



## On Resocialization of Recidivists

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### Abstract

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

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

### 5.1.4. Criminal law sciences.

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### Introduction

Resocialization of people who have committed repeat crimes deserves close attention. This issue is a breakthrough for Russian and world science, it has great significance, requiring scientific research based on empirical material. Such persons pose a great public danger, since previous attempts to correct them have not become successful. Such persons have a

negative impact on society, introducing it to a criminal lifestyle. It is obvious that recidivists are the most deviant members of society. They are immersed in criminal culture very deeply and can no longer imagine their existence without it, they do not know how, cannot or do not want to live within the law.

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

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

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

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

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

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

The topic under study is touched upon to one degree or another in works of domestic scientists, in particular V.I. Avdiiskii, Yu.M. Antonyan, Z.A. Astemirova, O.R. Afanas'eva, M.M. Babaev,

L.I. Belyaeva, T.A. Bogolyubova, L.A. Bukalero-va, A.N. Varygin, N.I. Vetrov, N.V. Gavrilova, M.V. Goncharova, A.I. Dolgova, A.N. Il'yashenko, O.S. Kapinus, E.V. Kunts, V.V. Luneev, V.D. Mal'kov, V.P. Revin, V.Ya. Rybal'skaya, O.V. Starkov, V.I. Shiyan, V.I. Shul'ga, V.E. Eminov and others.

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

#### *Research*

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

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

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

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

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

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

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

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

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

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

In recent years, there has been a tendency to decrease the number of people sentenced to probation due to the emergence of non-

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

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

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

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

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

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

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

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

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

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

The adopted law "On Probation in the Russian Federation" fixes the provision that executive and penitentiary probation is carried out only in relation to convicts who are in a difficult life situation. It is believed that this law reflects the multi-subjectness of probation, but unjustifiably identifies criminal executive inspections as the main subject. Charging employees of criminal executive inspections with responsibilities for resocialization of convicted persons

will not be the most effective solution, since it will lay additional burden on employees.

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

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

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

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

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

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

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

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

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

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

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

Individual work with convicts should be based on the nature of his/her situation. In relation to a repeat offender, it is more useful to start with a stronger public condemnation and approve his/her actions in private. A repeat offender should understand that public approval must be earned by positive actions. In some cases, a significant effect is achieved by organizing joint work of two convicts, one of whom

can positively influence the other. Such work takes into account individual characteristics of convicts and the way their life is organized in a correctional institution.

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

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

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

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

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

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

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