procedural institution only in civil, arbitration and administrative proceedings. In accordance with Article 1 of the Federal Law No. 193-FZ of July 27, 2010 "On an Alternative Dispute Settlement Procedure with the Participation of an Intermediary (Mediation Procedure)" mediation is used in disputes that arise within the framework of primarily private law relations. The exception to this rule is public legal relations implemented in the course of administrative proceedings.

This federal law is a regulatory act that defines the legal basis for the emergence and rules for the implementation of mediation procedures. Therefore, in cases not provided for by the said normative act, mediation becomes possible only if another federal law specifies the basis and procedure for its implementation (Part 1 of Article 3). Given that the current Criminal Procedure Code of the Russian Federation does not provide for the possibility of mediation, the latter cannot be used as an independent means of regulating criminal procedural relations.

But it would also be wrong to categorically state that there are no elements of mediation in

Russian criminal proceedings, since Article 76 of the Criminal Code of the Russian Federation provides for a separate type of exemption from criminal liability for a person who has committed a minor or moderate crime. The basis for such release is the loss of public danger by the person who has committed the crime, and the condition for such recognition is reduced to the fact of reconciliation with the victim. Mediation reconciliation procedures have not been regulated in detail either in the Criminal Code of the Russian Federation or in the Criminal Procedure Code of the Russian Federation, which can only be considered as a promising legislative activity in terms of mediation in criminal proceedings. In the meantime, representatives of all parties to the legal relationship can claim to be mediators: court, investigator, victim, defender, suspect, and the accused. The key importance is given to the fact of official reconciliation of the suspect / the accused / the defendant and the victim, accompanied by reparation of the harm caused as a result of the crime commission, that is, elements characteristic of mediation.

The Russian practice of rulemaking regarding mediation procedures in criminal proceedings has not accepted foreign experience yet: currently, many countries recognize mediation in criminal cases as an effective dispute resolution procedure. The institution of mediation is most developed in Japan, Korea, the USA, Great Britain, Germany, Australia, China, India, etc. [9, p. 90]. In the 1970s, various reconciliation programs in criminal proceedings began to appear in the United States as a result of the rehabilitation work with criminals practiced by public and religious organizations. The development and implementation of restorative justice programs boosted effectiveness of the applied criminal and criminal procedural coercive measures and ensured restoration of the rights and legitimate interests of the victim of a crime. For twenty years, mediation tools have been included in criminal procedure codes of most states [10, pp. 202-204].

In the early years, materials on minor crimes committed by juvenile offenders were sent to mediation. Recent years have witnessed another trend: cases of more serious crimes or those committed by adult criminals are more often sent to mediation. At the same time, it should be noted separately that the above norms apply to both minors and adult criminals. The specifics of the content of the American version of mediation is that it is considered as one of the types of justice procedures, rather than a means of reconciliation of the parties at any stage of criminal proceedings. This means that the implementation of procedural measures under the mediation program is possible only from the moment the criminal case is brought to court to make a decision on the merits [10, p. 203].

Taking into account the positive experience of using mediation at any stage of criminal proceedings, the Kyrgyz legislator decided on the benefits of introducing this institution into national legislation, as a result of which the Law of the Kyrgyz Republic “On Mediation” was adopted. The official content of mediation is defined as a dispute settlement procedure with the assistance of a mediator(s) by coordinating the interests of the disputing parties in order to reach a mutually acceptable agreement (Paragraph 1 of Article 2). The law defines key legally significant components of mediation as an interdisciplinary legal institution:

– principles of implementation;

– the legal status of the mediator as a participant in specific legal relations in the field of family, labor, criminal and other law;

– procedural rules for reconciliation of conflicting parties, including mediation features in certain categories of disputes.

The analysis of individual provisions of this law reveals some aspects of the legal regulation that are indisputable and/or need additional clarification. First of all, we are talking about requirements for the education level of a mediator. In accordance with Paragraph 2 of Part 1 of Article 9, one of the conditions for acquiring this status is the availability of higher education. We believe that such a provision requires clarification, since it is obvious that there is higher education in the field of jurisprudence,

whereas the condition formally established by law can be fulfilled if there is higher education in any specialty: humanities, natural sciences, technical, etc. According to the fair opinion of researchers, the lack of a professional mediator's deep knowledge in the field of jurisprudence can lead to negative results of the implementation of conciliation procedures, including violation of the rights and legitimate interests of participants in criminal proceedings [11, p. 393]. In this regard, we consider it appropriate to include higher legal education among the requirements for mediators as a condition for admission to professional activity.

The restrictions imposed by the official position of the person applying to mediate criminal procedural actions (Paragraph 1 of Part 2 of Article 9) are rather disputable. This prohibition is specified in Article 26 of the Law of the Kyrgyz Republic "On Mediation", which contains a description of criminal procedural statuses of the parties. In particular, the parties to mediation in the field of criminal law relations are the victim and the person suspected of committing a crime, or the person serving a sentence. The fact of participation in mediation in case of failure to reach agreement on the dispute cannot be considered as a waiver of the charge or as an admission of guilt. An investigator, a prosecutor, a judge, an employee of the penal enforcement system and probation, or a lawyer for one of the parties may not act as a mediator in the field of criminal law relations.

The legislator's logic regarding the establishment of such a prohibition is generally clear: the mediator must be independent, which implies that he/she does not have any obligations, including to authorities. His/her inclusion in the Republican Community of Mediators (Chapter 3) ensures (in the opinion of the legislator) such independence. This allows us to draw analogies with representatives of the legal profession who perform functions of professional defenders in criminal proceedings on a gratuitous or contractual basis. However, the application of the rules that apply to the lawyer' activities in criminal proceedings is hardly justified, as it does not meet the essence of mediation as a means of an out-of-court settlement of the conflict. Confirmation of the doubts expressed can be found in the content of basic principles on which mediation is based, one of which is the neutrality of the mediator (paragraphs 3 of Article 3, Article 6). The neutrality of the mediator presupposes:

– impartiality;

– independence from parties to mediation procedures, public authorities, local governments, organizations, individuals;

– ensuring equality of interests of the conflicting parties, excluding private preferences.

The provisions of articles 3 and 6 of the Law of the Kyrgyz Republic "On Mediation" exclude the possibility of initiation and implementation of mediation procedures by subjects of criminal proceedings (court, prosecutor, investigator, head of an investigative unit, body of inquiry) because of their affiliation to state (judicial and executive) authorities. In addition, the listed subjects, with the exception of the court, represent the prosecution, which formally indicates a lack of impartiality in the criminal process. The approach demonstrated by the legislator of the Kyrgyz Republic is purely formal and therefore creates unjustified obstacles to the effectiveness of mediation at any stage of the criminal process, as well as in the execution of the prescribed punishment. The listed subjects of the criminal process, unlike, for example, representatives of the defense, in accordance with the requirements of the Criminal Procedure Code of Kyrgyzstan, are required to ensure the comprehensiveness, completeness and objectivity of the investigation of all circumstances of the case (Article 19), and not only those that form the evidentiary basis of the guilt of the suspect and the accused (defendant) in committing a crime. The impartiality of the court cannot be questioned at all, since it does not belong to any party to criminal proceedings and its independence is determined by principles of the criminal procedure legislation (Article 9). In this part, it is appropriate to turn to Russian criminal proceedings that have no mediator as an inde-

pendent participant in procedural relations. The task characteristic of mediation, i.e. reconciliation with the victim, is implemented through the institutions of exemption from criminal liability (Article 76 of the Criminal Code of the Russian Federation) and termination of criminal proceedings in connection with the reconciliation of parties (Article 25 of the Criminal Procedure Code of the Russian Federation). The subjects of activity aimed at resolving the conflict that arose on the basis of the fact of committing a crime and violating the rights, freedoms and (or) legitimate interests of the victim are precisely the above-mentioned participants in the criminal process, although the objectivity and impartiality of their actions to reconcile the parties are not questioned [12, p. 52]. In addition, some researchers rightly point to the presence of a moral component in the initiation of conciliation procedures between the offender and the victim by the court or preliminary investigation subjects [13, p. 53]. For this reason, significant narrowing of the circle of persons entitled to implement conciliation procedures during criminal proceedings or punishment execution seems to us unjustified neither from a legal nor social point of view.

Unjustified conflicts occur in the norms of the Criminal Procedure Code of the Kyrgyz Republic and the Law of the Kyrgyz Republic "On Mediation", which determine the legal content of mediation. Thus, according to Part 3 of Article 26 of this law, in order to participate in mediation, the parties must agree with the circumstances established during the criminal proceedings. Mediation as a way to resolve a criminal case is aimed at achieving a mutually acceptable way for the parties to resolve the conflict. At the same time, the suspect (the accused), the victim may disagree with circumstances of the case, while fulfilling the obligations related to the mediation procedure (to compensate for the damage caused, etc.). In this part, we again observe the priority of creating a "formal purity" of criminal prosecution. The parties should abandon their claims to protect their rights and legitimate interests in favor of making a decision to terminate criminal proceedings in connection with the reconciliation of the parties. At the same time, the true task of mediation is to ensure that the accused and other persons restore all the violated rights and legitimate interests to the victim, as a result of which the latter does not insist on exercising criminal responsibility in full and does not see injustice in the decision being made in the case. Considering these circumstances, we believe that the establishment of conditions for implementing mediation procedures provided for in Part 3 of Article 26 of the said law does not correspond to the actual socio-legal content of mediation. On this basis, it is advisable to exclude this provision in order to boost effectiveness of reconciliation activities between the parties to criminal proceedings.

According to official statistics, mediation in criminal proceedings is not wide-spread. The latest scientific research shows that currently the number of mediation agreements concluded annually does not exceed one hundred, of which only one fifth (21%) is in criminal cases pending before the court. Approximately in one third (27%) of the mediation procedures, the parties do not agree on concluding mediation agreements with the subsequent refusal to continue criminal prosecution [14, p. 358]. Perhaps these circumstances are the main obstacles to the widespread use of mediation in criminal proceedings in Kyrgyzstan.

Conclusions

Mediation as an institution of criminal procedure law in the Kyrgyz Republic has significant prospects for development, primarily due to the economy of criminal repression and the effectiveness of solving socially significant tasks, such as restoration of the violated rights of the victim, proactive atonement on the part of the offender, a high degree of educational impact on society, etc.

To scale up the practice of successful implementation of mediation procedures, a number of amendments and additions should be made to the legislation of Kyrgyzstan aimed at creat-

ing additional conditions for the high-quality performance of mediator functions and including additional guarantees for the observance of the rights and legitimate interests of participants in criminal proceedings. It requires implementation of the following legislative decisions:

1. One of the requirements for a candidate to obtain the status of "mediator" must be to have a higher legal education. Education in other fields does not guarantee the availability of sufficient knowledge, skills and abilities necessary for qualified resolution of legal disputes.

2. The functions of a mediator in criminal proceedings may be performed not only by an official representative of the Republican Community of Mediators, but also by officials of law enforcement and judicial authorities conducting proceedings in the case. The necessary legal guarantees for the proper performance of these functions are the basis of their legal (criminal procedure) status.

3. The conclusion of a mediation agreement stating the fact of reconciliation with the victim may not create restrictions or obstacles for the accused to reject certain facts and circumstances of legal significance established in the case. The recognition of all the circumstances incriminated to the accused, obtained in the course of criminal prosecution, cannot be a condition for exemption from criminal liability and form the essence of the institution of criminal procedural mediation.

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Compensation for Poor Conditions of Detention in Penitentiary Institutions of the Russian Federation: Problems of Legislation and Practice

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Abstract

Introduction: the article discusses certain issues of the content and implementation of legislation establishing compensation for poor conditions of detention in penitentiary institutions of the Russian Federation, reveals socio-legal significance and features of the intersectoral legal institution under consideration. *Purpose*: based on the analysis of legislative regulation and the practice of awarding compensation for poor conditions of detention, to identify existing legal problems in this area and propose measures to solve them. *Methods*: formal-logical, system-structural and comparative-legal methods. *Results*: we have identified a number of problems in the area under study (administrative and penal legislation do not require a preliminary pre-trial appeal of the violation of detention conditions; there are no clear criteria for distinguishing violations of detention conditions and other violations, significant and minor violations, criteria for determining the amount of monetary compensation; legislation does not define the specifics of ensuring detention conditions for the suspected and accused during their transportation in special vehicles and special wagons; it is difficult to collect and secure evidence to refute violations that had occurred long before the claim was filed in court; there is no uniform judicial practice regarding the application of the statute of limitations; the convicted, suspected and accused abuse their right to appeal to the court). A number of proposals are formulated (to ensure strict and objective application of legal norms on the limitation period; to legislate types of detention conditions violations, the procedure for determining the compensation amount, and the requirement of a preliminary pre-trial appeal against officials' actions (inaction) resulting in the violation of detention conditions; to provide for the possibility of filing an independent administrative claim only for compensation). *Conclusion*: the legal institution for the compensation for the violation of detention conditions is legally regulated, but there are problems to be addressed; monitoring of detected violations and carrying out appropriate preventive work will contribute to improving the effectiveness of its implementation.

Keywords: penal system; pre-trial detention center; correctional institution; detention conditions; administrative proceedings; recovery of compensation.

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Introduction

State protection of the dignity of an individual is enshrined in the Constitution of the Russian Federation. Nothing can be a reason for belittling the dignity of a person. However, in modern realities, there are still violations of this constitutional requirement. Activities related to the implementation of criminal liability and the use of measures of criminal procedural coercion are no exception. Violation of detention conditions of the suspected, accused, and convicted is of particular importance. They have a direct impact on the state of law and order in the penitentiary sphere, on ensuring the rights and freedoms of persons who have been subjected to criminal prosecution, and seriously harms the authority of the state and the penal system.

The most common violations of detention conditions are overcrowding and unsatisfactory sanitary conditions in correctional institutions and pre-trial detention facilities, poor plumbing, the presence of healthy and sick people, smokers and non-smokers in one residential building, difficulties with treatment and drug provision, insufficient food quality, non-delivery of personal belongings, violation of the right to personal safety and a number of others. At the same time, it should be borne in mind that the concept and an exhaustive systematic list of detention conditions are not disclosed in the legislation. The Supreme Court of the Russian Federation considers these conditions in a broad sense, taking them beyond the regulation of exclusively penal legislation (for example, the right to legal aid, access to justice, etc.) [1]. Moreover, granting of illegal privileges and benefits to individuals may also indicate the violation of the above conditions.

In recent years, a number of measures have been taken at the state level to bring prison conditions closer to international standards and prevent their violation. Along with reducing the number of "prison population", increasing financing of the penitentiary system, and developing institutions of state and public control, such measures include creation at the national level of an effective mechanism for judicial and legal protection against violations related to the lack of adequate detention conditions. This mechanism introduced by the Federal Law No. 494-FZ of December 27, 2019 "On Amendments to Certain Legislative Acts of the Russian Federation" (hereinafter referred to as Law No. 494-FZ) provides for the right of persons in correctional institutions to receive compensation for violations of detention conditions at the expense of the federal budget on the basis of a court decision in the administrative proceedings [2].

General characteristics of the institution of compensation for violations of detention conditions in pre-trial detention and correctional facilities

The institution of compensation for the violation of detention conditions is fixed in articles 17 and 17.1 of the Federal Law No. 103-FZ of July 15, 1995 "On the Detention of the Suspected and Accused of Committing Crimes", Article 12.1 of the Penal Code of the Russian Federation No. 1-FZ of January 8, 1997 and Article 227.1 of the Administrative Court Procedure Code of the Russian Federation No. 21-FZ of July 8, 2015. These norms established the right of suspects, accused and convicted persons to receive compensation, as well as the specifics of filing and considering claims for compensation. In accordance with the provisions of the Code of Administrative Judicial Procedure of the Russian Federation, an administrative claim is filed no later than 3 months from the date of the violation. An administrative statement of claim may be filed by both an administrative plaintiff or his/her representative, independently determining the jurisdiction of the case (Part 4 of Article 24 of the Code of Administrative Judicial Procedure of the Russian Federa-

tion). Administrative defendants are different subjects, the main of which is the Federal Penitentiary Service of Russia as the main administrator of the federal budget. Compensation is awarded based on actual circumstances of the violations committed, their duration and consequences.

Specifics of dealing with the demands of suspected, accused and convicted persons for compensation for inadequate detention conditions in correctional institutions

When dealing with claims for compensation for improper detention conditions in correctional institutions, the possibility of abuse by the suspected, accused and convicted persons of their right to file an administrative claim should be taken into account. Such actions are motivated by the desire and opportunity to receive monetary compensation for actions that employees of the Federal Penitentiary Service of Russia are unable to refute due to the impossibility of proof and which actually have not happened [3]. Therefore, convicts find grounds for filing an administrative claim, often pointing to those violations of detention conditions that are difficult to refute (unpleasant odor in the sleeping quarters, poor water quality, increased noise levels, etc.) [4], or complaining about current (insignificant) inconsistencies in the conditions of detention, the prompt elimination of which is not possible in the type of existence of regulated procedures for this (for example, the procedure for concluding a government contract). To a certain extent, this is due to the lack of liability measures for abuse of law when filing an administrative claim.

Administrative plaintiffs often skip or deliberately delay the deadline for applying to court. However, the courts reinstate the statute of limitations, considering administrative defendants' arguments to be untenable. After several years from the moment of the violation, it is not always possible for the defendant to provide the necessary evidence [5]. At the same time, the untimely submission of a complain for restoration of violated rights and compensation is not always associated with difficulties in collecting relevant evidence confirming the violation of detention conditions, but with the desire to receive compensation after release.

The abuse of the right to receive compensation for improper detention conditions may also be evidenced by the repeat submission of an administrative claim by the convicted person, as well as the absence of prior complaints from the convicted person, which indirectly indicates that the administrative plaintiff has no goal to eliminate the violation of his rights (the goal is to receive monetary compensation).

The study of judicial practice demonstrates that a lack of sufficient funds to eliminate violations of detention conditions, design features of buildings and structures of correctional institutions, and reconstruction of buildings are not accepted by the court as sufficient evidence indicating the presence of emergency or unforeseen circumstances. At the same time, the court takes into account these objective factors, but in conjunction with the measures taken to eliminate violations.

In judicial practice, there are situations when the court proceeded not only from the fact of a specific violation of detention conditions, but also considered it taking into account the totality of other concomitant circumstances that aggravate the plaintiff's situation. For example, placing a non-smoker in a cell with smokers will be considered by the courts as a violation of detention conditions if the plaintiff has a respiratory disease. Here it is necessary to take into account the possibility of direct application of the legal principle of humanism in the sphere of legal relations arising from the placement of the suspected, accused and convicted persons in places of forced detention [6; 7]. When making a decision based on results of the consideration of an administrative claim by the court, concomitant circumstances such as non-compliance with the norm of the sanitary area of cells, the time of year, climate features at the location of the correctional institution, etc. may be taken into account.

A problematic point, in our opinion, is the lack of legislative consolidation of criteria and legal consequences of recognizing violations of detention conditions in a penal institution as insignificant. For example, complaints are received about an unpleasant smell in the sleeping quarters, an increased noise level, a dog barking outside the window, or even smoke coming from the chimney of a bathhouse building [4]. At the same time, even if there is an actual presence and confirmation of the violation of detention conditions (for example, the

prosecutor's office's submission on the elimination of violations of penal legislation), the court takes into account a lack of evidence that these violations have entailed significant negative consequences for the convicted person (the suspected or the accused). The decision of the Kirov-Chepetsky District Court of the Kirov Oblast No. 2A-1095/2020 of July 20, 2020 states that the mere fact of detention in conditions that do not correspond to proper detention conditions without establishing specific facts that indicate any negative consequences of such detention for the plaintiff, cannot be grounds for bringing the defendants to justice.

The courts, concluding that the violation of the rights of the convicted person is not proven, often refer to the fact that the convicted person did not complain about the violation of detention conditions during the period of serving a sentence [8; 9]. The absence of such complaints, on the one hand, indicates the insignificance of the violation for the convicted person, on the other hand, it does not allow the administration of the institution to identify and eliminate violations in a timely manner, as well as document them.

Administrations of penitentiary institutions are gradually developing an integrated approach to the formation of the evidence base [4]. A set of such evidence is specific to each specific situation (violations of detention conditions) and therefore should be formed taking into account its specifics. The collection of evidence is aimed at refuting arguments of the administrative plaintiff in relation to the fact of the violation itself, as well as its volume, duration, level of negative impact and consequences. The presence of force majeure circumstances and objectively existing related factors (insufficient financing, repairs, etc.), as well as the characteristics and specifics of convicts' behavior (damage to property, smoking in unauthorized places, state of health, registration, etc.) are taken into account. Most often, the courts make decisions on awarding compensation for improper conditions detention based on the existence and content of acts of prosecutorial inspections available in the case file or proactively requested by the court in the prosecutor's office. In accordance with Article 61 of the Code of Administrative Judicial Procedure of the Russian Federation, the circumstances of an administrative case, which according to the law must be confirmed by certain means of proof, cannot be supported by any other evidence (for example, the disputed fact of improper provision of medical care to a convicted person may be refuted by the results of a forensic medical examination, rather than by the testimony of a correctional institution's medical officer and medical documents drawn up by him/her).

In accordance with Part 1 of Article 62 of the Code of Administrative Judicial Procedure of the Russian Federation, persons participating in the case are required to prove the circumstances to which they refer as grounds for their claims or objections. Paragraph 13 of the resolution No. 47 of the Plenum of the Supreme Court of the Russian Federation of December 25, 2018 states that, by virtue of parts 2 and 3 of Article 62 of the Code of Administrative Judicial Procedure of the Russian Federation, the obligation to prove compliance with appropriate conditions of detention of persons deprived of liberty rests with the administrative defendant (a relevant body, an official). At the same time, the administrative plaintiff must submit (inform) the court in the administrative statement of claim, as well as during the consideration of the case, information about which rights, freedoms and legitimate interests are violated, bring arguments substantiating the stated claims, attach available relevant documents (in particular, descriptions of detention conditions, medical reports, appeals to public authorities and institutions, responses to such appeals, documents containing information about persons who have carried out public control, as well as about persons deprived of liberty who may be questioned as witnesses, if any) (*appeal ruling of the Vologda Regional Court No. 33a-2124/2022 of May 31, 2022 (case No. 2a-815/2022)).* The testimony of the administrative plaintiff alone is not enough to establish the fact of the violation of detention conditions; he/she must specify facts indicated by him/her in the administrative statement of claim: when exactly these violations occurred, whether he reported them to the staff of the institution, if so, to whom, how his/her messages were recorded, whether any measures afterwards (*decision of the Kirov-Chepetsky District Court of the Kirov Oblast No. 2A-1095/2020 of July 20, 2020)*. Therefore, the

administrative plaintiff must provably confirm the fact of violation of detention conditions.

In accordance with Paragraph 1 of Part 3 of Article 227 of the Code of Administrative Judicial Procedure of the Russian Federation, in case of satisfaction of an administrative claim, the courts indicate the need for the administrative defendant to eliminate violations of the rights, freedoms and legitimate interests of the administrative plaintiff [10]. At the same time, in practice, the courts often limit themselves to recognizing illegal actions (omissions) of administrative defendants, as well as awarding compensation, which entails further non-compliance of detention conditions with the requirements established by law and, as a result, further violation of the rights, freedoms and legitimate interests of administrative plaintiffs [11]. In this regard, preventive work aimed at identifying and eliminating the causes of violations, developing a system of interaction with other law enforcement agencies, as well as improving the system for recording and documenting detention conditions in correctional institutions are becoming particularly relevant.

Topical problems and proposals for improving legislation

In the practice of correctional institutions and pre-trial detention facilities, there are many problems associated with the application of norms governing the award of compensation for violations of detention conditions in a correctional facility in accordance with Article 227.1 of the Code of Administrative Judicial Procedure of the Russian Federation. So, there is no requirement in administrative and penal legislation for a preliminary pre-trial appeal against violations of detention conditions; there are no clear criteria for distinguishing between violations of detention conditions and other violations, significant and minor violations, criteria for determining the amount of monetary compensation; the specifics of ensuring detention conditions of the suspected and accused persons during their transportation in special vehicles and special wagons are not defined by law (subordinate regulatory legal acts are mainly used); it is difficult to collect and ensure the safety of evidence to refute the facts of violations occurred long before the claim is filed in court; there is no uniform judicial practice regarding the application of the statute of limitations provided for in Article 219 of the Code of Administrative Judicial Procedure of the Russian Federation; the convicted, suspected and accused abuse their right to appeal to the court, etc.

One of the most common procedural problems is the actual leveling of Article 219 of the Code of Administrative Judicial Procedure of the Russian Federation, which stipulates a three-month period for filing an administrative claim in accordance with Article 227.1 of the Code of Administrative Judicial Procedure of the Russian Federation, since courts do not consider the omission of the statute of limitations as an independent basis for refusing to satisfy the claim and often restore these missed deadlines [12]. Such a possibility is provided by Paragraph 12 of the resolution of the Plenum of the Supreme Court of the Russian Federation No. 47 of December 25, 2018, recognizing the continuing nature of violations of detention conditions in places of deprivation of liberty and the right of the administrative plaintiff to appeal to the court during the entire period of stay in the penitentiary institution, as well as within three months after departure from the institution. This legal problem puts the administrative defendant at a disadvantage in the process of collecting evidence and proving in situations where a significant period of time has passed since the alleged violation of detention conditions; documents and other evidence of the actual state of conditions of detention may have already been lost by the time the administrative dispute is considered (the retention period for documents has expired, potential witness employees have resigned, etc.).

In this regard, we believe that ensuring unconditional application of the time limit for filing a claim could exclude abuse of the right to appeal to the court by the convicted, suspected and accused persons, especially if the moment of the end of the violation is obvious (for example, in the case of transfer of a person from a correctional institution (pre-trial detention center), where the violation has occurred, to another institution or from one unit (department, area) to another). At the same time, there is a position according to which the rules for calculating limitation periods for the protection of personal non-property rights provided for in Paragraph 2 of Article 208 of the Civil Code of the Russian Federation apply to material legal

relations related to the violation of detention conditions that took place before the entry into force of the law No. 494-FZ. Limitation periods do not apply regardless of whether the law 494-FZ had entered into force by the time the relevant statement of claim was filed (for example, the Cassation Ruling of the Judicial Board on Administrative Cases of the Third Cassation Court of General Jurisdiction of June 3, 2024 in case No. 8a-9434/2024) [13].

An analysis of judicial practice on the consideration of cases on the establishment of compensation for the violations of detention condition in correctional institutions demonstrates that the amounts of monetary compensation actually awarded in favor of administrative plaintiffs vary significantly from region to region, even for violations similar in content and duration. This state of affairs is due to the presence of specific regional judicial practice in the absence of legally established criteria and procedures for determining the amount of compensation. In this regard, we consider it possible to legislate the establishment of maximum or even fixed amounts of compensation, depending on the type of violation committed. A detailed categorization of violations of detention conditions in correctional institutions and pre-trial detention facilities is not an easy task due to the multiplicity of legal sources in this area, as well as significant differences in the same composition of violations depending on their duration, circumstances in which they were committed, and consequences. Nevertheless, systematization of the list of detention conditions, violation of which entails the right of a convicted person to apply to court with a claim for compensation, seems appropriate (for example, within the framework of Article 12.1. of the Criminal Code of the Russian Federation and Article 17.1. of the Federal Law No. 103-FZ of July 15, 1995 “On the Detention of the Suspected and Accused of Committing Crimes”).

The most significant violations, the (fixed) amount of compensation for which should be set at the maximum level, should include the right to health protection (medical treatment and drug provision), the right to provide rehabilitation facilities for the disabled, the right to obtaining qualified legal assistance, the right to personal security (including protection from ill-treatment (torture) and diminution of human dignity), the right to visits with relatives, religious rights and the right to access justice; as well as those related to violations of the conditions of material and domestic support for convicted pregnant women, convicted nursing mothers and convicted women with children. For other violations, it is advisable to set the maximum (fixed) amount of compensation in a smaller amount, while providing for the unconditional obligation of the court to award compensation in case of finding a violation.

Currently, the absence of preliminary written complaints and statements on the part of the administrative plaintiff addressed to relevant officials of the administration of the correctional institution (pre-trial detention facility), the territorial body or the central office of the Federal Penitentiary Service of Russia, and the prosecutor’s office is not accepted by all courts as grounds for refusing to satisfy the claim for compensation. However, there is another practice, according to which the absence of complaints from the plaintiff about improper detention conditions indicates that the stated circumstances are of low importance (decision No. 2A-1017/2021 of the Sharyinsky District Court of the Kostroma Oblast of February 8, 2022). We believe that the courts should take into account the fact of complaints to the management of the correctional institution about unsatisfactory detention conditions, as this will ensure timely recording of the violation by the authorized body in documents that could later be used as evidence. In this regard, it seems advisable to consolidate, within the framework of Article 227.1 of the Code of Administrative Judicial Procedure of the Russian Federation, the requirement of a preliminary pre-trial appeal against the actions (inaction) of officials of a correctional institution (pre-trial detention facility).

The law does not regulate the issue of the possibility of filing an independent administrative claim for compensation, if, for one reason or another, the plaintiff did not exercise the right to compensation provided for in Article 227.1 of the Code of Administrative Judicial Procedure of the Russian Federation, having previously appealed decisions, actions (inaction) of the administrative defendant [11]. It also seems advisable to make additions to Part 4 of Article 108 of the Criminal Procedure Code of the Russian

Federation, so that the prosecutor involved in the process informs the court about the possibility (impossibility) of detention.

Conclusion

Thus, the legal institution of compensation for the violation of detention conditions in a correctional institution has found its way into legislation, and certain judicial practice has developed regarding its application, including one generalized at the level of the Supreme Court of the Russian Federation. Meanwhile, there is still a number of problematic issues that need to be resolved by amending legislation and forming legal positions of the highest judicial authorities of the Russian Federation that are adequate to the evolving judicial practice. The main ones are related to the use of limitation periods when applying to court, abuse of the right by administrative plaintiffs, the lack of a clear list of types (categories) of detention conditions in correctional institutions, and legal guidelines for calculating the amount of compensation.

In addition, preventive work aimed at identifying and eliminating the causes of violations, developing a system of interaction with other law enforcement agencies, as well as improving the system for recording and documenting detention conditions in correctional institutions are becoming particularly relevant. It is necessary to constantly monitor these issues, eliminate causes and conditions of violations, especially subjective ones, and eliminate their consequences. Institutions and bodies of the Federal Penitentiary Service of Russia should act systematically and consistently, in cooperation with the prosecutor's office, institutions of public control, proceed from the principle of the inadmissibility of human rights violations, and take comprehensive measures to effectively identify and prevent them [6].

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Judicial Activity in the Field of Execution of Alternative Punishment in the Form of Compulsory Labor (Organizational and Legal Aspect)

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Abstract

Introduction: the author proposes measures for improving legal regulation of the execution of punishment in the form of compulsory labor and considers points of view of some experts in the field of structural and functional analysis of criminal, criminal procedure and penal legislation that no matter how perfect criminal proceedings and criminal law norms are, the real results of the impact on an offender can be assessed only after his/her conviction, during the period of execution of a criminal sentence. The success of previous stages, regulated by criminal and criminal procedure legislation and closely related to law enforcement and judicial activities in the field of execution of punishment in the form of compulsory labor, depends on the effective implementation of the procedure and conditions for serving a criminal sentence established by law. Studying various approaches to the legal regulation of complex influence measures in relation to those sentenced to compulsory labor who have committed offenses of the same legal nature in the field of execution of punishments in the form of compulsory, correctional, and forced labor, the author dwells on the problems of improving organizational and legal foundations of interaction between courts and criminal executive inspections when considering ideas on the substitution of the unserved part of the punishment with a more severe penalty in order to prevent repeated crimes. *Methods*: dialectical, formal legal, systematic methods, methods of analysis, synthesis, deduction, interdisciplinary legal research, content analysis. The author considers procedural activities in the field of execution of punishment in the form of compulsory labor and identifies subjects of these activities, such as judges and other participants of the judicial process (criminal executive inspections, employers, representatives of law enforcement agencies, etc.). The topic of the scientific work corresponds to the current Fundamental research program for 2021–2030 (executors of the Federal Penitentiary Service of Russia and other interested representatives of the law enforcement system), where in the section "Fundamental and exploratory scientific research" it is planned to consider "Criminology and the penitentiary system: Development of alternative social response systems aimed at preventing and suppressing criminal behavior in society". *Results*: it is proposed to introduce appropriate amendments to legislation that will help improve effectiveness of the organization of specialized government agencies in the field of compulsory labor enforcement. The necessity to improve the organizational and legal framework for cooperation between criminal executive inspections and courts in order to prevent repeat crimes is emphasized.

Conclusion: among the main reasons for repeated crimes and other violations of the order and conditions of serving compulsory labor on the part of convicts, scientists and practitioners highlight insufficient effectiveness of the application of measures of influence on offenders, which is caused, among other things, by imperfect legal regulation of the interaction between courts and specialized state bodies executing alternative punishments.

Keywords: judicial activity; crime prevention; alternative punishments; compulsory work; organizational and legal bases; criminal executive inspections; law enforcement activities.

5.1.2. Public law (state law) sciences.

5.1.4. Criminal law sciences.

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Introduction

The analysis of Russian constitutional and criminal procedure legislation and conclusions of the expert community shows that there is no definition of the concept of "judicial activity" in the normative legal acts regulating certain issues of the courts' activity. This concept is most often used in the legal literature either as a branch of study implemented in the specialist and postgraduate programs of the higher education system, or as an independent category that differs from concepts of "judicial power" and "justice", since the latter is a type of judicial activity, or when it comes to criteria for the effectiveness of judicial activity in the sphere of execution of criminal penalties [1, p. 122].

In turn, judicial activity consistently advocates for a broader application of non-custodial punishments. In order to implement the principles of humanization and justice, the number of people sentenced to imprisonment has more than halved over the past 15 years. Compulsory work occupies the third place in the system of punishments, after imprisonment and probation, they are used twice as often as correctional labor and three times as often as restrictions on freedom, which indicates that the process of assigning and executing punishment in the form of compulsory work is in the focus of judicial activity. It is rightly noted in the legal scientific literature that a person sentenced to compulsory labor while serving a sentence is engaged in socially useful activities thus satisfying urgent needs of the society. Therefore, the mandatory nature of socially useful activities of the convicted person pursues the goal of restoring social justice, while additional duties and restrictions imposed on him/her contribute to the achievement of the goal of correction [2].

The main point of view is the statement that, in accordance with Article 46 of the Constitution of the Russian Federation, every citizen is guaranteed judicial protection of his/her constitutional rights and freedoms. In this case, judicial activity in the form of the administration of justice differs significantly from the law enforcement activities of internal affairs bodies, bodies and institutions executing punishments, and the prosecutor's office.

So, judicial activity is an orderly set of actions of courts that are part of the judicial system of the Russian Federation (represented by judges and court staff), carried out in procedural forms for the purpose of administering justice, as well as aimed at organizing the administration of justice and increasing the accessibility and effectiveness of judicial protection.

The study is devoted to the analysis of the main type of judicial activity, i.e. procedural activity in the field of execution of punishment in the form of compulsory labor, the subjects of which may be judges and other participants of the judicial process (criminal executive inspections, employers, representatives of law enforcement agencies, etc.). In our work, we do not specifically consider organizational and administrative issues of judicial activity since it is the subject of research in a different field.

The essence of judicial activity is realized through its principles, which determine the form and content of a particular activity. Despite the specifics of criminal justice principles at the stage of execution of a sentence, judicial activity in the field of execution of sentences without isolating the convicted person from society in general and punishment in the form of compulsory labor in particular is fully covered by such principles as competitiveness, publicity, independence, the language of judicial proceedings, and the administration of justice only by the court [3, p. 375]. Thus, judicial activity in the field of execution of punishment in the form of compulsory labor is carried out on the basis of principles that ensure effective implementation of the tasks of the state criminal policy.

Research

The legal basis of judicial activity in the field of execution of punishment in the form of compulsory labor is the Constitution of the Russian Federation (Chapter 7, articles 118–128), Federal Constitutional Law No. 1-FKZ of December 31, 1996 (as amended of April 16, 2022) "On the Judicial System of the Russian Federation" (as amended and supplemented, enacted as of January 1, 2023), and the Criminal Procedure Code of the Russian Federation. In particular, Article 397 of the Criminal Procedure Code regulates the issues to be considered by the court when executing a sentence of compulsory labor, including substitution of punishment in case of malicious evasion from serving it by forced labor in accordance with Article 49 of the Criminal Code of the Russian Federation or imprisonment for a certain period in accordance with current legislation. In accordance with Part 1 of Article 398, the execution of compulsory labor may be postponed by the court for a certain period if there are the following grounds: a) if the convicted person has a disease that prevents him/her from serving this sentence, then execution of the sentence may be postponed until the convict recovers, if there is a conclusion from the medical commission; b) if the person sentenced to compulsory labor is pregnant, is raising a minor child, or if the person sentenced to compulsory labor is the sole parent of a minor child, execution of the sentence may also be postponed for a period until the child reaches the age of fourteen; c) for those sentenced to compulsory labor who have serious consequences or threats of their occurrence for him or his close relatives caused by fire or other natural disaster, serious illness or death of the only able-bodied family member, or other exceptional circumstances, the court may suspend execution of the sentence for a certain period of up to six months.

It is worth mentioning that this measure of criminal procedure legislation aimed at humanizing punishment leads to convict's correction and family restoration, and guarantees social and legal protection of parents and their children. The institution of postponement of the execution of a sentence is regulated by the norms of criminal procedure legislation and is decided by the court, which considers a petition of the convicted person or his/her legal representative, close relatives, defense counsel, or a recommendation of the prosecutor.

Article 20 of the Criminal Code of the Russian Federation regulates types of judicial control over the performance of compulsory work. So, the court is entrusted with the function of monitoring the execution of punishment in the form of compulsory labor in resolving issues specified in Article 397 (with the exception of the cases specified in sub-paragraphs 1 and 18) and Article 398 of the Criminal Procedure Code of the Russian Federation. It should be noted that in accordance with criminal procedure legislation in the field of consideration of complaints and applications, the courts are required to consider complaints of those sentenced to compulsory labor and their representatives about actions of employees of criminal executive inspections. In addition, these normative legal acts regulate such a form of judicial control over the performance of compulsory labor as the obligation of criminal executive inspections to notify the court that has passed a verdict about the beginning and place of serving the punishment in the form of compulsory labor by a convict [4, p. 10].

Types of judicial control over the performance of compulsory labor established by penal legislation require a thorough analysis of the legal regulation of activities of criminal executive inspections in the field of their interaction with courts, local governments, enterprises and organizations where those sentenced to compulsory labor are serving their sentences, since the effectiveness of achieving the goals

of the punishment in question depends on this interaction.

Practice shows that some of those sentenced to compulsory labor commit repeated crimes after being registered with the criminal executive inspection [5, p. 126]. Experts (representatives of science and practitioners) associate it with insufficient effectiveness of measures of influence applied to convicts, since legal regulation of such measures is imperfect.

Article 29 of the Penal Code of the Russian Federation establishes two types of liability of persons sentenced to compulsory labor for violating the procedure and conditions of serving the sentence: a) warning of responsibility; b) substitution of punishment with a more severe type of punishment for malicious evasion from serving compulsory labor. What is more, criminal executive inspections are required to submit to the court a submission on the replacement of compulsory labor with a more severe type of punishment in the case of malicious evasion from serving compulsory labor. The analysis of current criminal, criminal procedure, penal legislation and law enforcement practice indicates the existence of problems in this area of judicial activity, especially in the interaction between courts and criminal executive inspections. In general, over the past three years, almost every second petition of the criminal executive inspection (58% of the total number of petitions sent) has been rejected by the courts, and the proportion of petitions unsatisfied by the courts is growing. Almost every second (about 40%) submission on substitution of punishment has been refused. The reason for the problems lies in weak organization of the work of criminal executive inspections in the preparation of relevant documents and an insufficient level of professional training of employees of these institutions. To solve these problems, methodological assistance to law enforcement agencies is needed to ensure more effective execution of punishment in the form of compulsory labor.

Article 49 of the Criminal Code of the Russian Federation establishes that if a convicted person repeatedly, that is, systematically and maliciously, fails to comply with the requirements of the administration of criminal executive inspections to comply with the order and conditions of serving this type of punishment, then he/she may be recognized as a malicious violator of the order and conditions of serving compulsory labor and held accountable in the form of replacing compulsory labor with a more stringent penalty, such as forced labor or imprisonment. Law enforcement practice has great difficulties defining the concept of “malicious evasion”. For comparison, we note that the most accurate concept of a maliciously evading convict is contained in Article 46 of the Penal Code of the Russian Federation. In accordance with Part 3 of this article, a convicted person is considered to be maliciously evading correctional labor: a) if he/she has repeatedly violated the order and conditions of serving the sentence after being warned in writing for his/her failure to appear at the criminal executive inspection or at work, or b) if he/she has fled his/her place of residence in an unknown direction. The list of violations committed by convicts serving compulsory labor is regulated by a regulatory legal act of the Supreme Court of the Russian Federation, while types of offenses committed by convicts serving correctional labor and forced labor are regulated by penal legislation. So, we can talk about a legal conflict – disagreement and contradiction between regulatory legal acts of the Supreme Court of the Russian Federation and norms of penal legislation governing the same or related legal relations. The category of “malicious” violation of the order and conditions of serving a sentence in the form of correctional labor in accordance with penal legislation is characterized by two signs: repetition (two or more times) and actual evasion from punishment (the convicted person fled his/her place of residence, his/her whereabouts are unknown to law enforcement agencies).

Malice is indicated somewhat differently in the execution of punishment in the form of forced labor.

First, in Article 60.15 of the Penal Code of the Russian Federation, the concept of “malice” is used in two cases, that is, when determining a malicious violator of the order and conditions of serving a sentence and malicious violations of the order and conditions of serving forced labor.

Second, a convicted person is recognized as a malicious violator of the order and conditions of serving forced labor when committing (once) the following serious violation: a) the use

of alcoholic beverages, narcotic drugs or psychotropic substances; b) minor hooliganism; c) disobeying representatives of the correctional center administration or insulting them in the absence of crime elements; d) making, possession or transfer of prohibited items and substances; e) organization of strikes or other group disobedience, as well as participation in them; f) refusal to work; g) unauthorized abandonment of the territory of the correctional center without valid reasons; h) untimely (over 24 hours) return to the place of serving the sentence. It should be noted that there is such a type of malicious violation as refusal to work. Work evasion from compulsory labor serving has a fairly broad interpretation. Therefore, the term "refusal to work" will be more understandable and widespread in the penal system and legislation, which means that will allow law enforcement officers to execute this type of punishment more effectively.

Third, a convicted person may be recognized as a malicious violator of the order and conditions of serving the sentence if he/she has committed at least three non-malicious violations during the year (the latter are prescribed in Part 1 of Article 60.15 of the Penal Code of the Russian Federation): a) violation of public order, for which the convicted person has been brought to administrative liability; b) violation of labor discipline; c) violation of the rules of residence established for the convicted person in the correctional center; d) convict's failure to appear for registration at the correctional center without valid reasons in case he/she is allowed to live outside it.

From the above list of violations of the order and conditions of serving a sentence in the form of forced labor, some definitions of violations regarding punishment in the form of compulsory labor can be borrowed, for example, violations of labor discipline, public order, failure to appear without a valid reason for registration with criminal executive inspections.

Thus, in the sphere of legal regulation of the responsibility of convicts for malicious violation of the order and conditions of serving sentences, there are controversial issues of defining the key concept of "malicious". There has been a broad discussion about this concept both in criminal and penal legislation during various periods of its functioning, as well as in the legal literature. For example, "convicts who maliciously violate regime requirements" (Article 53 of the Correctional Labor Code of the RSFSR), "malicious disobedience to requirements of the administration of a correctional labor institution" (Article 188.3 of the Criminal Code of the RSFSR), "in case of malicious evasion of a convicted person from serving compulsory labor" (Article 49 of the Criminal Code of the Russian Federation), "convicts who maliciously evade serving compulsory labor" (Article 29 of the Criminal Code of the Russian Federation [6]. From the above example, it can be seen that a malicious violation of the order and conditions of serving a sentence has always been the basis for bringing convicts to disciplinary or criminal responsibility in the form of commutation of the penalty with a more severe type of punishment (compulsory labor is replaced by imprisonment or forced labor) or transferring a convicted person from a correctional institution with a lighter regime of serving a sentence to an institution with a stricter regime (from a penal settlement to a maximum-security correctional facility, from a correctional facility to a prison), with the resulting legal consequences for the convicted person, expressed in certain restrictions, prohibitions and imposition of additional duties [7].

Speaking about judicial activity, it should be noted that the Plenum of the Supreme Court has repeatedly addressed this problem, since there are difficulties in law enforcement practice to resolve the issues of applying these norms to convicts who maliciously violate the order and conditions of serving their sentences in the form of compulsory labor. Thus, in accordance with the resolution No. 59 of the Plenum of the Supreme Court of the Russian Federation of December 22, 2015 "On amendments to certain resolutions of the Plenum of the Supreme Court of the Russian Federation on criminal matters" and Paragraph 5 of the resolution of the Plenum of the Supreme Court of the Russian Federation of December 20, 2011 No. 21 (as amended June 25, 2024) "On the practice of applying legislation on the execution of sentences by courts", courts, when deciding whether to replace compulsory labor with a more severe punishment, in case of malicious evasion from serving a sentence, must require documents from criminal executive inspections

confirming his/her identity, the nature and degree of public danger of the crime committed, especially documents reflecting the reasons and conditions, according to which the convicted person evaded serving the sentence in the form of compulsory labor. For example, an employee of the institution is required to investigate the reasons for the convicted person's absenteeism, drunkenness, work evasion, etc. when preparing a submission to the court to replace compulsory labor with a more severe punishment. At the same time, 80% of the experts note that employees of criminal executive inspections experience difficulties in preparing high-quality materials for the court. These circumstances require them to have certain knowledge and skills that they can acquire as part of advanced training or professional retraining provided by educational organizations of the Federal Penitentiary Service of Russia.

Conclusion

The study shows that the main types of violations of the order and conditions of serving a sentence in the form of compulsory labor are the following: appearance at work in a drunken state; absenteeism; dismissal from work in order to avoid serving a sentence; evading the obligation to report a change of the place of work or the place of residence within 10 days; failure to appear at work more than twice a month without valid reasons, etc. In this list of violations, the definition of "dismissal from work in order to avoid serving a sentence" is a controversial issue, which requires additional normative interpretation, since the very fact of absence from compulsory work without a valid reason is a refusal to work. For committed offenses, those sentenced to compulsory labor may be subjected to legal measures of influence: replacement of compulsory labor with a more severe type of punishment (Paragraph 5.8 of the resolution of the Plenum of the Supreme Court of the Russian Federation No. 59 of December 22, 2015). In fact, the court imposes a new type of punishment for violations for which responsibility arises, including replacement of compulsory labor with imprisonment. If the convicted person has been warned about the inadmissibility of such behavior, if he/she has not drawn conclusions after a written warning from the administration of the institution, then he/she is recognized as a malicious violator of the order and conditions of serving this type of punishment and imposed a stricter measure of influence. Replacement of compulsory labor with imprisonment or forced labor resembles a delay in the execution of punishment or probation. Therefore, the proposed measures to improve legal regulation of the execution of punishment in the form of compulsory labor actualize the conclusions of some experts that no matter how perfect the criminal proceedings and criminal law norms are, the real results of the impact on the offender can be assessed only after his/her conviction and during the execution of criminal punishment. It is the order and conditions of serving a criminal sentence that mainly determine success of previous stages regulated by criminal and criminal procedure legislation, which in turn depends on the level of improvement of basic legislation, the effectiveness of which is closely related to law enforcement activities in the field of the execution of any punishment, including in the form of mandatory work [8].

Based on results of the study, we propose to make appropriate amendments to legislation that will contribute to improving effectiveness of the activities of penal enforcement inspections in the field of execution of compulsory labor. The analysis of judicial practice shows that judges decide to recognize a convicted person as maliciously evading compulsory labor if there are the following grounds: a) he/she has not performed compulsory labor more than twice during the month without valid reasons; b) he/she has violated labor discipline more than twice during the month; c) he/she has concealed it in order to avoid serving the sentence. Due to gaps in the regulatory framework, judges sometimes independently develop methodological recommendations and are guided by them when recognizing a person sentenced to compulsory labor as maliciously evading punishment, which sometimes does not correspond to the normative interpretation presented in the resolution of the Plenum of the Supreme Court of the Russian Federation No. 21 of December 20, 2011 (as amended on June 25, 2024) and penal legislation.

Thus, judicial activity in the field of execution of a sentence of compulsory labor is regulated by norms of not only penal, but also criminal procedure legislation, is multidimensional in

nature due to the need for courts to interact with public authorities, law enforcement agencies (prosecutor's office, criminal executive inspections, internal affairs agencies, etc.) and protect convicts, and provides social and legal protection of the rights and legitimate interests of those sentenced to compulsory labor. Performing functions of judicial control (articles 397, 398 of the Criminal Procedure Code of the Russian Federation, Article 20 of the Penal Code of the Russian Federation), the court controls execution of punishment in the form of compulsory labor and resolves issues of its competence.

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Psychological Characteristics of the Attitude to Life among Terminally Ill Convicts

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Abstract

Introduction: the article considers psychological features of terminally ill convicts' attitude to life in correctional institutions. The presence of an incurable disease and prospects of an early death can push a convicted person to violate socially beneficial relationships and internal regulations of the institution. A theoretical analysis of the specifics of attitudes to life is carried out. A number of the most frequent reactions to the manifestation of an incurable disease and specific psychological problems in this category of convicts are given. An attitude to life is considered as one of the important components of the issue to prevent suicidal behavior among convicts with incurable socially significant diseases. *Purpose*: to study psychological features of the attitude to life among terminally ill convicts and to provide recommendations on psychological support for this category. *Methods*: comparative analysis, Purpose-in-Life Test, and Mann-Whitney U-test. *Results*: the results of the study show that convicts with incurable diseases have the lowest level of acceptance of their lives. They do not worry about their lives and do not believe in themselves and others. When interacting with others, they feel pity. They make contact indirectly and do not care about their appearance and behavior. Terminally ill convicts often report chronic fatigue, which is the effect of constant negative thoughts. They experience feelings of social isolation and loneliness. *Conclusion*: when providing psychological support to convicts in this category, a realistic attitude to life can serve as the basis for longer productive life and, on the other hand, the basis for adequate communication with others, including in terms of compliance with behavioral norms.

Keywords: attitude to life, terminally ill convicts, penitentiary system, correctional facilities, psychological aspects, psychological support, incurable diseases.

5.3.9. Legal psychology and accident psychology.

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Introduction

At the present stage of the penal system development in Russia, the improvement of work with convicts of various categories is one of the most urgent problems. In the Russian Federation, there is an increase in the incidence of incurable diseases in society as a whole, including among convicts. Therefore, studying the attitude to life of terminally ill convicts will make it possible to build effective socio-psychological work with this contingent in correctional institutions. The presence of incurable diseases, such as oncological diseases (cancer), human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS), typified hepatitis viruses (A, B, C, D, E), provides a large number of directions for studying various aspects of the development of diseases and their impact on human psychological characteristics. Convicts in correctional colonies are most susceptible to diseases. This problem necessitates the improvement of both psychological and medical care for this category of convicts.

According to data provided by the Federal Penitentiary System of Russia, as of December 20, 2024, 9,209 people were treated for tuberculosis in correctional institutions, the incidence rate was 78.8 per 100,000 people [1]. It is worth mentioning that there are other types of incurable diseases in places of detention, which also need to be addressed in order to highlight and further inform interested people in solving problems of providing assistance to convicts with incurable diseases.

The total number of convicts infected with HIV in places of detention was 51,627 people as of December 20, 2024. The presence of an incurable disease and the prospect of an early death may push a convict to violate socially useful relationships and internal regulations of the institution. The convict's concentration on the role of a patient and his/her rejection of other social roles may further complicate the process of his/her resocialization [2].

The person's attitude to life is considered in psychological science as a system that forms meanings and goals of human life and regulates ways of their achievement (S.L. Rubinstein, B.S. Bratus', A.N. Leont'ev, A.G. Asmolov, E.A. Berezina, M.I. Bobneva, A.V. Seryi, N.I. Nepomnyashchaya, Yu.M. Kuznetsova, and others).

Life support provides a person with both further development and comprehensive work on him/herself and his/her personality. V.V. Belyaeva and E.V. Pokrovskii studied characteristics of people with HIV.

In foreign psychology, A. Adler drew attention to the connection between person's behavior and his/her life meaning and correlated behavioral meanings of life and a lifestyle [3]. In psychology, there are two approaches to considering the process of structuring a person's life path through its planning and scenario implementation [4]. According to the first approach (S.L. Rubinstein, B.G. Anan'ev, and others), a person consciously chooses and regulates the process of life. The second approach (A. Adler, C. Rogers, E. Berne, and others) is based on the idea of a predominantly unconscious choice of a life plan made in the early stages of a child's development. In general, the meaning of life is understood as the highest integrative basis of personality or as a structural element of consciousness and human activity [5, p. 57].

The attitude to life can be different and depends on individual characteristics of convicts, their worldview, values and beliefs. Terminally ill convicts tend to adhere to a pessimistic lifestyle and are indifferent to their own life.

The attitude to life is a perception of life activities that affects all areas of behavioral activity, is determined by person's values and expressed in acceptance or rejection of life and oneself, responsibility for one's life, and desire for development [6, p. 123]. The attitude to life forms the orientation of a convict. It is expressed in dominant goals and motives of the activity, interests, ideals, beliefs, a system of relationships, life plans and prospects formed on the basis of needs and aspirations [7]. Desire is a conscious need for something quite definite [8]. The convict's desire arises when a

volitional component is included in the structure of desire, and his/her interest is a cognitive form of orientation towards objects. According to research data, the dominant interests of most offenders (both male and female) serving criminal sentences are material, primitive and recreational [9]. Conviction (the highest form of orientation) is a system of personal motives that encourage a person to act in accordance with his/her views and principles [10].

Psychological characteristics of the attitude to life among terminally ill convicts is a complex and multifaceted topic reflecting deep inner experiences and mechanisms of personality adaptation in conditions of extreme stress. One of its key components is an attitude to the present, past and future [11, p. 3]. Being on the verge of life and death, people have other perception of time, which becomes not linear, but rather cyclical, full of moments of despair and hope. Illness conditions lead to different behavioral patterns, which may differ from those basic for society [12, p. 162].

Through the prism of the incurable disease there comes realization of the finiteness of existence, which often leads to deep existential reflections. The feeling of losing control over one's own destiny forms a mixture of anger, longing, and humility. The convict assumes the role of a patient, which involves the expression of certain emotions and social obligations [13]. These emotions can prompt convicts to rethink life values, start searching for meaning in suffering and reach reconciliation with the outside world. The needs of this category of convicts are blunted; they are interested only in physiological well-being and neglect self-development [14, p. 370].

Relationships with other people, such as administration staff and other convicts, also play a key role in shaping their attitudes towards life, serving as a source of both support and blame. The desire for self-expression and understanding the place in this world becomes the main adaptation mechanism that allows convicts to cope with the inevitability.

In a prison environment characterized by isolation and depression, support from other prisoners and staff can be vital. New communication ties let convicts feel their belonging to society. A sense of community can overcome deep loneliness and raise a person's self-esteem, which is a primary aspect in the process of overcoming the disease.

The very fact of having an incurable disease causes any person an internal conflict that provokes depression, emotional instability, hidden or explicit aggression. The attitude of terminally ill convicts towards their illness can vary depending on many factors, such as the type of disease and the severity of symptoms. The convict's reaction to the disease largely depends on personality characteristics, such as age, previous abuse of alcohol, drugs or their surrogates, and individual personality traits. A person is aware of the inevitability of death, and this awareness of the transience of his/her physical existence makes him/her to reflect on his/her life and its meaning [15, p. 16].

The following are the most typical reactions of HIV-infected convicts:

1. Denial. People often deny the fact of their own illness, which can have a twofold meaning. So, initial denial can be helpful, as it can ease stress for a while. However, its continuation can make it difficult to adapt to new living conditions, which are necessary to cope with the disease, prevent its further spread, and realize social responsibility that is imposed on the convict.

2. Anger. Behavior of such people can become destructive; convicts can harm themselves and others. As the disease progresses, a person may become unable to work, but at the same time feel satisfactory. A "meaningless" life full of restrictions in nutrition, activities, and contacts becomes commonplace and often causes anger. Anger is manifested in self-accusation and suicidal behavior.

3. Suicidal ideas and behavior. Convicts are characterized by increased suicide risks. Suicide can be both active (intentional self-harm resulting in death) and passive (self-destructive behavior, concealment of serious complications).

4. Fear. Fear of death is the most common. There are also fears of being abandoned or rejected, leaving a family without support, fear of injury, loss of physical or mental abilities, and loss of privacy. Fear is often based on the experiences of others.

5. Anxiety. Anxiety is almost always present in the life of a terminally ill person, reflecting the chronic uncertainty associated with the disease. It can be caused by increased risks of

being contaminated by other diseases, deteriorated abilities to work effectively, and the loss of physical and financial independence.

It is also possible to note the negative attitude of citizens towards people with incurable diseases. Terminally ill convicts are presented as socially rejected people. They often experience a negative reaction due to the lack of awareness of most people. Society presents the terminally ill as socially different, practicing marginal forms of social behavior (drug use and sexual promiscuity), which is often not without reason. In this regard, a convict reject society, which is often manifested in aggressive behavior, a desire for revenge, fear for one's life, and sometimes ends in committing crimes or suicides [16].

Convicts focus on negative events of the past, while realizing that irreparable mistakes, painful memories and unpleasant images of the past aggravate the severity of the present. Requirements of the regime and special conditions of the penitentiary exclude a hedonistic orientation to the present [17, p. 11]. At the same time, the time perspective undergoes drastic changes, it obeys the new reality. There is a low meaningfulness of life, narrowness of the meaning of life, a lack of ideas about the path of life, low activity in the realization of life meanings, concentration on past events and unwillingness to think about the future. The impossibility of exercising control over one's own life in places of deprivation of liberty provokes the sense of meaninglessness of what is happening around and reinforces the fear of the future and despair [18, p. 3].

Complex emotional states of terminally ill prisoners are often expressed through creativity, which becomes an important channel for their self-expression. Using such types of creativity as visual arts, writing literary and musical works, terminally ill prisoners can convey their thoughts and feelings through art. For example, Kovalev A.G. and T.V. Borodkina consider an art therapy method as one of the main methods of working with seriously ill patients. Creating drawings, writing lyrics, or composing music helps sick patients express their inner feelings and experiences that they cannot put into words. [19, pp. 145–147]. Analyzing their works, we can form a picture of the problem and find out what they feel.

Terminally ill convicts often face internal conflicts, fears, and worries about their lives. Some convicts begin to feel guilty about their condition in front of others. These emotions often manifest themselves in relationships with other convicts. Instead of empathy, hostility is most often manifested in the social environment. In this regard, terminally ill convicts have many psychological problems. Let us look at some examples of these problems:

– Social isolation: the removal of a convict with incurable diseases from society and the avoidance of the convict's society itself. Prolonged exposure to social isolation can lead to the disruption of socially useful connections, skills, etc., which may further complicate the process of resocialization of the convict [20, p. 327].

– Feeling of loss over their lives: terminally ill convicts experience a feeling of loss of control over their lives, they believe that they cannot plan their lives in any way or manage it at all. All events in their lives occur randomly [21, pp. 124–128];

– Fear of the inevitability of death: constant thoughts about one's death and the impossibility of a future life without illness, contributes to the development of anxiety, depression and many other negative psycho-emotional states [22, pp. 235–239];

– Feeling of doubt: a convict faces the question of his/her treatment or refusal of medical care. It is often associated with convict's low information awareness about the disease itself and his/her low self-esteem [20, p. 150].

– Problems with adaptation to the disease: presence of an incurable disease also affects the physical condition of a convict. There is weakness, anxiety, and various body problems. All this can lead to a decrease in physical condition [23, p. 178];

– Problems in the communicative sphere: other people are afraid of communicating with a convict with a disease [24, pp. 95–99]. Against this background, a convict may experience a feeling of loneliness and insufficient support on the part of his/her relatives and acquaintances;

– Aggression towards administration staff: terminally ill convicts may experience feelings of aggression and distrust towards administration and medical staff. Such behavior is often accompanied by the violation of internal regu-

lations of the institution and refusal to undergo treatment [25, pp. 12–15];

– A sense of injustice: an incurable disease can cause feelings of anger and resentment towards one's fate and one's relatives. A convicted person may blame other people for everything, but forget about his/her own decisions in his/her life [26, p. 110];

– Depression: receiving information about the presence of an incurable disease is often accompanied by depression [23, p. 182]. In this state, a convict almost completely renounces all his/her needs, leaving only physical ones in his/her life, which in the future may affect the personality development;

– Affective and latent suicide: having negative emotions after receiving information about the disease, a convicted due to lack of strength and support to combat this illness [21, p. 128] may choose an easy way to avoid this problem by committing suicide.

V.N. Myasishchev considers the problem of personality's attitude to one's life along with its development. The attitude to one's life is revealed as a component formed with the help of such parts as the attitude to oneself, others, and one's activities [13, p. 398]. In this regard, we can conclude that psychocorrective work with incurable convicts should be carried out in various directions, such as formation of personality values, self-regulation, relationships with other convicts and the administration staff. One of the main directions will be the formulation of goals and their achievement. According to the promotion criterion theory, the following conditions are necessary for the goal achievement: criterion of promotion to the goal and monitoring of effectiveness [27, p. 903].

Analyzing the research of foreign authors, we also see a problem related to the attitude of terminally ill convicts to life. For example, L. Maruschak states that prisoners with chronic diseases are more likely to report mental stress, depression, and loss of interest in everyday life than those without such diseases [28, p. 18]. Many male prisoners with HIV/AIDS deeply grieve the loss of future life opportunities, including freedom, family relationships, and personal goals. This indicates a crisis of the meaning of life that occurs in terminally ill convicts — they may feel that everything they wanted to achieve has become unattainable [29, pp. 23-29]. J.D. Rich notes that prisoners with incurable diseases find it difficult to make life plans, since their diagnosis is perceived as a sentence, and the conditions of detention increase the sense of meaninglessness of existence [30].

S. Fazel in his empirical study reveals that among prisoners with chronic diseases (HIV, cancer, hepatitis) there is a significantly higher number of suicide attempts than among healthy prisoners. It is also found that the introduction of specialized support programs (including psychotherapy, work diagnosis and future planning) has reduced the level of suicidality by 30% [31]. It is also worth noting that terminally ill convicts are more often exposed to recidivism than healthy ones [32].

Thus, based on the analysis of the literature of domestic and foreign authors, we can conclude that terminally ill convicts often experience a feeling of hopelessness and desperation, they lose interest in life. The diagnosis in this category is perceived as a sentence that is reinforced in correctional institutions and causes anxiety, depression and a tendency to self-destruction. Such a criterion as the attitude to life of terminally ill convicts can play an important role in their rehabilitation, assistance in treating the disease, and is also one of the important indicators for reducing the level of suicide risk and reducing the recurrence of crime in this category of convicts, in order to form a realistic and positive attitude to life.

Description of the study

To study the category of "Attitude to life" of terminally ill convicts, an empirical study was conducted on the basis of the Interregional Hospital for Convicts No. 10 of the Federal Penitentiary Service of Russia in the Vologda Oblast. The study covered 60 males aged 25–30 with basic general education. They were divided into experimental groups No. 1 (healthy convicts) and No. 2 (terminally ill convicts). The diseases were HIV/AIDS, tuberculosis (in advanced form), grade II diabetes mellitus, cirrhosis of the liver, and chronic heart failure. To analyze and compare the "Attitude to life", the method of "Meaningful life orientations" by D.A. Leont'ev was used. This is a technique developed by a Russian psychologist and philosopher, it focuses on identifying and developing the meaning of a person's life, as well as de-

termining their values, goals and motives. The analysis of the obtained results revealed conscious and unconscious attitudes of the convicts towards their lives. Figure 1 shows results of the study conducted in experimental groups No. 1 and No. 2.

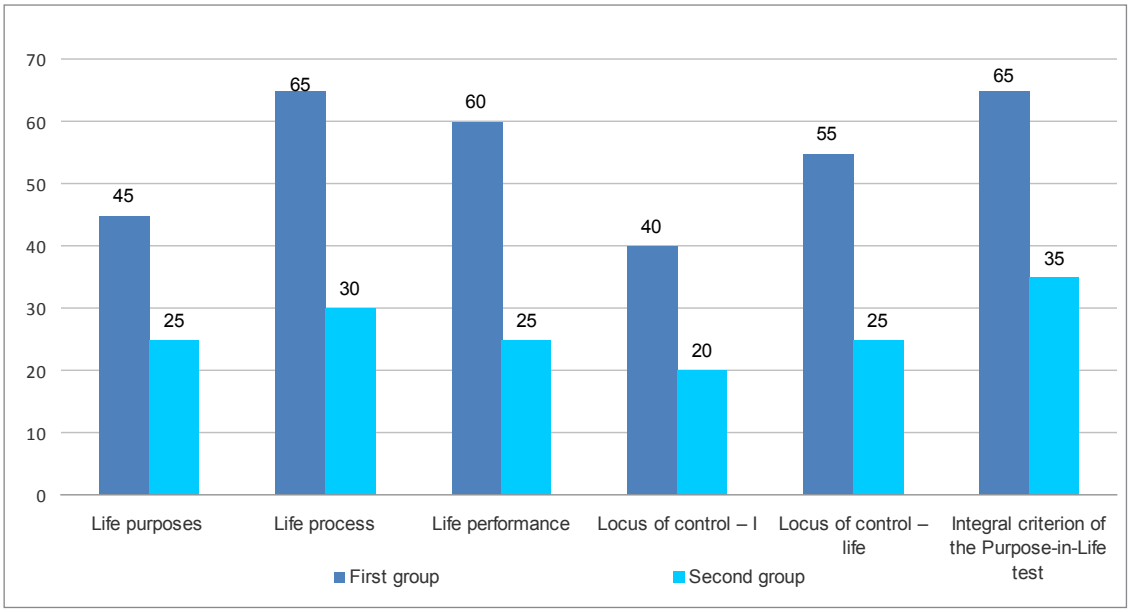

Figure 1. Indicators for assessing the meaning of life (in %)

Figure 1 shows an average level of the indicator "Life purposes". The convicts of both experimental groups have no plans for the distant future, they live for the day. There is no way to change the life they have lived.

The convicts of the experimental group No. 1 have much higher figures on the "Life Process" scale than the convicts with incurable diseases. They note that they have fully realized themselves in life and have immediate life plans. They believe that it is necessary to develop themselves, as well as use their life experience in the future.

A low value on the scale of "Life performance" is noted in the experimental group No. 2. Convicts in this category are more likely to express the opinion that their lives have not achieved important goals. All plans for their lives have no further possibility of implementation. Terminally ill convicts do not have a well-formed idea of their lives, specific goals, and faith in themselves. They would like to change their lives, but do not have the strength and capabilities to do so.

Terminally ill convicts have below-average results in all indicators of the methodology. They believe that a person cannot control his/her life and do not believe in any medical treatment options. They have lost their memories of their life from a positive point of view and believe that it has always had a negative character. They note that relationships with relatives and others have always had a negative effect, as well as misunderstandings on the part of others.

When comparing the results obtained, it is revealed that the convicts of the experimental group No. 1, on the contrary, have higher scores on all scales. Healthy convicts believe they can control their lives. They can express themselves freely and choose their own circle of interaction. They are convinced that they are in control of their lives and their actions. They make further plans for their lives, want to start a family and change one's life in order to prevent further criminal acts.

The "Integral criterion of the Purpose-in-Life test" shows general meaningfulness of life. The convicts of the experimental group No. 1 have certain achievements in their lives and find themselves physically and mentally healthy. On the contrary, the convicts of the experimental group No. 2 have a negative attitude towards themselves, low self-esteem, low indicators of adaptive abilities and cognitive abilities.

Terminally ill prisoners find it difficult to make decisions and act only when they are sure that everything will be fine. This category is prone to self-destruction, they consider themselves losers. They can be self-critical and judge themselves harshly. They are highly sensitive to oth-

er people's opinions and fear that they will be judged or rejected. According to the results obtained, the convicts of this experimental group may doubt their decisions, even if they have already made them. The presence of an incurable disease can prevent convicts from achieving their goals, taking responsibility and living a full life.

The convicts of the experimental group No. 1 claim to have opportunities to realize themselves in life and to set new goals. They are interested in preserving their health. Terminally ill convicts note that they have not taken enough care of their health and they would like to change their past. They believe that their lives are doomed and no amount of treatment will help solve their problems.

To confirm or deny that there are differences in attitudes towards life among convicts with incurable diseases and healthy ones, the indicators in the studied samples were analyzed using the Mann-Whitney U-test. According to the results obtained, all 6 criteria are in the zone of significance of $Ucr = 2.63$ ($p < 0.01$), thus, there are significant differences in indicators in the groups of convicts, which means that terminally ill convicts have a negative attitude towards their lives.

According to results of the study conducted to determine the level of "Attitude to life", convicts with incurable diseases are characterized by the lowest level of acceptance of their lives, denial of their reality, as well as insufficient acceptance of one's lived life. Terminally ill convicts do not worry about their lives, they believe nobody. When interacting with others, they feel sorry for themselves. They make contact indirectly and do not care about their appearance and behavior. Terminally ill prisoners often report chronic fatigue, which is the effect of constant negative thoughts. They experience feelings of social isolation and loneliness. Due to their condition, these convicts may have difficulty performing normal tasks in their lives, which leads to a loss of independence and the need for other people's help.

Conclusions

The conducted research is a pilot study aimed at studying general mechanisms of experience in terminally ill convicts with different diseases. According to the study results, it can be concluded that no matter what incurable diseases convicts have, they all have equal physical and emotional experiences. In the future, this study may become the basis for scientific research that takes into account each diagnosis, such as oncological diseases or various pathologies. Deepening this issue will help to form more accurate and effective measures of psychological, medical, and social assistance to convicts, depending on their diagnosis.

Based on the results of the study, we have developed recommendations for psychological support of terminally ill convicts, so that they can change their anxiety levels, determine their life orientations, form a realistic attitude to their own lives and accept their diagnosis. Systematic psychological work is required. Several stages of work with terminally ill convicts are identified. The first stage includes diagnostics in order to determine the emotional and psychological state of convicts, their needs and level of "Attitude to life". Then it is necessary to work out an individual psychological support plan for a terminally ill convict.

At the stage of individual work, the psychologist includes various methods of influence, such as psychorrection, consultations, and trainings. A convict should not be left alone. It is important to constantly conduct longitudinal studies to identify changes in behavior, as well as to form a realistic image of one's own future. What is more, it is necessary to form a sense of self-confidence and goal-setting skills in convicts of this category, to teach methods of self-regulation and reflection in order to change attitudes towards one's life. It is important to use cognitive behavioral therapy techniques to change negative attitudes and beliefs about present and future life.

Terminally ill prisoners should see the achievement of their goals and objectives in order to develop self-regulation and self-development skills, and to form a positive orientation for their future lives. When providing psychological help and support, it is worth using pedagogical methods of influence. Employees of the educational department should involve these convicts in educational work during the correctional process. Participation of terminally ill convicts in the educational process will raise convicts' self-confidence and contribute to personal development. The presence of an incurable disease can prevent convicts from

achieving their goals, taking responsibility and living a full life, so it is important to work on overcoming fears and doubts. Already at the early stages of receiving information about the presence of an incurable disease, it is required to increase convicts' adaptive capabilities and encourage them to accept their illness. The involvement of medical unit staff will make it possible to inform convicts about the possibilities of treating the disease at an early stage. Social workers in correctional institutions should help convicts to restore and maintain social ties with relatives. Communication with relatives can play an important role in helping terminally ill convicts. Support of the loved ones is vital for many people in custody, especially when they struggle with a serious illness. In such cases, communication with relatives can help improve the mental and emotional state of patients, as well as help them cope with feelings of loneliness.

Compliance with these recommendations, which include work on the formation of positive self-esteem and a positive attitude towards their lives and the future and the development of decision-making skills will significantly improve the psychological state of this category of convicts. By using these recommendations, terminally ill convicts will be able to find meaning and purpose in life and regain confidence in themselves and their actions. In the future, comprehensive work with this category will be an important step towards reducing mortality and suicidal rates among terminally ill convicts.

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Biopsychosocial and Structural Determinants of Chemical Addictions in Prison Settings

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Abstract

Introduction: substance use disorders among prisoners are a multi-level problem caused by the interaction of neurobiological, psychological and social factors. The problem of addiction among persons in places of imprisonment is widespread and has a significant impact on both the individuals themselves and the prison system as a whole. High recidivism rates among prisoners with addictions and low efficiency of traditional approaches to rehabilitation require in-depth interdisciplinary analysis. Numerous studies indicate high levels of chronic stress experienced by prisoners, which necessitates consideration of the relationship between chronic stress and maintenance of addiction in this population. High comorbidity of addiction and incarceration necessitates a deeper understanding of the underlying factors, such as stress, to develop effective intervention strategies. *Purpose: t*o study mechanisms of addiction formation and maintenance in the penitentiary system, analyze the influence of chronic stress on neurochemical processes, cognitive-emotional patterns and social determinants, to substantiate the key importance of chronic stress compared to other factors in maintaining addiction, and to develop expanded recommendations for rehabilitation. *Methods:* an in-depth review and analysis of current scientific publications containing empirical data on the prevalence and impact of chronic stress, its relationship with addiction in convicts, and the effectiveness of various rehabilitation approaches was conducted. *Results:* it is revealed that prison conditions (sensory deprivation, limited autonomy, harsh conditions, and violence) provoke chronic stress in convicts, which aggravates neurobiological disorders (dysfunction of the dopamine system, hypercortisolemia, and suppression of neurogenesis) and epigenetic changes associated with these disorders. Chronic stress is a key factor in the maintenance and relapse of addiction, provoking cravings and contributing to the use of psychoactive substances as a means of self-medication. Psychological factors (learned helplessness, distorted time perspective, and emotional dysregulation) and social risks (stigmatization, isolation, and lack of reintegration programs) closely interact with stress, forming a cycle of maladaptation. The effectiveness of complex strategies combining psychological interventions (cognitive behavioral therapy, mindfulness therapy), social support (reintegration programs, family involvement, and mentoring) and, if necessary, pharmacotherapy is confirmed. *Conclusion*: chronic stress plays a key role in maintaining addiction in convicts. Optimization of rehabilitation requires the integration of neuroscientific data, psychocorrectional methods (cognitive behavioral therapy, mindfulness therapy, and a trauma-informed approach) and socio-environmental approaches (reintegration programs, family

support, mentors, and social workers). Promising are complex programs aimed at reducing allostatic load, developing coping strategies, restoring neuroplasticity and ensuring continuity of support after release.

Keywords: chemical dependencies; convicts; penal system; chronic stress; rehabilitation; recidivism; psychological interventions; social support.

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Introduction

In the modern world, substance use disorders (SUD) among people in prison settings are becoming a systemic crisis affecting both individual health and public safety. According to the United Nations Office on Drugs and Crime, the proportion of convicts with diagnosed addiction varies from 20% to 65% in different regions [1]. In Russia, according to official statistics from the Ministry of Internal Affairs, one in ten prisoners suffers from chemical addiction [2]. These figures do not only reflect the scale of the problem, but also emphasize its structural nature: the use of psychoactive substances (surfactants) is closely related to recidivism, since most crimes among addicts are committed either under the influence of substances or for the purpose of acquiring them [3, 4].

However, the key problem remains the lack of sufficient effectiveness of rehabilitation programs in penitentiary institutions. Traditional approaches based on isolation and forced abstinence show limited results: only 5–15% of individuals remain in remission after release [5]. The main reason lies in ignoring the complex interaction of biological, psychological and social factors that form the phenomenon of “double unfreedom”.

On the one hand, chronic stress, sensory deprivation, and limited autonomy in penitentiaries exacerbate neurochemical disorders caused by prolonged use of surfactants. Numerous studies indicate a high level of stress experienced by convicts, which requires a detailed consideration of its role [6–11]. On the other hand, maladaptive cognitive patterns and stigmatization reinforce addiction as a survival strategy. The high comorbidity of addiction and incarceration necessitates a deeper understanding of underlying factors such as stress in order to develop effective intervention strategies.

There is a practical need for evidence-based analysis and concrete actions that can be implemented to improve rehabilitation outcomes. It is important to note that this problem goes beyond prison medicine, acquiring a socioeconomic dimension. For example, in countries with high levels of inequality, such as the United States or Brazil, a lack of access to housing and employment after release increases recidivism rates [12; 13].

In this regard, the relevance of the study is determined by the need to move from repressive measures to scientifically based strategies that take into account both neurobiological mechanisms of addiction (for example, dopamine system dysfunction under the influence of stress) and structural disadvantages of penitentiary rehabilitation. The study is aimed at analyzing the relationship between neurophysiological changes (especially caused by chronic stress), psychological characteristics [14; 15] and social conditions [16], which together determine the stability of addictive behavior among convicts. Special attention is paid to an allostatic load concept, which combines biological effects of chronic stress and their impact on adaptive capacities of the individual.

The author conducts an in-depth analysis of existing scientific publications containing empirical data on this issue in order to substantiate the key importance of chronic stress in comparison with other factors contributing to the persistence of addiction in convicts. In addition, expanded recommendations for psychologi-

cal and social components of the rehabilitation model are proposed.

The results of the study are intended to become the basis for the development of integrative rehabilitation programs combining pharmacotherapy, psychocorrection and social support. Thus, the presented work contributes to an interdisciplinary dialogue linking neuroscience, clinical psychology and penitentiary practice. Its practical significance lies in the substantiation of models that can not only reduce recidivism, but also restore socio-psychological resources of people who find themselves in conditions of "double unfreedom".

Prevalence and impact of chronic stress among convicts

Empirical evidence from scientific research consistently demonstrates an increased level of chronic stress among people in prison, and numerous studies agree that the experience of incarceration is usually characterized by high levels of stress, anxiety, low self-esteem, loneliness, and depression [17–20]. In particular, the study conducted in Ghanaian prisons shows that more than half of the prisoners experience moderate or high levels of stress, while the highest levels of stress is observed among convicts serving sentences in maximum-security prisons [17].

The prison environment itself plays a significant role in the development of stress and mental health problems among prisoners. Factors contributing to stress include isolation from family and social networks [21], harsh conditions of detention, a lack of personal space, poor sanitary and hygienic conditions [22; 23], violence [24; 25] and a lack of purposeful activities. The consistency of these results across different studies and countries highlights the universality of stress as a significant factor in the prison environment.

Chronic stress has a profound psychological impact on convicts. It is associated with various psychological disorders, including anxiety, depression, self-harm, aggressive behavior, obsessive thoughts, and substance abuse. Incarceration can lead to the development of "a post-prison syndrome", similar to post-traumatic stress disorder, with long-term consequences for mental health [25]. Chronic stress can negatively affect a person's body, mind, and life, causing feelings of depression, agitation, anxiety, and apprehension. Long-term effects of chronic stress, extending beyond the period of incarceration, emphasize the need for interventions that promote psychological well-being both during and after incarceration [26].

Biological foundations: neurochemistry of addiction in the conditions of isolation and chronic stress

Chronic use of surfactants provokes profound neurobiological shifts, which are aggravated in prison conditions due to sensory deprivation, limited mobility and constant stress. The central role is played by the dysfunction of the dopamine system, which regulates motivation and the reward system. In individuals with opioid dependence, the density of D2 receptors in the striatum decreases, which weakens control over impulsive actions and increases cravings for substances. In prison, these disorders are superimposed on chronic stress, which increases cortisol levels. Hypercortisolemia suppresses neurogenesis in the hippocampus, a structure critical for memory and emotional regulation, and reduces the BDNF level (brain-derived neurotrophic factor) [27], which limits neuroplasticity and learning ability. This creates a vicious circle: stress worsens cognitive functions, which makes it difficult to overcome addiction, and addiction itself increases susceptibility to stress.

Epigenetic modifications induced by the environment perpetuate these changes [28; 29]. Hypermethylation of the DRD2 and COMT genes, which regulate dopamine metabolism, was revealed in convicts with SUD. This reduces the expression of D2 receptors and slows down dopamine metabolism, increasing its accumulation in synapses and provoking impulsivity. Such changes can persist for years, increasing vulnerability to relapse even after release.

Hyperactivation of the limbic system is another consequence of prison conditions and chronic stress. Convicts with SUD are characterized by increased activity of the amygdala, responsible for fear reactions, and decreased

activity of the prefrontal cortex, which modulates self-control [30]. This imbalance increases emotional lability, reducing tolerance to frustration and reinforcing the link between stress and the search for surfactants as a "quick fix".

Chronic stress as a key factor in maintaining addiction

The analysis of empirical data and neurobiological models suggests that chronic stress plays a key role in the emergence, maintenance and relapse of addiction in convicts [5–7]. Many people enter the prison system already having problems with addiction, and the stress associated with incarceration can exacerbate these disorders, leading to the use of psychoactive substances as a means of self-medication. A prison environment characterized by violence, isolation, and a lack of rehabilitation services can provoke or reinforce unhealthy substance use as a way to cope with difficulties. Stress can cause drug cravings and lead to relapses even after periods of abstinence during incarceration. Feelings of hopelessness, a lack of prospects for the future, and an oppressive prison environment contribute to stress and the desire to escape reality with the help of psychoactive substances.

Neurobiological models show that stress activates brain pathways involved in reward and motivation (including dopaminergic and noradrenergic systems, as well as corticotropin-releasing factor), which increases vulnerability to addiction and relapse. The cyclical nature of addiction and stress, where stress can trigger substance use, and substance use, in turn, leads to even more stress (including legal and social consequences), underscores the need to address both issues simultaneously through rehabilitation programs. Neurobiological evidence provides a compelling basis for understanding the physiological basis of stress- and addiction-related behaviors, indicating the potential effectiveness of interventions targeting these pathways.

Thus, although other factors play a role, it is chronic stress that often acts as the catalyst and supportive mechanism that prevents sustained remission in conditions of incarceration and after release.

Psychological mechanisms: maladaptation trap triggered by stress

In conditions of incarceration, addictive behavior transforms into a complex psychological phenomenon where cognitive distortions, emotional dysregulation, and institutional constraints are mutually reinforced often under the influence of chronic stress. The phenomenon of learned helplessness, described by Seligman [14], plays a central role. The systematic suppression of autonomy, the inability to influence basic aspects of life, and the chronic unpredictability of the environment form a persistent belief in the futility of effort. Studies show that convicts with SUD believe that nothing can be changed, which correlates with resistance to therapy and relapses. This cognitive pattern, aggravated by stress and feelings of hopelessness, not only reduces motivation, but also destroys self-efficacy, consolidating addiction as the only available strategy for controlling negative experiences.

The deformation of the time perspective becomes an important element. In conditions of isolation and stress, convicts are not interested in long-term planning and focus on the current moment due to neurobiological changes (depression of the prefrontal cortex under the influence of stress) [6; 30] and adaptation to an environment where the future is perceived as an abstraction. According to Ph. Zimbardo's theory, such a "narrowed" temporal orientation increases the attractiveness of surfactants as a means of immediate escapism, minimizing the significance of long-term consequences [15]. This creates a vicious circle: substances are used to suppress stress and anxiety caused by uncertainty, but their use further destroys the ability to plan.

Dysfunctional beliefs that mythologize the effects of surfactants make the situation worse. In the prison subculture, there are narratives that idealize substances as a tool for "controlling emotions" or "a symbol of resistance". These beliefs reinforced by group dynamics transform its use into a ritual that constructs meaning in an existential vacuum [31]. For example, in some prisoner communities, the use of surfactants is associated with a demonstra-

tion of strength or belonging to a group, which enhances their symbolic value.

Emotional dysregulation aggravated by chronic stress is a key driver of addiction. Convicts with SUD are often diagnosed with clinically significant anxiety and symptoms of depression. Hyperactivation of the amygdala, responsible for processing fear and increased stress, is combined with a deficiency of neurotransmitters, which reduces tolerance to frustration. Impulsivity, as measured by deferred reward tests, is often elevated [32]. When alternative coping strategies (creativity, sports, communication) are limited, the following pathological loop is formed: distress provokes the use, which, in turn, deepens emotional instability.

Adaptive strategies in the prison environment are becoming paradoxical. The use of surfactants becomes not only a coping mechanism with individual stress, but also a tool for social integration. In conditions of deprivation of basic needs (safety, belonging), substances turn into social capital, the exchange for which strengthens the status in the hierarchy of the community. For example, access to surfactants can serve as a "currency" for obtaining protection or information, which institutionalizes their use as a norm.

These processes culminate in the formation of a dependent identity, such as a stable self-representation that combines stigma ("I am an addict"), emotional fixation on surfactants, and the perception of sobriety as a threat to the social status [33]. Neuropsychologically, this is accompanied by a decrease in the activity of the medial prefrontal cortex, responsible for self-reflection [34], and hyperfunction of the insular lobe associated with bodily sensations and cravings. Such an identity is resistant to external influences, requiring a deep reconfiguration of self-narratives.

Social factors and their interaction with stress

Chronic stress is one of the key factors influencing the maintenance of addiction in convicts, but other factors also play a significant role and often interact with stress, exacerbating its effects. The social architecture of the prison system and post-release conditions catalyze addiction through stigmatization, institutional violence, social exclusion, and economic exclusion.

Social isolation caused by separation from family and friends is exacerbated by prison conditions and can lead to feelings of loneliness and hopelessness, thus increasing stress and promoting the use of surfactants as a way to cope with these emotions. Double marginalization as a "criminal" and a "drug addict" leads to systemic exclusion. So, after release, people could not find a job and accommodation. Feeling stressed, they return to the criminal environment. Within prisons, a hierarchy where dependence is associated with weakness restricts access to rehabilitation programs, perpetuating stigma.

Institutional violence (physical, psychological) is a powerful stressor correlating with increased addiction as a form of resistance or escape. In countries with repressive drug policies, overdose mortality after release is significantly higher than in regions with a medico-social approach, which is partly associated with a loss of tolerance and stress of reintegration [35; 36]. "A culture of silence" where seeking help is perceived as betrayal blocks access to support and increases feelings of isolation. A lack of opportunities for education, work, and personal growth during and after incarceration makes person feel hopeless, which also leads to stress and addiction relapse.

Economic barriers reinforce the cycle of addiction: poverty, a lack of insurance and housing significantly increase stress and relapse risks. In the United States, a significant number of released people with substance use disorder become homeless in the first year [12; 13], they criminalize or take drugs as a survival strategy under stress.

Depression, anxiety, and post-traumatic stress disorder are common among prisoners (especially given the traumatic experiences of many of them) [9–11; 25] and can be both a cause and a consequence of addiction, as well as a contributing factor to its maintenance. A trauma-informed approach is important in this context [37]. Chronic stress significantly exacerbates the state of convicts.

Thus, although social, economic, and related mental factors are important, chronic stress acts as a common denominator and amplifier that permeates all aspects of a prisoner's life and supports addiction.

Philosophical foundations: determinism, free will and ethics of responsibility

A philosophical analysis of addiction in the context of incarceration requires addressing fundamental issues of human agency, moral responsibility, and the nature of coercion. First, the contradiction between neurodeterminism and free will becomes particularly acute here. Proponents of determinism, relying on neuroscience data, argue that addictive behavior is caused by changes in the brain: decreased activity of the prefrontal cortex, dysfunction of the reward system, and epigenetic modifications [7; 28; 29]. In this paradigm, conviction for the use of surfactants becomes ethically problematic, similar to punishment for illness. However, this approach faces criticism from the existentialist tradition, which emphasizes that even under conditions of limitations, a person retains the ability to choose. As Sartre wrote, "we are condemned to be free", which in the context of prison means that a convict, despite external and internal restrictions, continues to be responsible for his/her actions.

Second, the discussion of moral responsibility touches on the ethical theories underlying penitentiary systems. Kant's deontology, which emphasizes duty and rational autonomy, justifies punishment as restoration of justice. However, if addiction deprives a person of rational control (due to prefrontal cortex dysfunction), then the punitive approach loses legitimacy. Bentham's utilitarianism offers the following alternative: punishment should be aimed not at retribution, but at preventing future harm through rehabilitation. This approach is consistent with evidence that harm reduction programs reduce recidivism more effectively than isolation [35].

Compatibilism, or "soft determinism", offers a synthesis of these positions. According to J. Fisher, even in conditions of biological predestination, a person retains "guiding control", the ability to respond to causes, which makes him\her morally responsible [38]. In the context of substance use disorder, this means that although neurochemical disorders limit freedom of choice, prisoners retain capacities for change in the presence of adequate incentives (therapy, education). For example, the use of naltrexone, which blocks opioid receptors, does not eliminate agency, but creates conditions for its implementation [5].

Neuroethics introduces new aspects to the discussion. P. Churchland's works emphasize that neurobiological data do not abolish morality, but require rethinking the criteria of responsibility [39]. If addiction is a chronic brain disease, then prison systems should focus on treatment rather than punishment [39]. This is consistent with the restorative justice model, where the focus shifts from isolation to reintegration, and dialogue between victim and perpetrator becomes a healing tool.

The historical context is also undoubtedly important: from Foucault's disciplinary institutions, where prison functions as a "normalization machine" [40], to modern concepts that consider it as a space for restoring human dignity. The philosophy of E. Levinas, which emphasizes the ethics of the "other", suggests considering prisoners not as objects of control, but as subjects whose vulnerability requires empathy and support [41].

In conclusion, the philosophical analysis demonstrates that addiction in conditions of incarceration is not just a clinical or legal problem, but an ethical challenge. A balance between responsibility and compassion can be achieved through the principle of proportionality: intervention should take into account both the degree of neurobiological limitations and the potential for agency restoration. This requires a transition from the binary logic of "guilt" and "punishment" to a comprehensive model integrating the achievements of neuroscience, ethics and social work.

Research results and discussion

The analysis revealed a set of interrelated factors that determine the sustainability of addiction in the prison system, with a special focus on the role of chronic stress.

– *Neurobiological and psychological aspects*. It is revealed that neurobiological disorders (decreased D2 receptor density, hyperactivation of the amygdala, dysfunction of the prefrontal cortex) are aggravated by chronic stress characteristic of the prison environment. Epigenetic changes (hypermethylation of the DRD2 and COMT genes) create long-term recurrence risks. Psychological mechanisms such as learned helplessness, time perspective distortion, and emotional dysregulation are closely related to stress levels and form a vicious cycle of maladaptation and addiction maintenance.

– K*ey role of chronic stress*. The analysis shows that chronic stress is not just one of the factors, but a central link reinforcing other determinants of addiction in convicts. It directly affects neurobiological pathways associated with cravings and relapse, exacerbates psychological vulnerability (anxiety, depression, impulsivity) and makes an individual more susceptible to negative social influences (stigma and isolation). Stress of incarceration can both initiate the use of surfactants as a coping mechanism and provoke breakdowns in individuals trying to maintain remission. It is the systemic and prolonged effects of stress in conditions of limited coping resources that explains its key role in maintaining dependence in this population, surpassing other individual factors in its integrating effect.

– *Social factors and the need for comprehensive interventions*. Social factors such as stigmatization, a lack of reintegration programs, and economic exclusion create an environment conducive to recidivism, especially under stress after release. The experience of countries implementing comprehensive support programs (education, employment, and accommodation) demonstrates a significant reduction in recidivism, confirming the importance of environmental modifications and the social component of rehabilitation.

– *Effectiveness of interventions*. An analysis of the literature confirms the effectiveness of integrated approaches. Psychological interventions such as cognitive behavioral therapy (CBT) and mindfulness practices have proven effective in reducing stress, cravings, and preventing relapses in prisoners. Social programs that include support after release, family involvement, mentoring, and active participation of social workers and volunteers play a critical role in successful reintegration and maintenance of remission. If necessary, pharmacotherapy is used.

Recommendations for the implementation of the psychological component of rehabilitation

To reduce chronic stress and improve remission outcomes in prisoners with addictions, it is advisable to include the following specific programs in the psychological component of the rehabilitation model:

– *CBT*: Increased access to individual and group CBT sessions tailored to prison conditions. Focus on identifying and changing negative thought patterns related to stress and addiction, and development of craving management skills. Use of the following techniques: keeping a thought diary, functional behavior analysis, cognitive restructuring, coping skills training, relapse prevention, self-control, and problem solution training.

– *Mindfulness practices*. Implementation of mindfulness-based programs, including meditation, yoga, and specialized protocols such as Mindfulness-Based Relapse Prevention (mindfulness practices with cognitive behavioral strategies, MBRP). These practices help reduce stress levels, improve emotional regulation, increase awareness of addiction triggers, and develop non-judgmental acceptance. MBRP protocols can be adapted to prison conditions.

– *Support groups*. Organization of regular support groups, including self-help and therapeutic groups under the guidance of psychologists. Provision of a safe space to share experiences, receive emotional support, and develop a sense of community.

– *Trauma-informed approach*. Integrating principles of a trauma-informed approach into all aspects of rehabilitation, given the high prevalence of trauma among prisoners with addictions. This includes staff training, injury screening, creating a safe environment, and the use of trauma-specific interventions.

– *Development of coping skills*. Targeted training of prisoners in effective stress management strategies: relaxation techniques, self-regulation, problem solving, and self-esteem enhancement.

– *Positive psychological interventions*. Realization of programs for developing psychological well-being and personal strengths, which can improve psychological well-being in prison.

Recommendations for implementing the social component of rehabilitation

The implementation of a social component to improve remission outcomes of dependent convicts may include the following actions, programs, and agents of influence:

– *Release support programs*. Development of comprehensive programs for ensuring continuous support during the transition from prison to society. They include assistance in finding stable accommodation and a job, access to medical (including treatment for addiction and mental disorders) and social services, and reissuance of documents. Examples: the Salvation Army's Pathway Forward Program, the University of North Carolina's FIT Program.

– *Family involvement*. Integration of family members into the rehabilitation process (with the consent of the convicted person). Providing family therapy, training, and support groups for relatives in order to improve relationships, reduce stress in the family, and create a supportive home environment for recovery.

– *Mentoring programs*. Creation and support of programs where successfully rehabilitated former prisoners (mentors) provide practical and emotional support to those released. Mentoring promotes social integration, gives hope, and reduces feelings of isolation and relapse risks.

– *Educational and professional programs*. Expanding access to high-quality educational (including basic and higher education) and professional programs (vocational training in sought-after specialties) both during imprisonment and after release. This increases self-esteem, competitiveness in the labor market, reduces economic stress and relapse risks.

– Agents of influence:

Social workers: strengthening the role of social workers in penitentiary institutions and probation services. They coordinate reintegration planning, connect with the necessary resources, provide psychosocial support, and help navigate the social services system.

Volunteers: attracting trained community volunteers (including recovering addicts) to provide informal support and conduct recreational activities, and self-help groups.

Mutual aid groups: providing access and support for the functioning of alcoholics anonymous and narcotics anonymous groups both within institutions and in the community after release.

Community organizations: cooperation with NGOs and religious organizations that provide reintegration services (housing, food, legal aid, and support groups).

Conclusions

Based on the analysis, it can be concluded that effective rehabilitation of people with substance use disorders in the penitentiary system requires a multi-level approach integrating the achievements of neuroscience, psychology and social work and focusing on managing chronic stress.

1. *Recognizing the key role of stress.* It is necessary to recognize that chronic stress is a central factor supporting addiction in convicts and to make its reduction and management a priority task of rehabilitation programs.

2. *Integration of the biological component*. Neurobiological consequences of chronic stress should be considered. If necessary, use pharmacotherapy (for example, naltrexone to reduce cravings for opioid addiction) and methods that stimulate neuroplasticity.

3. *Implementation of comprehensive psychological programs*. It is necessary to ensure broad access to evidence-based psychological interventions, such as cognitive behavioral therapy and mindfulness practices adapted to prison conditions and aimed at developing stress coping skills. It is possible to integrate a trauma-informed approach into all aspects of psychological care.

4. *Development of the social component and long-time support*. The key condition is transformation of the environment and support after release. It is necessary to work out reintegra-

tion programs (housing, work, and education), strengthen social ties (family, mentoring), and actively involve social workers and volunteers. It is important to ensure a "seamless" transition and continuity of treatment and support after release.

5. *Multi-level approach*. Successful rehabilitation is possible only with the synthesis of three components:

– biological (pharmacological and non-pharmacological correction of neurochemical dysfunctions caused by addiction and stress);

– psychological (formation of adaptive patterns of thinking, behavior and coping with stress);

– social (creating a supportive environment and conditions for reintegration that eliminate stigma and marginalization).

This approach is not only consistent with the principles of evidence-based medicine and the best international practices [42], but also responds to the ethical challenges associated with the problem of addiction in prison, offering a way to restore human and social capital. The implementation of these recommendations will make it possible to create a more effective and humane rehabilitation system that helps reduce stress levels, prevent relapses of addiction, and successfully reintegrate convicts into society.

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On Functioning of the Mentoring Institution in the Penitentiary System: the View of Employees

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Abstract

Introduction: the article attempts to update a number of problematic issues related to the functioning of the mentoring institution in facilities and bodies executing criminal penalties. In the context of educational work carried out with the staff of the penitentiary department, the goals and objectives of mentoring activities are determined. Attention is focused on regulatory and social components of the mentoring process and the variety of functions performed. It is stated that mentoring is an important and effective tool that contributes to the optimal adaptation process of young professionals to the conditions of modern penitentiary activities. *Purpose:* to identify problematic areas of activity of the mentoring institution in the penitentiary system at the present stage and to determine the effectiveness of the work carried out by means of a comprehensive assessment of mentor-mentee relationships. *Methods*: a method of literary sources analysis, a psychological communicative method, and a survey. The survey covered 542 people divided into two focus groups. *Results*: when implementing mentoring activities, it is important to combine organizational, legal, social, psychological and pedagogical factors. It is established that discipline, sociability, legal erudition, and willingness to teach are of paramount importance for mentors. It is revealed that practice-focused lessons, monitoring of the execution of service duties, regular individual conversations are the most effective forms of mentoring. It is determined that the effectiveness of the mentor-mentee relationship depends on a rational model of official behavior based on a practice-oriented approach to a young employee. Some ways of increasing the role of the mentoring institution in the penal system are proposed. *Conclusion:* it is stated that in modern realities,

the mentoring institution plays an important role in solving problems related to the personnel and organizational aspects of professional activity in the penal system. It is determined that the integration of administrative, social, psychological, pedagogical and methodological components in the implementation of mentoring activities makes it possible to form an effective mentor-mentee interaction model. This will significantly increase capacities of educational work with staff, based on key principles of supporting professional continuity and strengthening service traditions.

Keywords: penal system employee, educational work, mentoring institution, mentor, mentee, professional activity, professional development.

5.8.1. General pedagogy, history of pedagogy and education.

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Introduction

Nowadays, the improvement of the quality of training specialists working in institutions and bodies executing criminal penalties is one of the vectors to develop the penitentiary system of the Russian Federation [1]. The current work in this area assumes coordinated actions of officials in ensuring a differentiated approach to various categories of employees. Annually, a significant number of young employees begin their service in the penitentiary system, with whom a fairly extensive range of various activities is carried out, including those related to state-political (socio-political), spiritual, moral and patriotic education [2]. In this regard, an important role is assigned to the training of penitentiary specialists, which is a purposeful process aimed at the systematic acquisition of professional competencies necessary for the effective performance of tasks assigned to the penitentiary system. This activity is defined by the order of the Federal Penitentiary Service of Russia of June 13, 2023 "On approval of the procedure for organizing personnel training to fill positions in the penal system of the Russian Federation" and focused on maintaining a highly professional staff capable of solving the tasks the Federal Penitentiary Service faces. To achieve this goal, it is necessary to consider organizational, social and psychological problems, particularly, the mentoring institution [3], defined as an important, practice-oriented element of an integrated training system in the penal system at the stage of vocational training and education [4]. A number of researchers believe that the active use of the mentoring system helps achieve staff consistency. At the same time, the mentoring system should have a certain degree of attractiveness for mentors, as well as the ability to give an objective assessment of mentee's achievements [5].

Mentoring in institutions and bodies of the penal system is carried out in accordance with the Constitution of the Russian Federation, the Federal Law No. 197-FZ of July 19, 2018 "On service in the penal system of the Russian Federation", orders of the Federal Penitentiary Service of Russia No. 948 of December 30, 2022 "On approval of the Concept of educational work with employees of the penal system of the Russian Federation for the period up to 2030", No. 535 of July 17, 2024 "On approval of the Procedure for organizing personnel work, including educational work, in institutions and bodies of the penal system of the Russian Federation", No. 851 of December 5, 2024 "On approval of the Procedure for organizing individual training of an employee of the penal system of the Russian Federation who has been transferred to a higher, equivalent or lower position in the penal system of the Russian Federation corresponding to a different functional purpose or activity area", No. 5 of January 13, 2025 "On approval of the Procedure for organizing individual training of an employee of the penal system of the Russian Federation, studying his/her personal and business qualities and the Procedure for evaluating results of the individual training of an employee of the penal system of the Russian Federation who has passed the test", as well as

other local regulations of institutions and bodies of the Federal Penitentiary Service of Russia.

Mentoring is an important and integral part of educational work in the penal systems defined by the order of the Ministry of Justice of the Russian Federation No. 535 of June 17, 2024 as a complex of information and propaganda, individual psychological, legal, socio-economic, moral and ethical, cultural and leisure, sports, mass and other activities aimed at preserving and strengthening traditional Russian spiritual and moral values, as well as preventing violations of official discipline. Mentoring is one of the most important activities of work with employees of penitentiary institutions and bodies. This underlines the importance of the existing regulatory framework in the context of the issue under consideration [6].

The institution of mentoring assumes the transfer of knowledge and skills from more qualified persons to less qualified ones, as well as the provision of assistance in their professional formation understood as "a process of directed and regular development and self-development of the individual, identification of his/her place in the world of professions, his/her realization in the profession and self-actualization of persons capacities and skills [7]. It is also necessary to focus on the social component of mentoring, since this type of activity is characterized by a number of social functions, each of which has a certain instrumental characteristic (integrative, reproducing, regulatory, communicative, humanistic, cultural, socio-political, socializing) [8].

Thus, at the current stage of the penitentiary system development, mentoring is one of the important and effective tools for adapting young professionals to prison conditions and performing official duties in strict accordance with current legislation, as well as preserving and developing professional traditions in their work.

The empirical part

To study effectiveness of the mentoring institution, as well as to determine its significance and relevance at the current stage of the penitentiary system development, we conducted an empirical study at the Tomsk Institute for Advanced Training of Employees of the Federal Penitentiary Service in the period from September 2023 to October 2024. The survey covered 542 people employees undergoing training (vocational education, professional retraining, and advanced training) at the institute.

The theoretical basis of the research was the method of analyzing regulatory and literary sources. It helped get a complete and detailed picture of the current situation in this area

As for the empirical part of the study, we developed a questionnaire with 21 closed and open-ended questions structured in 2 blocks. The first block is devoted to socio-demographic and professional data of the interviewed respondents, while the second one – employees' opinions, views and ideas about the organization and implementation of mentoring activities in the institutions and bodies of the penal system.

It was suggested that the effectiveness of individual training of young employees depended on the functioning of a specific model in the "mentor – mentee" relationship dyad. Its significant components are social (joining a new social group), professional (mentors' expertise), moral and psychological aspects (emotional state of participants in the educational process, ethical responsibility for the result of work, and formation of a positive professional behavior model).

To conduct the survey and further process the results, the respondents were divided into two focus groups based on their existing professional experience in the penitentiary system.

Focus group 1 – penal system employees undergoing training under the educational program "Vocational training for citizens first recruited to the penal system| (persons with up to one year of service in the penal system) – 248 people.

Focus Group 2 – penal system employees with at least 1 year of service experience. This group includes employees of security departments of correctional facilities, regime departments of pre-trial detention facilities, operational departments of correctional facilities and pre-trial detention facilities, heads of squads of correctional facilities, employees of psychological laboratories of correctional facilities and pre-trial detention facilities, employees of personnel departments of institutions and bodies of the penal system, employees of security and convoy departments – 294 people.

The study of a personality traditionally begins with socio-demographic characteristics. Using these indicators in relation to one group (subgroup) helps create an average portrait of a personality. Due to developments in psychology and pedagogy, characteristics of employees of different genders, ages, educational levels, etc. can be used in professional activities when setting and solving specific official tasks.

The analysis of the study sample indicates a relatively equal proportion of female (46%) and male employees (54%) in the target group of people with up to one year of service in the penal system (Focus Group 1). In Focus Group 2, male employees (71.4%) comprise a significant majority of the group; the proportion of women is 28.6%.

All Focus Group 1 members are in the under-45 age group. The majority of them are young people aged 18–25 (46.8%), aged 25–30 (24.2%), aged 30–35 (19.3%), 35–40 (4.8%), and 40–45 years (4.8%).

As for Focus Group 2, the differentiation of respondents by age is as follows: from 18 to 25 years – 6.1%; from 25 to 30 years – 13.9%; from 30 to 35 years – 37.1%; from 35 to 40 years – 25.9%; from 40 to 45 years – 16.3%; over 45 years – 7.5%.

The respondents of Focus Group 1 have higher (41.9% of the respondents), secondary specialized (30.6%), secondary vocational (23.4%), and secondary education (4.1%). Higher education has an overwhelming number of employees representing Focus Group 2 (89.1%). This is followed by employees with secondary specialized (8.8%) and secondary vocational education (5.1%).

The service experience of Focus Group 1 representatives is up to 1 year. In Focus Group 2, the variability of service experience is as follows: 2% – persons with service experience up to 1 year made up; 17.7% – from 1 year to 5 years; 24.8% – from 5 to 10 years; 27.6% – from 10 to 15 years; 18.4% – from 15 to 20 years; 9.2% – over 20 years.

Thus, the analysis of socio-demographic data allowed us to make an approximate portrait of the mentee. This is a young person (man or woman) who took service in the penitentiary system at the age of 30 and, in most cases, has higher education. The portrait of the mentor is as follows: a man aged 25–45, having higher education and service experience of 10 to 20 years.

The Concept for the Development of the Penal System up to 2030 requires penal system employees to know normative legal acts of the state penitentiary policy. Therefore, the mentor and the mentee should closely interact in matters of the analysis and generalization of regulatory legal acts related to execution of sentences.

It is important to acquaint the mentee with other employees of the institution. According to the respondents of both focus groups, their mentor introduced them on their first day of work to employees of the department (37%) and to other colleagues to work with on a regular basis (29.2%). Thirteen percent of the respondents of Focus Group 1 and nine percent of the respondents of Focus Group 2 were not introduced by their mentor.

There is no doubt that the formation of knowledge, views, beliefs, values, legal attitudes and feelings towards the existing penitentiary reality requires constant contact between various departments and services of the correctional institution that ensure compliance with the order and conditions of serving sentences, as well as the effective use of means of correction of convicts.

A fundamental role in professional activity is played by the mentor's ability to give correct answers to the questions of the mentee and to apply regulatory legal acts.

According to 63% of the respondents in Focus Group 1 and 50.4% of the respondents in Focus Group 2, their mentors gave complete answers to their questions.

About a half of the respondents (48.3%) in Focus Group 1 emphasized that the mentor had given feedback on the results of the work every time after completing the task, clarifying the correctness and inaccuracy of certain actions in the areas of professional activity.

In Focus Group 2 this indicator amounted to 58.6%. A fairly large number of the respondents in both focus groups, 29% and 21%, respectively, indicated that the results of their work had been summarized once a week, regardless of the end of the assignment.

The results show that it is extremely important for the mentor to take into account individual psychological characteristics of mentees, whose activities are rather contradictory

in nature. They, on the one hand, imply correction and re-socialization of convicts and, on the other, control over their behavior, fulfillment of their duties, restrictions and prohibitions, and the threat to their own safety.

We emphasize that the initiative of communication equally came from both the mentor and the mentee (50% to 50%, depending on the initiator of communication). In this context, this figure was 53.2% in Focus Group 1 and 51.7% in Focus Group 2.

Practical research shows that creating an atmosphere of trust and mutual understanding in a team is achieved through communication [9]. Managers who listen to opinions and views of their subordinates on a particular situation have a clearly structured professional activity. In this regard, the mentors' productivity increases and they pay more attention to the mentees.

According to the respondents of Focus Group 1, the results of mentoring are manifested in the effective fulfillment of specific assignments by the mentee (30.6%) and in the formation of the mentees independence (30.6%). In turn, the respondents of Focus Group 2 (35%) mostly note the mentors' positive motivation to serve. The mentor should observe the "golden mean", on the one hand, choosing effective legal ways and methods of motivating mentees and, on the other hand, creating conditions for self-development of the mentee.

The vast majority of the employees in Focus Group 1 (92%) have no experience as a mentor; 56.8% of the respondents in Focus Group 2 have such experience. This is due to the fact that Focus Group 1 includes employees with up to 1 year of service experience.

The next significant indicator characterizing the effectiveness of the mentoring institution is the mentors' training level [10]. The respondents were asked to indicate a list of professional skills that, in their opinion, the mentor should possess. It should be noted that the classical mentoring model implies that the mentor is not part of the administrative hierarchy built above the mentee. This is, first of all, "an older comrade with greater knowledge and experience" [11]. Young employees (Focus Group 1) identified the following priorities: extensive practical experience, professionalism in their field (37.1% of the respondents consider this skill to be paramount in their mentor), pronounced organizational qualities (methodic approach, ability to plan clearly, discipline, and punctuality) (24.8%), competence, which consists in the knowledge regulatory framework (21%), and responsibility (13.1%). Such qualities as mutual assistance, prudence, and decency were considered insignificant (1.1% each).

A slightly different picture is observed among the respondents of Focus Group 2. They identified the following significant qualities contributing to the successful and effective implementation of mentoring activities: extensive practical experience, professionalism in their field (42.5% of the respondents noted it as the most significant), sociability (27.9% of the respondents ranged it first), knowledge of regulatory documents regulating official activity (25.2%), and responsibility (22.7%). Qualities, such as self-development (1.4% of the respondents ranked it last), the ability to optimize their work (1%), software proficiency, psychological skills, and maintaining a neat appearance (0.7% each) were considered not particularly important. So, there are certain differences in views between young and experienced employees regarding significant qualities that the mentor should possess. However, both sides are generally unanimous in the opinion that the defining quality that will definitely contribute to the successful implementation of mentoring activities is the high level of qualification of the employee responsible for this type of work.

As for qualities that the respondents of Focus Group 1 (30.6%) find important for the mentee, they are of volitional and motivational character (determination, perseverance, desire to work, and interest in further professional activity). Besides, 19.3% of the young employees believe that they should also strive to gain new knowledge in the penitentiary sphere and take the initiative in this matter. Communication qualities (openness in contacts, ability to work and communicate in a team, and friendliness) ranked third (14.5%). Young employees mention areas related to education, literacy, erudition, and the opportunity to work in a well-coordinated team and discuss current issues and find the most effective ways to solve them. According to young employees, the least important qualities of the mentee are self-control, courage (determination), initiative, self-development, and honesty (each of these qualities scored less than 3%).

A similar pattern is observed when analyzing the responses of participants of Focus Group 2. The first place is occupied by qualities related to the volitional and motivational sphere (determination, learning ability, desire to work, hard work, perseverance, motivation, and interest in the results of their activities); 32% of the respondents indicated this. Communication skills are in second place (23.8%). Responsibility (current employees understand it as the willingness to perform functional duties in the best possible way, taking into account the consequences that a person's decisions or actions may entail and the ability to make decisions in difficult situations not only for themselves, but also for their colleagues) gained 18.3%. At the same time, qualities such as emotional intelligence, striving for career growth, determination, and patriotism are least relevant for mentoring (the total figure was 5.1%). We can say that employees who act as mentors in institutions and bodies of the penitentiary system, in one way or another, analyze the compliance of mentees with those qualities that should be part of the adaptation process in line with their professional activities [12].

One of the questions in the questionnaire concerned the type of information that the mentor needs to convey to his/her mentee. As is known, the availability of objective information in the process of penitentiary activity allows employees to get a complete picture of the current operational situation in the institution, as well as its competent assessment, which, in turn, contributes to a faster professional adaptation of a young employee to service conditions [13]. Focus Group 1 respondents consider knowledge of laws, other regulatory legal acts, and documents regulating official activities in institutions and bodies executing criminal penalties as the most significant information (25.8% of the respondents). It is followed by obtaining information about the specifics of their service in general, as well as functional responsibilities of their position (16.1%). It is also important for them to understand the basics and specifics of the department (work schedule) in which they serve, information regarding the structuring of work and working hours (14.5%). The least significant information, according to the respondents of Group 1, is related to actions (algorithm development) in case of emergency, extreme situations, existing customs and traditions in the service team, as well as information revealing the ethics of official behavior and corporate etiquette in a professional group (the relevance of obtaining this information was only 1.6%).

As for current employees with extensive service experience, they primarily believe that the mentor needs knowledge that will help clarify all the nuances related to activities of the specific structural unit (21.7% of the respondents in Focus Group 2 put this indicator in the first place). It was followed by the information related to legal documents defining modern penal policy (20.6%) and functional responsibilities of a young employee (16.5%). We would like to draw attention to the fact that employees who are ready to act as mentors should pay attention to the specifics of interaction with convicts and persons in custody (11.8%), including giving examples from their practical activities, as well as introducing young employees to colleagues (for example, exchange contact information) – 10.8%. Information related to ethics of official conduct, as well as general cultural development, is the least relevant for mentors (only 3.4% of the respondents indicated its importance).

The problem area related to determining the most effective forms of work with mentees deserves attention. Young employees identified practical exercises with imitation of performance of official tasks, as well as execution of official assignments in the field of activity (24.2%) as priorities. The second place in terms of importance was taken by mentors' conversations with mentees (17.7%). Young employees emphasize the necessity of receiving information about the operational situation in the institution as a whole and the situation in a particular department, in particular, prompt consultations on various current issues arising in their professional activities, and individual assistance (12.9%). The respondents of Focus Group 1 attributed the use of audio and video methods during mentoring, as well as the organization of leisure activities off-duty, to the least effective forms of work (these forms scored less than 2%).

A different situation is observed in Focus Group 2. For example, the staff considers it important to talk with their mentees and clarify the specifics of service in this penitentiary in-

stitution and responsibilities of their position (this factor is the most significant and relevant for 29.3% of the respondents). Solving practical tasks by a young employee also seems to be an important form of the mentor-mentee work (23.1%). What is more, the representatives of this focus group pay attention to the mentors' behavior patterns and the experience of the most qualified employees, as well as veterans of the penal system (16.3%). As for ineffective forms of work, the respondents of Focus Group 2 also attributed to them the use of audio and video methods in working with a sponsor, as well as various activities aimed at improving the cultural and educational level of young employees during off-duty hours (2.8%).

In conclusion, the surveyed were asked to work out recommendations that could have a positive effect on mentoring activities. Unfortunately, 82.9% of the respondents of Focus Group 1 and 69.4% of Focus Group 2 ignored this question. Nevertheless, the rest proposed some ways to enhance the role of the mentoring institution, which can be presented by the following groups:

– material and financial component (elaboration of the issue related to additional payment for mentoring activities, financial incentives, and rewards for specific achievements). More than 70% of the respondents paid attention to the importance of this component;

– time factor (allocation of time for mentoring to work directly with the mentee, exercising constant control over the mentee, constant contact with him/her, preventing the reduction of the established mentoring period in case the young employee has any problems during the service);

– psychological aspect associated with taking into account individual psychological characteristics of the mentees' personality, with the subsequent development of an algorithm for individual work with him/her (including in close contact with the psychological service);

– assessment of the social and professional concept of professional activity related to the appointment of the most experienced and responsible employees as mentors, formation of a corporate culture in the mentor-mentee relationship system, conducting skill lessons, training sessions for mentors to share experiences and solve pressing problems in this area.

Conclusion

The analysis of the data obtained allows us to conclude that the institution of mentoring is highly effective in solving a number of organizational and personnel problems, such as a lack of professional knowledge and experience, difficulties in the social and service sphere, presence of adaptation obstacles in a particular service unit, insufficient motivation, and a lack of strong reliance on established professional traditions.

It is found out that when carrying out mentoring activities, one should take into account a complex of organizational, legal, social, psychological and pedagogical components. They include the assessment of individual psychological characteristics of mentors and mentees, the mentors' training level and the tools available to disseminate professional experience and knowledge, as well as the search and implementation of new methods of their translation into professional activities, and determination of the motivation level.

In the process of carrying out individual work, it is important to build and further maintain constant communication. It is determined that a special role in this area of interaction belongs to the mentor, who is obliged to competently interpret to the young employee the concepts and norms of legislative acts in the field of the execution of criminal penalties, explain nuances and give practical examples of the performance of official tasks in penitentiary practice, answer mentees' questions, and provide other relevant information with regard to the current operational security situation. It is important to support the initiative of the young employee helping him/her to form and develop necessary professional qualities, such as single-mindedness and goal-orientation, diligence, determination, perseverance, and striving for success.

It is stated that in the context of increasing the role of the mentoring institution in the penal system, it is advisable to take into account a combination of diverse, but at the same time interrelated elements (administrative decisions in terms of both material and non-material incentives for mentors, building an effective model of interaction with interested service units during individual training, organization and implementation of appropriate methodological work in this area).

Based on the empirical data obtained, it seems advisable to develop methodological practice-oriented recommendations. They will help the mentor to determine the most effective ways of work with the mentee with regard to the specifics of service conditions and capacities of the young employee. The results of the study show that mentoring is a two-way process in which it is important to comply with the fundamental condition that the mentor is ready, has the opportunity and creates the necessary environment for the dissemination of his/her professional experience, and the mentee has all the necessary conditions to learn from this experience. This will contribute to the fastest professional development of a young specialist in the field of penitentiary activities.

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Optimizing Professional Training of Penal System Employees

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Abstract

Introduction: the article deals with the problem of improving the professional level of penal system employees and optimizing their professional training. In this regard, one of the priorities of the Federal Penitentiary Service of Russia should be to support its specialists at all stages of their official activities, which involves both fundamental training and a practice-oriented approach with the effect of immersion in official activities, professional development of employees. The article presents a pilot professional training program for citizens first recruited to the penal system that includes the use of digital educational technologies, training workplaces, training grounds, training work routes, etc., implemented by highly qualified practice-oriented teaching staff of educational organizations of the Federal Penitentiary Service of Russia. *Purpose*: obtaining objective information about the level of training of employees in the framework of vocational training (initial training) for further optimization of the educational process and improvement of the learning process quality. *Methods:* a review and analytical method consisting in the theoretical analysis of scientific sources on the subject of research; an empirical method including employee questionnaires; analysis of primary statistics data; a method of generalization and comparison. *Results:* according to the results of the study, the average score in the pilot group amounted to 4.41, which is 1.14 points higher than the entry control level. At the same time, the average score in the control group amounted to 3.68, which exceeds the entry control level by only 0.66 points. When taking a final exam, the experimental group participants, as a rule, had no problems with either the theoretical or practical part of the qualification exam, while sometimes inaccuracies in the wording were allowed. Solution of situational problems did not cause great difficulties. The control group participants showed an average level of knowledge in the theoretical part, while the practical part of the qualification exam caused difficulties for most of them; only 17.6% of the surveyed succeeded in it. In addition, the analysis of the assessment of the professional activity of a young penal system employee shows that those who were part of the experimental group received higher ratings from managers than those who were part of the control group. In this regard, during practical training, it is necessary to widely apply both active and interactive teaching methods based on modeling situations of official activity and developing skills and abilities to solve certain professional tasks in conditions as close as possible to real conditions of service. *Conclusions*: the implementation of an experimental professional training program for citizens first recruited to the penitentiary system with a differentiated approach allows us to determine

necessary conditions for optimizing professional training of penitentiary staff, which will contribute to improving their professional level and effectiveness of their official activities in the penitentiary system.

Keywords: penal system; correctional institutions; educational organizations of the Federal Penitentiary Service of Russia; employees; vocational training; experimental program; optimization of vocational training.

5.8.1. General pedagogy, history of pedagogy and education.

5.8.7. Methodology and technology of vocational education.

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Introduction

The development of the penal system of the Russian Federation has a direct impact on the personnel competence level and their training for the penitentiary system. The specifics of service in the Federal Penitentiary Service is related to the ever-increasing demands on personal and professional qualities of employees, their moral and emotional-psychological stability, physical exertion, responsibility, etc. Nevertheless, practice indicates an insufficient level of formation of professional competencies of penal system specialists, which has a negative impact on the performance of their professional activities in accordance with requirements of the legislation [1–4].

Thus, the results of the survey of employees first recruited to the service show that they do not sufficiently know basic legal acts regulating activities of the penal system, have difficulties answering questions about emergency actions and the procedure for using physical force and firearms, are not familiar with the rules of paperwork, etc. In this regard, it is necessary to search for ways to optimize professional training of penitentiary staff, which is presented as a continuous process of improving effectiveness of the existing educational space (methods, approaches and technologies), focused on continuous improvement of knowledge, skills and abilities necessary for successful fulfillment of tasks and independent professional performance of employees.

Thus, the priority task of the Federal Penitentiary Service of Russia is to support specialists at all stages of their professional activities in order to improve their professional level and create conditions for obtaining fundamental practice-oriented training that promotes professional development of employees [5–7].

Coverage of the problem under study in the scientific literature

In Russian pedagogy and psychology, the competence-based approach assuming students' willingness and ability to independently perform professional and official duties has been highlighted in works of V.A. Adol'v, A.G. Bermus, V.A. Bolotov, V.I. Zvonnikov, I.A. Zimnaya, and others [8].

Relying on activity-based (L.S. Vygotskii, A.N. Leont'ev, G.K. Selevko, G.A. Tsukerman, V.D. Shadrikov and others) and practice-oriented (O.I. Vaganova, D. Varneke, I.V. Vyatkina, Yu.B. Luneva and others) approaches, one can consider professional training and mastering of educational programs by students of educational organizations of the Federal Penitentiary Service of Russia in conditions close to real professional ones, to form necessary competencies for them by performing real practical tasks during training [5].

Pilot professional training program for citizens first recruited to service in the penal system

In 2019, at the interdepartmental meeting of departments of the Saint Petersburg Institute for Advanced Training of Employees of the Federal Penitentiary Service of Russia (since February 2020, the University of the Federal Penitentiary Service of Russia), it was decided to introduce a pilot vocational training program for citizens first recruited to the penal system (co-author E.V. Bodrova [9]).

The study was conducted at the University of the Federal Penitentiary Service of Russia, the Vologda Institute of Law and Economics of the Federal Penitentiary Service of Russia, the Kirov Institute for Advanced Training of Employees of the Federal Penitentiary Service of

Russia (covered 6,814 people) and provided for continuous gradual introduction of the program into the educational process during the academic year. Direct participants in the study were 263 persons first recruited to the penal system undergoing vocational training: enlisted personnel and junior commanding officers (136 people, 6 groups of 18–25 people each); middle and senior commanding officers (127 people, 6 groups of 17–25 people each). There were 6 experimental groups (138 people) and 6 control groups (127 people).

Table 1

Calendar schedule of the pilot program

Place of study / form of training	Week	Cycle name						Total classroom hours	Independent training	Total academic hours
		general professional disciplines		specialized disciplines		elective disciplines				
		classroom hours	independent training	classroom hours	independent training	classroom hours	independent training			
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*
Stage I										
At the place of service / DOT	1	6	4	4	2			10	6	16
	2	6	4	4	2			10	6	16
	3	6	4	4	2			10	6	16
	4	6	4	4	2			10	6	16
	5	4	2	4	2	2	2	10	6	16
	6	4	2	2	2	4	2	10	6	16
	7	2	2	4	2	4	2	10	6	16
	8	2	2	4	2	4	2	10	6	16
	9	2	2	4	2	4	2	10	6	16
	10	2	2	4	2	4	2	10	6	16
	11	2	2	4	2	4	2	10	6	16
	12	2	2	4	2	4	2	10	6	16
	13	2	2	4	2	4	2	10	6	16
Total		46	34	50	26	34	18	130	78	208
Stage II										
At an educational organization of the Federal Penitentiary System / full-time	14	2 (entry control exam)						40	4	44
		8	2	24	2	6				
	15	6 2 (pass/fail exam)		26	4	4	2	38	6	44
	16			28	2	12	2	40	4	44
	17			202 (pass/fail exam)	2	142 (pass/fail exam)	2	38	4	42
	18			8 (final exam)				8		8

1	2	3	4	5	6	7	8	9	10	11
TOTAL		16	2	100	10	38	6	164	18	182
TOTAL hours		64	36	150	36	72	24	294	96	390
Total labor intensity		100		186		96		390		

The study was based on the use of a pilot program for vocational training of citizens who were first recruited to serve in the penal system and to further optimize the educational process and improve the quality of the learning process.

The pilot program lasted 18 weeks (87 academic days): Stage I – 13 weeks (65 academic days) at the place of service using distance learning technologies (DOT) before starting training at an educational organization of the Federal Penitentiary Service of Russia; Stage II – 5 weeks (23–24 academic days) at an educational organization of the Federal Penitentiary Service Russia (the calendar schedule of training is presented in Table 1). The total volume of the pilot program is 390 hours, including 164 hours of full-time training, 130 hours of DOT training, and 96 hours of independent training.

The pilot program included general professional, specialized, and elective disciplines, as well as a final exam. The list of elective academic subjects specified in the pilot program is of a recommendatory nature.

The pilot program is designed for all employees of the penal system: enlisted personnel and junior, middle and senior commanding officers (secondary/higher professional (non-legal) education), middle and senior commanding officers (secondary/higher professional (legal) education). It is aimed at the formation of professional competence, i.e. the ability, based on the legislation of the Russian Federation and international legal acts, to regulate the procedure and conditions for the execution and serving of sentences, including in conditions involving the use of physical force, special means and firearms, as well as in emergency situations, to provide assistance in social adaptation to convicts, determine means of correction of convicts, and protect their rights, freedoms and legitimate interests. It includes a special (operational and technological) and professional psychological, pedagogical and ethical-behavioral component.

Stages of the implementation of the pilot vocational training program for citizens first recruited to the penal system

Stage I (training at the place of service) is devoted to the study of general professional, specialized, and elective disciplines. The training included lectures and seminars conducted using LMS Moodle, as well as online video lectures with duplication of their recordings in the electronic information and educational environment of an educational organization of the Federal Penitentiary Service of Russia for students who, for various reasons, could not attend the lesson. At the same time, students completed teacher assignments using a workbook with a series of creative and interactive tasks (flash animation, interactive presentations, mental maps, infographics, etc.), practical independent work with situational tasks, crosswords, etc., contributing to the formation of key competencies for solving official tasks [10–12]. Each topic has a QR code for trainees to view multimedia materials on the topic.

The implementation of this educational activity helps to boost motivation to study special academic disciplines and intensify the educational process. Stage II – training in an educational organization of the Federal Penitentiary Service of Russia. Upon arrival of trainees at the educational organization of the Federal Penitentiary Service of Russia, on the first day of training, the experimental group took an entry control exam to identify the level of knowledge received at the first training stage and shortcomings in the implementation of educational activities at the place of service, and thus to individualize training. The implementation of the competence approach provides for the widespread use of active and interactive forms of teaching in educational activities in combination with extracurricular work in order

to form and develop professional skills among students [13]. The pilot program used forms and methods used in both individual and group forms of education (Table 2).

Table 2

Forms and methods recommended for the use in the educational process during the pilot program implementation

<table>
<tr><td colspan="3">Forms and methods used in individual learning</td></tr>
<tr><td colspan="3">– practical tasks</td></tr>
<tr><td colspan="3">– trainings</td></tr>
<tr><td colspan="3">– self-testing</td></tr>
<tr><td colspan="2">– computer testing</td><td rowspan="2">digital education technologies</td></tr>
<tr><td colspan="2">– interactive quest</td></tr>
<tr><td colspan="3">Forms and methods used in group learning</td></tr>
<tr><td rowspan="11">Discussion</td><td colspan="2">– group dialogue (conversation, discussion, discussion of a problematic issue)</td></tr>
<tr><td colspan="2">– demonstration, illustration</td></tr>
<tr><td colspan="2">– analysis of practical situations (cases)</td></tr>
<tr><td colspan="2">– “case method”</td></tr>
<tr><td colspan="2">– “brainstorming”</td></tr>
<tr><td colspan="2">– development and defense of multimedia presentations (project method)</td></tr>
<tr><td colspan="2">– debates</td></tr>
<tr><td colspan="2">– “PRES-formula”</td></tr>
<tr><td>– walking around “virtual penitentiary institutions” with assignments and their discussion</td><td>digital education technologies</td></tr>
<tr><td colspan="2">– binary methodology</td></tr>
<tr><td colspan="2">– methodology of integrated (interdisciplinary) classes</td></tr>
<tr><td rowspan="9">Game</td><td colspan="2">– didactic games</td></tr>
<tr><td colspan="2">– creative games</td></tr>
<tr><td colspan="2">– business games</td></tr>
<tr><td colspan="2">– role-playing games</td></tr>
<tr><td colspan="2">– organizational games</td></tr>
<tr><td colspan="2">– screencast</td></tr>
<tr><td colspan="2">– quizes</td></tr>
<tr><td>– interactive quests with the use of AR-VR-technologies</td><td>digital educational technologies</td></tr>
<tr><td rowspan="4">Training</td><td colspan="2">– communication skill training</td></tr>
<tr><td colspan="2">– business communication training</td></tr>
<tr><td colspan="2">– creation of surveys, questionnaires, tests</td></tr>
<tr><td colspan="2">– moderation</td></tr>
</table>

During the training, students used full-text resources of the electronic library system – an electronic library with unlimited access to publications on legal disciplines, social sciences and humanities.

As part of classroom sessions, there were meetings with practitioners from institutions and bodies of the penitentiary system, veterans of the penal system, representatives of government and public organizations. The pilot program was realized by teachers and managers of educational organizations.

Stage III (generalizing) consisted in carrying out analytical, statistical processing and interpretation of the survey results, drawing conclusions, preparing methodological recommendations, and describing the experience. At this stage of the research, the difference between the experimental (they were trained under the pilot program) and control group (they were

trained under the sample program) in the results achieved is identified.

During the period under study, various pedagogical methods were used to study the initial education level of trainees before their training at the place of service in the form of testing and solving practical problems; the training level of trainees based on the results of the first stage of training (at the place of service) in the form of the entry control exam in an educational organization of the Federal Penitentiary Service of Russia. Then employees' level of knowledge, skills and abilities acquired and readiness for professional activity were tested after 2 weeks from the beginning of the training, after the training (qualification exam, interview, solving case problems when evaluated by the employer (heads of institutions and bodies of the penitentiary service who had sent employees for training), as well as 3 months after the end of the training (solution of situational problems and evaluation of professional activity of an employee by his/her direct supervisor).

Results

At the first stage of the survey, the initial level of knowledge, skills and abilities of penal system employees was determined before the start of the first stage of training (at the place of service). For this purpose, a testing method was applied, which includes 20 theoretical questions and a practical task (Table 3).

Table 3

Initial level of knowledge, skills and abilities of penal system employees before the start of the training at Stage I (at the place of service)

Components of the assignment	Maximum score	Experimental group		Control group	
		average score		average score	
		junior commanding officers	middle commanding officers	junior commanding officers	middle commanding officers
Theoretical questions	5	2.97	3.16	3.02	3.19
Practical task	5	2.20	2.32	2.34	2.21
Total grade point average	5	2.59	2.74	2.68	2.70
		2.67		2.69	
Total grade point average	5	2.68			

Based on the information in the table, it can be concluded that the level of initial knowledge, skills and abilities of participants of experimental and control groups is equally low.

Then penal system employees started training (Stage I). The control group was trained at their place of service according to the Instruction on the organization of professional training of penal system employees under the guidance of mentors [14] (this document became invalid on January 1, 2024). The experimental group also studied under the guidance of mentors, used specially prepared materials (electronic information and educational environment) of the educational organization of the Federal Penitentiary Service of Russia (University of the Federal Penitentiary Service of Russia, Vologda Institute of Law and Economics of the Federal Penitentiary Service of Russia, Kirov Institute for Advanced Training of Employees of the Federal Penitentiary Service of Russia).

The knowledge level of trainees after the training at the educational institution of the Federal Penitentiary Service of Russia was assessed during the qualification exam. At the beginning of the training at the educational institution of the Federal Penitentiary Service of Russia, there were 138 people in the experimental group. During the study period, 3 people were expelled due to illness. The control group accounted for 125 people, 6 people were expelled (2 people due to illness, 1 person at his request, 3 people for not mastering the curriculum).

A final exam included checking trainees' theoretical knowledge (test) and professional skills (complex practical tasks) in the disciplines "Legal and organizational foundations of the ac-

tivities of institutions and bodies of the penal system" and "Fundamentals of professional activity of employees".

According to the final exam results, the average score of the experimental group subjects was 4.41 (junior commanding officials – 4.34, middle commanding officials – 4.49), which is 1.14 points higher than the entry control level. The average score of the control group was 3.68 (junior commanding officials – 3.66, middle commanding officials – 3.71), which exceeds the entry control level by only 0.66 points.

During the final exam, the experimental group participants, as a rule, had no problems with either the theoretical or practical part of the final exam, while sometimes having some inaccuracies in the wording. They coped with situational tasks and were able to prepare relevant documents on the facts. The control group participants showed an average knowledge level of the theoretical part, while the practical part of the qualification exam caused difficulties for the majority. Only 17.6% of the control group participants were able to fully solve situational tasks (middle commanding officials – 14; junior commanding officials – 8), while this indicator for the experimental group participants was 36.29% (middle commanding officials – 27; junior commanding officials – 22).

After completing professional training, a penal system employee was required to undergo an interview at the place of service, during which the employer evaluated the quality of received knowledge. According to the head's assessment of professional activities of a young penal system employee, the experimental group participant received higher marks from the authorities than the employees who were part of the control group.

Subsequently, psychological and pedagogical support was provided in both groups of employees in the performance of their official activities [14].

Thus, in order to optimize professional training of specialists for the penitentiary system, it is necessary to search for ways and methods, and to promote implementation of the developed pilot training program in educational organizations and territorial bodies of the Federal Penitentiary Service of Russia. Training should be carried out in institutions and bodies of the penitentiary system under the guidance of practitioners of territorial bodies of the Federal Penitentiary Service of Russia and teaching staff of educational organizations of the Federal Penitentiary Service of Russia. The educational process should be brought as close as possible to real conditions of service using training workplaces, training work routes, including using AR and VR technologies. Along with this, it is necessary to conduct field classes in institutions and bodies of the penitentiary system with the involvement of practitioners. These measures will help optimize the training process and improve their professional level and performance in the penitentiary system.

The results of the study are reflected in the description of the positive experience "Using a special wagon for transporting convicts in vocational training for citizens newly recruited" (2021) and best practices "Organization of practice-oriented training in educational institutions of the Federal Penitentiary Service of Russia using augmented and virtual reality" (2022); development of a Concept for improving (modernizing) the electronic information and educational environment at the University of the Federal Penitentiary Service of Russia (2021), methodological recommendations for the implementation of educational programs for vocational training and additional professional education in the penal system (2020).

Conclusion

The implementation of a pilot vocational training program for citizens first recruited to serve in the penitentiary system, which includes the use of digital educational technologies, training workplaces, grounds, and work routes, implemented by highly qualified practice-oriented teaching staff of educational institutions of the Federal Penitentiary Service of Russia, allows us to determine necessary conditions for optimizing professional training of penitentiary staff. They are the following: expanding the range of professional competencies formed in the learning process; using elective disciplines; applying scientific, methodological, pedagogical, material and technical capacities of educational institutions of the Federal Penitentiary Service of Russia; ensuring a practice-oriented educational process with the introduction of modern digital learning; increasing terms of training, etc.

The application of the developed pilot vocational training program for citizens newly employed in the penal system will contribute to further optimization of the educational process and improve the quality of the learning process.

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Interaction of Probation Subjects and Other Organizations in the System of Educational Work with Convicts Serving Sentences in the Form of Forced Labor (Case Study of the Northwestern Federal District of the Russian Federation)

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Abstract

Introduction: the article considers key indicators of educational work with convicted persons sentenced to punishment in the form of forced labor within the framework of implementation of the Federal Law of February 6, 2023 No 10-FZ "On Probation in the Russian Federation" conducted by territorial bodies of the Federal Penitentiary Service of Russia in the Northwestern Federal District of the Russian Federation. The mentioned results are presented as the main conditions for organizing and implementing interaction between probation subjects and other organizations in the system of educational work with convicts sentenced to punishment in the form of forced labor. *Purpose*: to substantiate the specifics of educational work with those sentenced to forced labor conducted by subjects of probation and their interaction with other probation subjects. *Methods*: analysis of empirical material, generalization of results, survey, questionnaire survey, analysis of normative legal acts and results of activity, study and generalization of the results of practical activity of employees of correctional centers of the Federal Penitentiary Service of Russia. *Results*: the most effective, in the respondents' opinion, directions of educational work with convicts sentenced to forced labor are identified both in the federal district as a whole and in individual subjects of its constituent entities. Priority activities in the format of individual, group and mass educational work are determined. The interaction between the subjects and other bodies and organizations interested in the implementation of probation is assessed on the basis of agreements concluded with territorial bodies of the Federal Penitentiary Service of Russia in the Northwestern Federal District of the Russian Federation. The obtained data are compared with the general indicator for all territorial bodies of the Federal Penitentiary Service of Russia to identify the specifics of probation application in the federal district under study. *Conclusion*: it is concluded that the interaction of probation subjects and other organizations is one of the main components in the system of educational work with convicts sentenced to punishment in the form of forced labor. This interaction is presented as a pedagogical technology in the probation system.

Key words: probation, penitentiary probation, probation subjects, educational work, convicts, forced labor, interaction, territorial bodies of the Federal Penitentiary Service of Russia.

5.8.1. General pedagogy, history of pedagogy and education.

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Introduction

The issues of organizing and carrying out educational work with convicts are not new to Russian penitentiary science. At the same time, modern social and political processes dictate different requirements for the issues of educational work with convicts, and, as a result, there is a need for their scientific substantiation, as well as the development of new pedagogical technologies capable of ensuring the effectiveness of such work. The study of the organization and implementation of educational work with convicts does not lose its relevance, as evidenced by numerous studies by modern scientists (A.V. Vilkova, E.V. Zautorova, F.I. Kevlya, T.V. Kirillova, M.I. Kuznetsov, V.M. Litvishkov, S.A. Luzgin, N.A. Tyugaeva, and others). However, it is well known that developments of science without practical implementation of theoretical ideas, as well as practice without scientific confirmation, do not make sense. These two independent processes are interrelated and inseparable from each other, which encourages us to study one process or another both in terms of theory and practice.

Research

The Federal Law "On Probation in the Russian Federation", adopted on February 6, 2023 (hereinafter referred to as the Law on probation), which grew out of the need to develop a fundamentally new science and practice-based approach to correcting convicts and providing them with social assistance and accumulated the listed aspects. The main component that allows achieving the most significant results in the prevention of offenses and correction of social behavior is educational work. This type of activity is particularly important when working with both those sentenced to imprisonment and those sentenced to forced labor, that is, when executing penitentiary probation. The mechanism is regulated by Appendix No. 2 to the order of the Ministry of Justice of the Russian Federation No. 350 of November 29, 2023 "On re-socialization, social adaptation and social rehabilitation of persons in relation to whom probation is applied in accordance with the Federal Law No. 10-FZ of February 6, 2023 "On Probation in the Russian Federation"" (hereinafter referred to as the Order No. 350).

After the first six months of the Law on probation being in force, employees of the Research Institute of the Federal Penitentiary Service of Russia analyzed educational work conducted in territorial bodies of the Federal Penitentiary Service of Russia and considered initial results of the implementation of provisions of federal and departmental legislation to further improve legislation in this area and disseminate positive experience.

The analysis of current federal and departmental legislation on the organization and implementation of educational work with those sentenced to forced labor in the framework of penitentiary probation allows us to assert that educational work with convicts is a pedagogical system schematically shown in Figure 1. The presented system of educational work with those sentenced to forced labor was developed on the basis of the provisions of the Law on probation and the Order No. 350. The components and elements of the system are specified in accordance with the regulatory legal acts mentioned above. It should be noted that the conditions of its implementation (logistical, personnel, pedagogical, psychological, social, etc.) can be a component of the educational work system. The conditions as such are not specified in the mentioned normative legal acts. We believe that penitentiary probation is accumulating certain experience at the present stage of development, therefore, a detailed study of the conditions for implementing penitentiary probation may be the subject of a separate study.

Structure of educational work with those sentenced to forced labor

Subjects (provided for in Art. 6 of the Federal Law No. 10): correctional center administration, employees of probation units, labor and educational work organization groups and other correctional center employees, government authorities, other probation subjects, local governments, commercial and non-profit organizations, including religious, socially oriented non-profit organizations, organizations and public associations, non-governmental (commercial and non-profit) social service organizations, organizations engaged in educational activities, scientific, medical organizations, individual entrepreneurs, including on the basis of agreements concluded with probation subjects, public monitoring commissions, volunteers, relatives of convicts, as well as citizens (paragraphs 3, 4 of Appendix No. 2 to the Order No. 350).

Purpose: resocialization, social adaptation and social rehabilitation after release, correction of the behavior of those sentenced to forced labor (Paragraph 1).

Objects: those sentenced to forced labor.

Forms of work: individual, group, and mass (Paragraph 24).

Directions: moral, legal, labor, physical, spiritual, and patriotic (paragraphs 14–23).

Periods of serving a sentence:

Arrival at a correctional center	*Serving a sentence in a correctional center*
Purpose: adaptation to conditions of a correctional center.	*Purpose:* resocialization, social adaptation and social rehabilitation after release, correction of convicts' behavior.
Methods: study of the personal file (within 3 days from the date of the convict's arrival at the correctional institution), introductory conversation, planning of educational work (individual educational work plan for the year) (paragraphs 25–28).	*Methods:* educational work in the following areas (paragraphs 14–23), individual conversations (at least once every 3 months) – paragraphs 29, 32, individual educational work with violators (at least once a week) – paragraphs 30–31, socially useful work (Paragraph 34), social and legal education (paragraphs 40–41).

Joint activities:

– public associations and religious organizations, volunteers, relatives of those sentenced to forced labor and other persons who have a positive influence on the behavior of those sentenced to forced labor (Paragraph 11);

– public authorities, other probation subjects, local self-government bodies, commercial and non-profit, including religious, socially oriented non-profit organizations, organizations and public associations, non-governmental (commercial and non-profit) social service organizations, organizations engaged in educational activities, scientific, medical organizations, individual entrepreneurs, including on the basis of agreements concluded with probation subjects, public monitoring commissions, volunteers, relatives of convicts, as well as citizens (paragraphs 3, 36).

Structure from among employees of a correctional center:

– the administration of the IC (Paragraph 10).

Structure from among convicts of a correctional center:

– general meetings of convicts (paragraphs 37–39).

Figure 1. System of educational work with convicts serving sentences of forced labor

Following the principles of a systematic approach, educational work with those sentenced to forced labor in the field of penitentiary probation is an integral set of components and elements that, through interaction and integration, contribute to achieving the goals of penitentiary probation. In the presented system of educational work with those sentenced to forced labor, a number of components are identified, namely: subjects, objects, forms, directions of educational work, purpose and methods of educational work, interaction with other subjects of penitentiary probation, and the structure from among employees of a correctional center who organize and carry out educational work.

In general, components of the educational work system under consideration are not questionable, whereas interaction with other subjects of penitentiary probation is a new area of activity [1]. Thus, in the presented system, a separate component is the actual mechanism of interaction of the correctional center administration with other probation subjects, local governments, commercial and non-profit, including religious, socially oriented non-profit organizations, organizations and public associations, non-governmental (commercial and non-profit) social service organizations, educational organizations, scientific and medical organizations, individual entrepreneurs, includ-

ing on the basis of agreements concluded with probation subjects, public monitoring commissions, volunteers, relatives of convicts, as well as citizens [2-4].

The importance of such interaction in all areas of educational work is undeniable. The objects of educational work are those sentenced to forced labor (personal qualities, rights and duties in accordance with the conditions of serving their sentence), regime requirements for serving their sentences in the form of forced labor, the legal basis of interaction, etc. [4; 5].

The study is aimed at identifying and substantiating some features of educational work that probation subjects conduct with those sentenced to forced labor and interaction with other probation subjects. First of all, it is necessary to identify educational work elements within the system, since they are crucial for organizing interaction with other probation subjects.

So, in the course of the study, we assessed data on the measures implemented within educational work with this category of convicts received from territorial bodies of the Federal Penitentiary Service of Russia in the Northwestern Federal District. It should be recalled that the Northwestern Federal District consists of the following 11 subjects of the Russian Federation: Arkhangelsk, Vologda, Kaliningrad, Leningrad, Murmansk, Novgorod, and Pskov oblasts, republics of Karelia and Komi, and the Nenets Autonomous Okrug, and the city of Saint Petersburg [6]. In accordance with Chapter 2 of Appendix No. 2 to Order No. 350, probation officers, labor and educational work organization groups and other employees of correctional centers carry out educational work with those sentenced to forced labor within the framework of penitentiary probation.

In the course of the study, employees of correctional centers were asked to identify the frequency of events in the format of various areas of educational work with those sentenced to forced labor provided for in paragraphs 14–23 of the Order No. 350, ranking questionnaire answers in descending order (6 – the most frequently used measure and 1 – the least used direction)

To assess the frequency of events in the format of various areas of educational work with those sentenced to forced labor, the ranking method was used, since it was necessary to determine more preferable and significant areas.

Based on the assessment of the results obtained, we note that labor education ranked first (average rank = 5.5), followed by legal (average rank = 4.31), moral (average rank = 4.23), patriotic (average rank = 3.5), physical (average rank = 2.65), and spiritual education (average rank = 2.58) (Fig. 2). So, labor education comes foeward due to the specifics of the execution of the type of punishment itself and scientifically justified multidimensional impact of this area [7–11].

Comparison of the frequency of educational work (by areas) with general similar indicators for all territorial bodies shows that in the Northwestern Federal District, the areas of physical, legal and spiritual education have lower indicators than for all territorial bodies, while labor education is given greater preference (Fig. 2). Patriotic and moral directions of educational work in the NWFD in terms of the frequency of use in practical activities are similar to all territorial bodies.

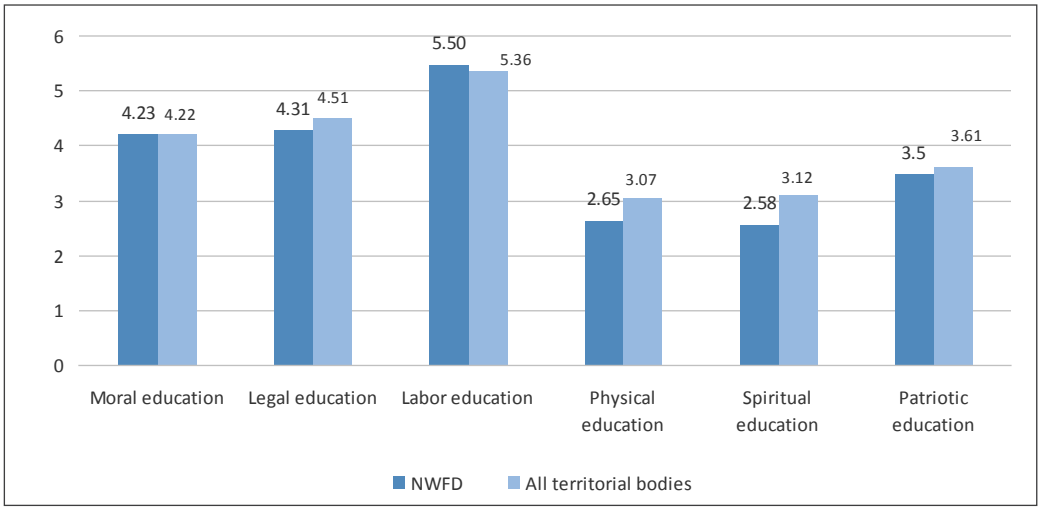

Figure 2. Directions of educational work

There is uniformity in the choice of labor education as the most effective direction of educational work with those sentenced to forced labor in territorial bodies of the Northwestern Federal District. The Directorate of the Federal Penitentiary Service of Russia in the Republic of Karelia is the only territorial body who indicates the priority of legal education (average rank = 6), ranking labor only third (Fig. 3).

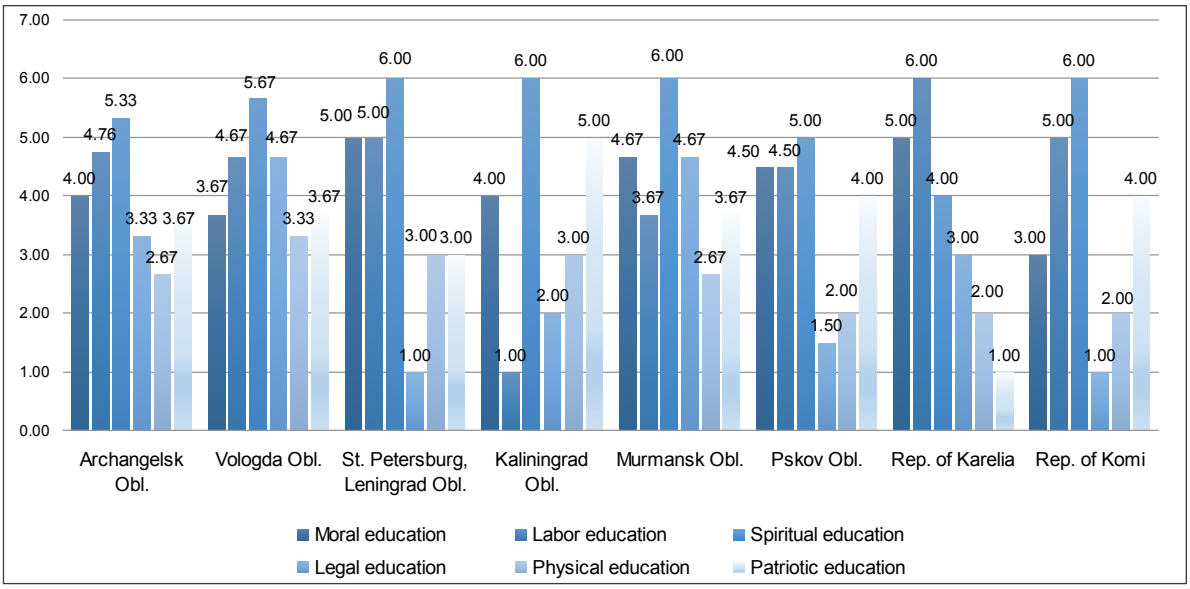

Figure 3. Assessment of educational work areas by effectiveness

The next thing that deserves our attention is the forms of educational work. Paragraph 24 of Appendix No. 2 to Order No. 350 fixes individual (hereinafter referred to as IVR), group (hereinafter referred to as GVR) and mass forms (hereinafter referred to as MVR). It was proposed to assess educational work effectiveness within these forms of work and specific activities related to these forms, using a 5-point system (5 – very high, 4 – high, 3 – significant, 2 – insignificant, and 1 – insignificant). At the same time, it was clarified to the respondents that effectiveness is determined by achieving the goal of the event with the least expenditure of resources (time, personal, material, etc.). According to the respondents, individual educational work (4.52 points) is the most effective measure. Besides, preference is given to activities carried out with each person sentenced to forced labor (4.5 points). Convict performance review is the least effective (2.48 points) (Fig. 4).

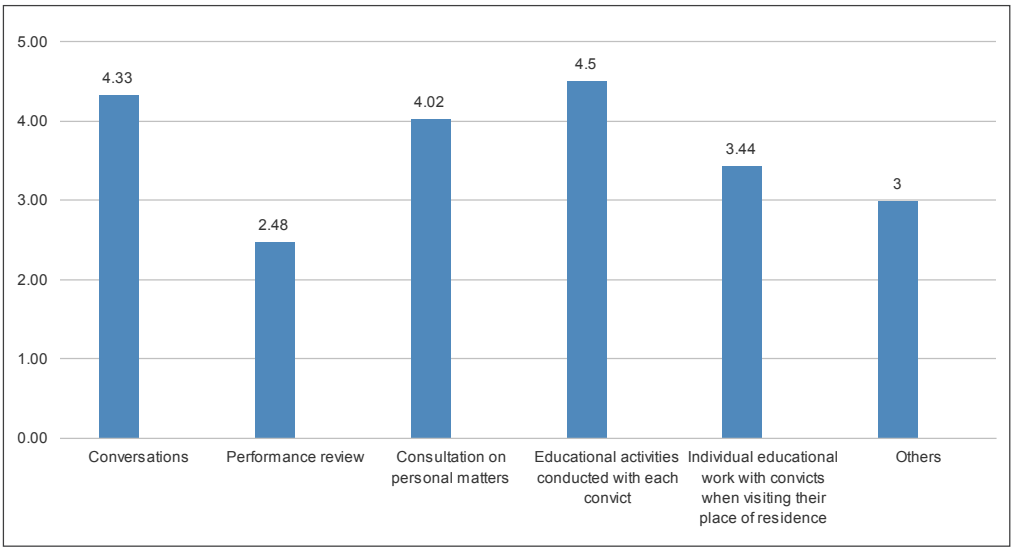

Figure 4. Assessment of the effectiveness of individual educational work (all territorial bodies in the Northwestern Federal District)

It is worth mentioning that the Directorate of the Federal Penitentiary Service of Russia in the Kaliningrad Oblast considers it important to conduct activities with each convict to forced labor and consultation on personal matters (5 points each activity). It should be noted that the Main Directorate of the Federal Penitentiary Service of Russia in Saint Petersburg and the Leningrad Oblast gives 4 points to each measure within the framework of the individual educational work according to its effectiveness (convict performance review is no exception), while individual interviews are the most effective.

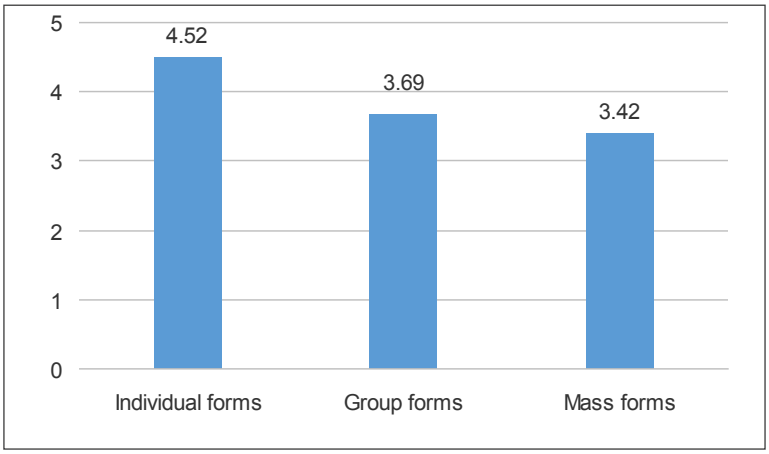

Figure 5. Effectiveness of educational work (according to the forms of implementation)

According to the respondents, group educational work follows individual educational works by its effectiveness (3.69 points). It includes discussion of general topical issues (3.6 points) and activities conducted with individual categories (groups) of convicts (3.35 points). However, it is noteworthy that when evaluating educational work according to the forms of work (Fig. 5) (without differentiation of events) mass educational work is given the least preference (3.42 points), but the events held within it are recognized by the respondents as the most effective in comparison with some events of group educational work: cultural and mass (3.65 points) and physical culture and sports work (3.17 points), general meetings (3.48 points) and educational events (3 points). At the same time, the respondents from the Directorate of the Federal Penitentiary Service of Russia in the Pskov Oblast and the Directorate of the Federal Penitentiary Service of Russia in the Republic of Karelia believe that general meetings are the most effective in the process of educational work with those sentenced to forced labor. Moreover, the latter considers physical education and sports activities as the least effective measures (1 point). The overall indicators are clearly shown in Figure 6.

In general, there is just a slight difference in group and mass educational work in terms of the effectiveness of measures taken against those sentenced to forced labor in the framework of probation. At the same time, we note that the use of group and mass educational work in relation to those sentenced to forced labor has its own specifics related to the number of convicts engaged [12].

Besides, the respondents were asked to identify the frequency of individual and group activities by directions of educational work (moral, labor, legal, physical, patriotic, and spiritual) (5 – very common, 1 – very rare). Thus, legal (3.90 points), moral (3.48 points), labor (3.43 points), physical (3.41 points), patriotic (3.40 points) and spiritual (3.26 points) education are most often carried out in the process of individual educational work. The indicators are identical in group educational work, with the exception of patriotic (it ranks third) and moral education (it ranks fifth), whereas these directions in individual work are opposite (see Fig. 7).

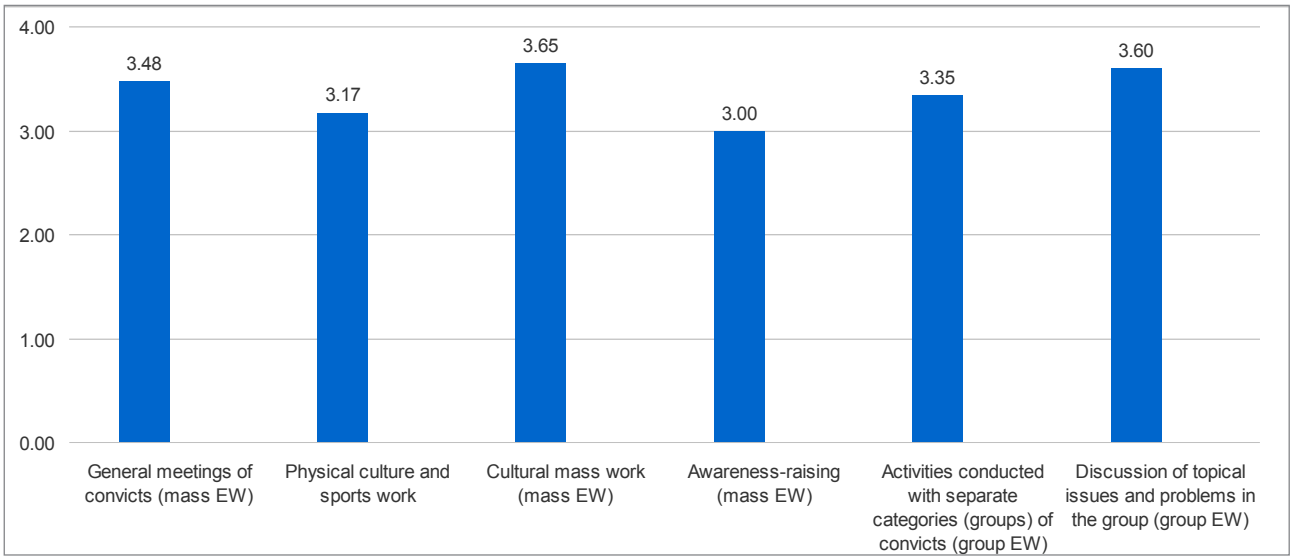

Figure 6. Assessment of the effectiveness of group and mass educational work (all territorial bodies of the NWFD)

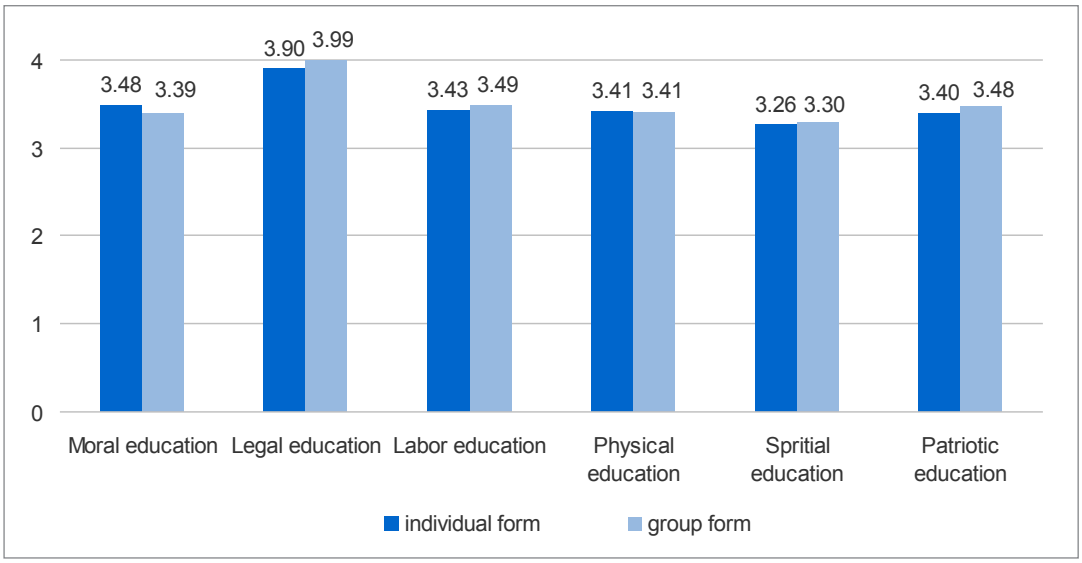

Figure 7. Frequency of activities in the areas of educational work in group and individual forms (all in the Northwestern Federal District)

Thus, the analysis of indicators of educational work with those sentenced to forced labor in the framework of penitentiary probation shows that the main emphasis in educational work carried out by correctional center staff is laid on labor, legal and moral areas. At the same time, physical education activities are mainly presented in the form of mass sports events, whereas physical education has a broader focus, including formation of a healthy lifestyle, prevention of socially significant diseases, etc. [13; 14].

In the system of educational work with those sentenced to forced labor in the field of penitentiary probation, issues of interaction with other probation subjects occupy a special place.

The analysis of joint events conducted by probation subjects demonstrates that spiritual, patriotic and moral events are more often implemented within the framework of concluded agreements. Consequently, organized interaction makes it possible to increase the frequency of the use of certain activities that can be implemented more effectively by correctional center

employees in joint activities [15]. In addition, the quality of such events goes up, as specialists in specific areas of educational impact are involved.

This interaction is based on the actual system of educational work with those sentenced to forced labor, and the interaction itself as a joint activity of probation subjects is organized taking into account a variety of factors, such as psychological, pedagogical, organizational, legal, etc. [16–18].

Following the provisions of federal and departmental legislation regulating the use of probation, in addition to probation subjects – employees of the penal system involved in the educational process, an important role is assigned to other subjects – interested bodies and organizations specified in Part 3 of Article 6 of the law "On Probation" (hereinafter – subjects). The data presented shows that the representatives of the Federal Penitentiary Service of Russia conclude agreements with government (16 or 61.5%), non-profit (6 or 23%), commercial (2 or 7.7%), public (1 or 3.8%) and educational organizations (1 or 3.8%).

We believe it necessary to consider types of assistance in educational work with convicts provided by third-party subjects in the process of penitentiary probation. So, government agencies help convicts find jobs and provide jobs themselves (29.4%), for example, cooperation between territorial bodies of the Federal Penitentiary Service of Russia in the Kaliningrad Oblast and the Employment Center of the Kaliningrad Oblast. Employers are interested in in attracting personnel, as evidenced by data from the Federal State Statistics Service of the Russian Federation. So, employment requirement in the Kaliningrad Oblast in 2023 exceeded 125% compared to the same period of the previous year (13,609 applications were received by the employment service). The Federal Penitentiary Service of Russia in the Pskov Region has a similar interaction with the Regional Employment Center within the framework of an existing agreement [19].

The Murmansk Oblast ranks last in the ranking for personnel requests (78%); there is cooperation between territorial bodies of the Federal Penitentiary Service of Russia in the Murmansk Oblast and the Employment Center. We believe this circumstance is crucial in choosing areas of interaction with interested actors, as evidenced by the priority of spiritual and moral activities in the format of assistance with both government agencies and non-profit organizations (50% of the total amount of work carried out with convicts in the framework of probation), which makes this subject a leader in the spiritual and moral education of those sentenced to forced labor among other subjects in the Northwestern Federal District. Besides, the Directorate of the Federal Penitentiary Service of Russia in the Murmansk Oblast, within the framework of existing agreements with interested organizations, realizes key directions of educational work, namely: labor, legal (Murmansk Employment Center), spiritual and moral (Murmansk and Monchegorsk Diocese of the Russian Orthodox Church), patriotic in terms of propaganda of the contract service (the Armed Forces of the Russian Federation), and physical in terms of anti-drug orientation ("Awakening" public organization, "Step by step" charity fund). In addition, these organizations take part in socio-psychological and socio-pedagogical activities. We believe that it is precisely this experience of interaction in all areas of educational work that can significantly affect the effectiveness of ongoing educational work with those sentenced to forced labor, for whom penitentiary probation is applied.

In addition, due to the educational work carried out by the Federal Penitentiary Service of Russia in the Arkhangelsk and Murmansk oblasts, spiritual and moral education of convicts, implemented jointly by probation subjects, occupies a leading position among all areas of educational work carried out in accordance with the Order No. 350.

We have noted only some features of the interaction of probation subjects in the process of carrying out educational work with those sentenced to forced labor in the framework of penitentiary probation.

Thus, the following conclusions can be formulated:

– within the framework of the organization and implementation of educational work with convicts in the field of penitentiary probation in

the correctional center, the priority areas are labor, legal, and patriotic;

– the most effective form of educational work with convicts in the framework of penitentiary probation in the correctional center is recognized as individual;

– the interaction of probation subjects in the process of carrying out educational work with those sentenced to forced labor is an important component of the system and improves the quality of activities carried out by attracting specialists in specific areas of educational impact.;

– the interaction of probation subjects in the process of carrying out educational work with those sentenced to forced labor is carried out taking into account a number of conditions and restrictions related to the category of convicts and conditions of serving their sentences.

The issues of interaction of probation subjects in the process of educational work with those sentenced to forced labor at the present stage require more detailed scientific substantiation and are a promising area of pedagogical research.

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