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THE STATE POLICY IN THE SPHERE OF RENDERING SOCIAL ASSISTANCE TO CONVICTS

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Abstract

The article is devoted to the development of penal policy and the role of the Federal service of execution of punishment in the field of crime prevention and social assistance to convicts. Codifying prison policy and achievement of its main objectives. The authors assess role the President of Russia, the Government of the Russian Federation, the Federal Assembly and other bodies of public authorities and local governments in the development of the policy in the sphere of execution of punishment. An analysis of the policy of the state in the given area indicates that from a theoretical point of view it may be divided into the crime prevention policy, criminal policy, penal policy and relating to the post-penitentiary period on. The authors prove the thesis that the juridical policy in the sphere of executing punishments simultaneously affects the criminal policy. However, such a distinction of the policy in the sphere of execution of punishment is arbitrary because indicated directions of this policy may have the same goals, principles, and strategies, and can be combined with each other. The Authors analyzing the level of development of legal norms in Russia find out how it affects on the high crime rate in the country. In addition, the authors find out the causes of recidivism and offer some ways to solve this problem.

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1. Introduction

In modern theoretical and applied jurisprudence there is an unalterable opinion that the center of the general problematics of penal sanctions and the sphere of its execution is the process of post-penitentiary resocialization of those who emerged from jail, because, on the one hand, the state, striving to correct the offender by imposing a sentence of imprisonment, breaks all positive social intercourse, and, on the other hand, it sets the goal of subsequent socialization of these very people, wishing them to successfully take part in future public interactions. Taking into consideration this conception, the government is taking diversified measures aimed at minimizing its negative consequences.

Studying the modern penitentiary policy and the current legislation of the Russian Federation concerning regulation of provision of social assistance to persons emerged from places of confinement, as well as the prospects for its development, it is necessary to pay attention to the positive tendency in the sphere of observance of rights, freedoms and legitimate interests of this category of people. This fact testifies to the desire of our state to humanize and democratize both the process of execution and service the sentence, and to the practice of providing post-penitentiary social assistance to prisoners. At the same time, despite the great importance of the problem, nowadays there is no single governmental concept for social resettlement of law-abiding citizens who are ready for a full, socially useful life.

2. Methods

The objectives of post-penitentiary legal policy are generally declared in art. 7 of the Constitution of the Russian Federation, that establishes: the Russian Federation is a social state which policy is aimed at creating conditions ensuring a decent life and free development of a person (Komarova, 2018). The subjects of formation, development and implementation of the policy in the sphere of execution of punishment are the President of Russia, the Government of the Russian Federation, the Federal Assembly and other bodies of public authorities and local governments. For example, in accordance with art.80 p.3 of the Constitution of the Russian Federation, the President establishes the main vectors of the state's internal policy development (The Constitution of the Russian Federation..., 2009). The anti-crime policy, that includes such a component as penal policy, is a fundamental part of the state's internal policy. On the one hand, it means that the President has the right to formulate the main directions of this policy, and on the other hand, that its implementation is the right and duty of the relevant legislative and executive authorities. From this perspective, the Federal Assembly of Russia, adopting relevant laws, including criminal and penal ones, as well as amnesty acts, and considering the crime prevention, has an impact on the formation of the policy in the sphere of executing punishment. All other subjects of the Russian Federation only realize it in their activities.

Prevention of crimes, offenses and their commission, as well as timely preclusion, bringing persons who committed crimes to responsibility, execution of punishment towards convicted offenders and achievement of their goals is determined by the direction of the governmental activities and crime prevention policy. The policy of the state in the given area is varied, theoretically it may be divided into the crime prevention policy, criminal policy, penal policy and relating to the post-penitentiary period one.

Such a distinction of crime control policy, which parts are, essentially, the same in their goals, principles, and strategies, is arbitrary; some of its branches can be combined with each other, for example, criminal policy and penal policy, or, on the contrary, can be divided. It is a frequent fact that post-penitentiary policy (prevention of recidivism) is singled out of the sphere of preventing crimes and offenses. At the same time, the main forms and methods of implementing policies in various spheres of combating crime are very different. But the goals, principles and strategies of this policy coincidentally are interconnected and unified from this perspective.

It should be noted that the juridical policy in the sphere of executing punishments simultaneously affects the criminal policy. This, again, concerns the definition of the punishment system and its subtypes, and, herewith, its connection with imposition of sanctions. As a result, the analyzed policy has an impact on the policy in the sphere of combating crime in general, in particular, on the consideration of questions aimed at prevention of recidivism, adaptation of persons who have served their sentences, and provision of social assistance to them.

3. Results

The dominant goals and objectives of the juridical policy in this very sphere are constant, because they are based on the most important international legal regulations, which are approved and supported by the progressive world community (Baranova, 2019; Kosevich, 2015). At the same time, depending on the economic, politic, ideological situations and other significant national factors, certain areas of the juridical policy in the sphere of the execution of sentences can be partially modified. So, over recent years, the Russian Federation has been systematically adjusting the intrastate penitentiary policy, which is aimed at strict observance of the rights, freedoms and legitimate interests of persons who are serving custodial sentences or staying in places of forced imprisonment. Currently, a whole range of different measures aimed at improving and developing the national legal system is being implemented.

It is thought that modern juridical policy is characterized by scientifically grounded and systemically consistent activities of public authorities in the sphere of formation of an effective mechanism for legal regulation of public relations. The dominant feature of this activity is the presence of a certain system of goals established to workably reflect the perspective of the legal, social, economic, spiritual, moral and other spheres of social life (Polishchuk, 2017). However, analyzing the level of legal norms in the country, it becomes clear that this is far otherwise. The high crime rate in the country is primarily caused by the presence of a number of criminogenic factors that have a negative impact on the state of citizens' protection from this public ailment. The population of the country is concerned about increasing proportions of grave offences and especially grave crimes, as a result of which people are killed, their health and property are harmed; expansion of the activities of terroristic, extremistic and other criminal organizations; an increase in the number of crimes related to arms and drugs trafficking; the spread of corruption in government, including law enforcement, bodies (Polishchuk, 2018). Modern researches show that due to a number of financial and economic reasons, the penal system in Russia is not able to ensure the actual application of all penalties provided for by the Criminal Code (Makeeva, 2016). The modern development of Russian criminal policy is to mitigate criminal prosecution by state bodies, and the state is trying to achieve a limitation of criminal influence by introducing a system of punishments not related to isolation from

society, the creation of various grounds for exemption from criminal liability (Korobeev & Dremluga, 2020).

4. Discussion

A high crime rate has a negative impact on the socio-economic, moral, spiritual and other spheres of public life. Within this framework, the state aspires to provide public security by keeping criminality at a minimum level while obeying the principles of justice, legitimacy and humanism. The high level of recidivism cause a particular concern as it is one of the most dangerous types of crime because it is characterized by increased public danger. Unfortunately, former convicts, being emerged from places of confinement, return to society with distorted ideas about true social values. An important issue in preparing for the analysis of recidivism is the choice of the correct methodology (Artemyev & Kraskovsky, 2018). Annually, more than 250 thousand people are released from the country's correctional institutions, many of these persons have lost socially useful connections, they do not have a demanded profession and often suffer from socially dangerous diseases, mental disorders, some of them are disabled, etc. Moreover, existing rehab facilities and social shelters are not able to provide social assistance to all those in need. The existing approach for finding labor and domestic employment for people released after serving their sentences, the lack of a state-legal mechanism for social assistance and social adaptation of persons after custodial sanctions do not fully ensure the realization of the rights and legitimate interests of this category of citizens (Seliverstov, 2008).

Therefore, in order to reduce post-penitentiary relapse, the state is obliged to take this category of people under special control and care, since effective socialization of persons released from prison is an integral part of the prevention of recidivism. Repeated offenses are central elements of the recidivism system (Vopilov, 2018). The prevention of future offenses by former convicts, in private and general cases, is established by a set of preventive measures that reduce or exclude the possibility of committing new offenses by them before the expiration of the conviction, its cancellation or expungement. At the same time, we believe that such a work should begin long before a person's release from places of deprivation of liberty and it should be based on the creation of an appropriate regime for the execution of sentences, which includes protection of convicts, supervision of their behavior, personal security, occupational trainings, preparation for release etc. In addition, it is important to establish cooperation between the Federal Penitentiary Service of Russia and the Internal Affairs Bodies to counter recidivism (Lampezhnev, 2017).

Not touching upon the issues of regime requirements for serving sentences, private prevention is implemented by conducting morale building activities with convicts, imposing penalties on them and applying incentives, preparing them for release and establishing control over their behavior. Serving the sentence in strict accordance with the law, the convicted person is deprived of the opportunity to commit new crimes and offenses. As an example of evaluating the effectiveness of the legal norms system governing the execution of sentences, this task can be formulated in frames of a system of qualitative and quantitative indicators which expresses the attitude of convicts to the regime of serving a sentence as a factor that implements the prevention of new crimes, as well as establishing the level of illegal and criminal behavior of convicts (Aleksanyan, 2017).

General prevention as a result of the execution of punishment consists in preventing the commission of new crimes by other persons. Execution of punishment serves as a limiting factor, first of all, for other people, since it shows that punishment is not just a sanction for committing a specific crime, but a real consequence of a criminal act; secondly, people who are serving or have served a sentence spread the information about physical and spiritual suffering associated with legal restrictions applicable to convicts during the execution of the sentence (Litvishkov, 2018). As a standard for evaluation of the effectiveness of the legal norms system governing the execution of sentences, the goal under discussion may be expressed through a system of qualitative and quantitative indicators characterizing the legal consciousness of citizens, considering the execution of sentences to be a limiting factor for commission of crimes, and also characterizing the level of persons', on whom the fact of the execution of criminal punishment affects, compliance with the law (Korobova, 2010).

5. Conclusion

So, apart from the problems which have accumulated during the time of serving the sentence, the emerged citizens face various difficulties. However, the most difficult problem today is the lack of registration of the convicted person, which arose as a result of his prolonged stay in prison. Especially this problem objectively raises a number of other socially significant issues that cannot be further implemented. The lack of registration and living space really interferes solving a lot of vital issues for convicts. Unfortunately, the lack of a high-quality legal and regulatory framework that regulates these legal relations worsens this problem. In this regard, in the nearest future it is necessary to adopt a single regulatory legal act that governs the interaction of the penal system of the Russian Federation with other legal authorities, as well as civil society organizations, aimed at increasing the efficiency of socialization of persons released from places of deprivation of liberty, as well as preventing recidivism.

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