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TÍTULO: Tendencias actuales en la política ejecutiva penal de la Federación de Rusia en la ejecución de sentencias alternativas a la privación de libertad.

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RESUMEN: El artículo destaca el desarrollo de la política criminal-ejecutiva de Rusia en el campo del castigo, que es una alternativa al encarcelamiento. El autor se centra en sus áreas principales, proporciona datos sobre problemáticas en esta área y los resultados del trabajo realizado para eliminarlos. Los problemas se consideran teniendo en cuenta el análisis de los indicadores estadísticos de la Federación de Rusia.

PALABRAS CLAVES: política pública, política penal, penas, alternativa al encarcelamiento.

TITLE: Current trends in the criminal executive policy of the Russian Federation in the execution of alternative sentences to Deprivation of Liberty.

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ABSTRACT: The article highlights the development of the criminal-executive policy of Russia in the field of punishment, which is an alternative to imprisonment. The author focuses on its main areas, provides data on problematic issues in this area and the results of work done to eliminate the latter. The problems are considered taking into account the analysis of statistical indicators of the Russian Federation.

KEY WORDS: public policy, penal policy, penalties, alternative to imprisonment.

INTRODUCTION.

One of the most important criteria for the development of society along a democratic path is not just the use of criminal repression against persons who have committed crimes, but the reduction of its indicator in the form of imprisonment and the expansion of the practice of applying punishments that constitute an alternative to it, primarily to less dangerous criminals.

The imposition of punishment in the form of deprivation of liberty should be an extreme measure and be applied only after the exhaustion of the punitive possibilities of less severe punishments.

The article reveals the practical aspect of the application of criminal penalties, alternative to imprisonment.

DEVELOPMENT.

Research methodology.

Theoretical and methodological provisions were presented by the work of Russian scientists to improve the criminal executive policy and legislation in the framework of the application of penalties, alternative to imprisonment, the conclusions and suggestions received in the course of applied research in this area in the existing socio-economic and socio-political conditions, problems in the effectiveness of existing federal legislation.

The research used such scientific research methods as the method of analysis of statistical data, the sociological method, the formal logical method.

The statistical method allows us to identify and study quantitative indicators of the use of punishments, alternative to imprisonment, to identify the most popular ones from practice, to determine their specific weight, to track the dynamics of appointment and execution, thereby confirming the current state course on liberalization in relation to persons who have committed crimes of small and moderate severity.

The sociological method allows us to evaluate the behavior of people associated with the issues of the appointment and execution of sentences, alternative to imprisonment. The use of the formal-logical method made it possible to identify and evaluate the modern areas of the criminal-executive policy of the Russian Federation in the field of the execution of sentences alternative to imprisonment.

Study results.

According to the analysis of statistical data of the Judicial Department under the Supreme Court of the Russian Federation, the annual rate of application of criminal punishment in the form of imprisonment of the total number of convicts is about 30%. So, having calculated the specific gravity of this category of convicts, one can cite the following data: in 1991 - 34.95% [1, p. 128], in 2001 - 29.5%, in 2009 - 32.4%, 2016 - 27.8%, 2017 - 28.7%, 2018 - 28.9% [2].

At the same time, summing up the indicators of the number of convicted to deprivation of liberty and convicted to deprivation of liberty using the institution of probation, we obtain the average indicator for the period from 2010 to 2018. equal to 57.4%.

The average indicator for the same period of application of punishments alternative to imprisonment is: fine - 14.1%, deprivation of the right to occupy certain posts or engage in certain activities - 0.03%, compulsory labor - 12.9%, correctional labor - 8, 0%, restrictions on freedom - 3.0%, restrictions on military service - 0.03%, detention in a disciplinary military unit - 0.03%.

The main areas of work to reduce the prison population include decriminalizing crimes that do not pose a great public danger, adjusting judicial practice, and expanding the use of alternative forms of punishment. It should be noted that these areas are reflected in modern criminal policy and judicial practice in our country.

Criminal executive policy as one of the most important elements of state policy in the fight against crime determines strategic goals and immediate prospects for the execution of punishments and measures of a criminal law nature.

Over the past decade, it has undergone significant changes in Russia, has acquired a number of features, one of which is the search and legal consolidation of the system of punishments and measures without isolation from society, the mechanism for their implementation so that they become a real alternative to imprisonment [3, p. 3]. The latter found its manifestation, first of all, in increasing the types of punishments provided for by the Criminal Code of the Russian Federation, designed to serve as an alternative to isolating the convicted person from society, expanding the range of grounds for their use, improving the legal regulation of the execution of these criminal legal measures.

Speaking about the development of certain areas of the criminal executive policy and legislation, attention should be paid to the following issues, both legal and organizational in nature:

- The need to expand the scope of application of electronic means of control in relation to prisoners sentenced to alternative sentences of imprisonment. It should be emphasized here that currently the electronic means of control available to the FSIN of Russia are completely insufficient. There is an annual decrease in the use of electronic monitoring to prisoners on restriction of liberty.

So, for example, if in 2015 the proportion of prisoners sentenced to restriction of liberty to whom electronic control was applied from the total number of prisoners sentenced to restriction of liberty was 45.61%, in 2017 it amounted to only 10.52%, and in 2018 - 11.38%. The bulk of electronic bracelets are involved in monitoring compliance by suspects and accused with respect to which a preventive measure in the form of a house arrest of bans and (or) restrictions imposed on them by the court was chosen. The decrease in this indicator can be explained by the redistribution of SEMPL (electronic monitoring system of controlled entities) in the latter.

In accordance with the standards established in the state program of the Russian Federation "Justice" [4] in relation to persons sentenced to restriction of liberty, the standard for providing electronic monitoring tools has not been established, as for the standard for the use of equipment of the electronic monitoring system of controlled persons in relation to persons who have chosen a preventive measure in the form of house arrest, it is 81%.

Thus, taking into account the deficit at the end of 2017 of SEMPL sets in the amount of 22 thousand, the bulk of them are spent on providing people who have chosen a preventive measure in the form of house arrest. As an example, we can cite the provision in Russia as a whole with electronic means of control in 2018 of suspects and accused in respect of whom a preventive measure in the form of house arrest was chosen, which amounted to 89.57%; - the next direction, requiring its further development, is the expansion of the practice of interaction with state authorities of the constituent entities of the Russian Federation, public and religious organizations in order to socially adapt prisoners.

It should be emphasized that work in this area is ongoing. So, in 2017, criminal executive inspectorates (further - UII) interacted with 1715 public associations (organizations) and 670 social rehabilitation centers. Collaboration has been established with 1009 voluntary people's squads, 307 Cossack associations.

In 42 constituent entities of the Russian Federation, UII together with public youth organizations held events with the participation of convicts (contests, sporting events, excursions), in 72 territorial bodies of the penal correctional system, public councils and veteran organizations were involved in work with juvenile convicts.

In Russia as a whole, in 2017, with the assistance of the UII, social assistance was rendered to 224,680 convicts sentenced to punishment without isolation from society or 90.79% of the number who needed to receive it, 11892 of them minors [5].

According to the information of the territorial bodies of the Federal Penitentiary Service of Russia, in 2017, 119 targeted programs of the constituent entities of the Russian Federation were operating, providing assistance to persons registered with UII. About 14 million rubles were allocated for their implementation.

In order to intensify cooperation with public organizations and associations, in November-December 2018 the Federal Penitentiary Service of Russia entered into agreements on cooperation with the Non-profit (corporate) organization Association of Volunteer Centers (hereinafter referred to as the AVC) and the All-Russian public organization National Parent Association for Social Support of the Family and Protection family values.

With regional centers of AVC in the territorial bodies of the Federal Penitentiary Service of Russia, 23 were concluded in 2017, and in 2018, 48 relevant agreements.

Work continues on the implementation of the Plan of Key Activities until 2020, carried out within the framework of the Decade of Childhood [6], which provides for the organization of interaction between UII with local authorities, social rehabilitation centers, public organizations (associations), employment and social support services, youth movements and volunteer organizations.

Currently, the territorial bodies of the Federal Penitentiary Service of Russia have concluded 412 cooperation agreements with voluntary (volunteer) movements and youth public associations.

In 2018, UII interacted with more than 2.5 thousand public associations and social rehabilitation centers on issues of assisting convicts in receiving social assistance [7].

However, despite the rather serious work carried out in this direction, it should be noted the need for its further expansion and improvement:

- Requires the development and intensification of educational work carried out with sentenced to punishments that are not related to the isolation of convicts from society, the quality of which directly affects the level of repeat crime among convicts who are registered with the penal inspections.

According to the results of 2018, the level of repeat crime in general among convicts without isolation from society amounted to 2.09% (criminal cases for committing crimes after registration of UII were instituted against 21653 convicted persons), by the end of 2017 - 2.44% (criminal cases in connection with crimes committed after the convicts were registered with the UII were instituted against 24,369 convicts, in 2016 - 17,610 convicts or 2.02%). Due to the significant load on the staff of the criminal-executive inspectorates and its annual increase without expanding the number of staff, it is sometimes formal in nature and boils down to filling in the reporting documentation.

- One of the areas that affect the quality of control measures for accountable persons and timely response to violations of the sentence serving regime on their part is the problem of high-quality information interaction between the Federal Penitentiary Service and other law enforcement agencies.

In order to improve this area, in October 2018, the Protocol on Information Interaction was signed between the Federal Penitentiary Service and the Ministry of Internal Affairs of the Russian Federation, according to which the Ministry of Internal Affairs of Russia submits to the Federal Penitentiary Service of Russia information about administrative offenses in the field of traffic, as well as data on crimes and persons suspected of accused of committing them (IBD-F “ABD-Center” subsystem) by remote access. Also, Protocol No. 2 was developed and signed in 2019, which includes, inter alia, the provision of authorized remote access to the Federal Penitentiary Service of Russia to the Administrative Practice module of the Public Order Protection Service of the Ministry of Internal Affairs of Russia for the timely application of response measures to violators of the sentence [7].

- The question of material and technical support for the performance of employees of criminal executive inspections remains relevant. In some regions, despite the stated needs during 2018, no funds were allocated to the inspections for the purchase of paper, stationery, supplies for office equipment.

The complaints of the resigned employees indicate a lack of adequate funding, in particular, for the purchase of office supplies, sending mail, servicing vehicles, etc. In other words, these expenses fall on the shoulders of the employees of the respective inspectorates, which is not the best way affects the results of their performance.

CONCLUSIONS.

So, for the effective implementation of penalties, which are an alternative to imprisonment both in society and in the state, the necessary socio-economic, socio-political conditions must be present, because, for example, in the absence of the allocation of the necessary budgetary allocations, the planned projects will not be possible. In addition, the public perception of the political decisions being made, the emerging public opinion about the correct approach to combating crime by expanding the practice of applying punishments alternative to deprivation of liberty, are of no small importance.

The result of a wrong, unbalanced approach in the area under consideration will be a negative attitude of citizens to these political decisions and, as a result, their belief in the powerlessness of the authorities and law enforcement agencies, the incorrectness of the state policy and to put forward requirements for tougher penalties, priority in choosing sanctions for imprisonment and strengthening the regime for serving sentences in relation to convicts.

Conflict of interest.

The authors confirm the absence of a conflict of interest.

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APROBADO: