

The Correctional Process in Russian Penitentiary Institutions

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Abstract

The correctional process in Russian penitentiary institutions during the performance of criminal penalties is organized through the implementation of the basic means of convict correction, which include regime, socially useful work, educational work, general education, vocational training, as well as social impact. This complex procedure is quite diverse. The mechanism of correction also affects not only the norms of the penal enforcement legislation, but also the norms of the criminal as well as the criminal procedure laws. More than 20 years have even passed since the introduction of Criminal-Procedural Code of the Russian Federation. During this period, the socio-political and economic situation of Russian state has changed. So, in particular, crime has transformed its characteristics. The modern realities of life also compel the state and the legislator to search for new adequate and effective forms and legal instruments that allow for an effective corrective impact on individuals serving a sentence of imprisonment. In this respect, the authors paid attention to the importance of convict safety provision during the period of a criminal penalty. In addition, the article revealed the main theoretical approaches to the definition of convict correction degree and the problem of criterion establishment for its evaluation.

Keywords: Convict; Criminal punishment in Russian federation; Correction; Characteristics of Convicts; Correction degree.



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1. Introduction

All crimes in the Russian Federation are defined by the Federal Law of Criminal Code of 1996. There are currently over 250 different crimes listed in the Criminal Code of Russia, and their punishment ranges from monetary fine to life imprisonment. According to the Criminal Code of Russia, Article 45, there are 13 major types of punishment in Russia. They include fine, "mandatory" labor, home arrest, imprisonment, and life imprisonment. Although the death penalty was not legally abolished in Russia, it has been suspended by presidential decree and has not been used since 1999. Offenders who are convicted of capital crimes are usually sentenced to life imprisonment (Butler, 2009).

In criminal justice, particularly in North America, correction, corrections, and correctional, are umbrella terms describing a variety of functions typically carried out by government agencies, and involving the punishment, treatment, and supervision of persons who have been convicted of crimes (Stohr *et al.*, 2008). In order to deal with a number of practical tasks on the operation of correctional institutions, it is necessary to study the identity of convicts. Taking his characteristics into account, detachments are formed, the training process is organized, incentive and disciplinary measures are implemented, and a gradual system of serving a punishment is also implemented. The study of convict personality predetermines the issues of their classification, the possibility of their presentation to parole, the substitution of severe punishment by a softer one, as well as amnesty and pardon. Thus, it is necessary to establish the level of its correction.

The problem of correction degree determination is such that many convicts who have not reached the appropriate level of correction are prematurely released from prison and then commit crimes once again. So; without fixing the degree of correction (or, on the contrary, non-correction), it is impossible to objectively impose the measures of encouragement and recovery.

The absence of clear criteria to determine the degrees of correction among convicts that are sufficiently understandable for practical workers can significantly restrain all areas of educational activity and reduce the effectiveness of the correctional system in Russia as a whole.

2. Methods

The study methods included surveillance, deduction and induction, use of formal logic laws, and comparative analysis which was formally legal.

3. Results and Discussion

The fundamental foundations of the institution assessing the degree of convict correction were examined in the studies by Anonymous (1996) Justickis (1996). The development of the fundamental principles for the development of convict correction issue was further examined by Rutherford (1996). In addition, they published the scientific works of such scientists as International Covenant on Civil and Political Rights Adopted and opened for signature (1976) Danish Sentence Enforcement Act (2001) Act of 18 May 2001 No. 21 (2001) Epikhin (2016a) and others.

The International Covenant on Civil and Political Rights states that “the penitentiary system provides the regime for prisoners whose essential purpose is their correction and social re-education” (Epikhin, 2016b). The means of convict (prisoner) correction should be determined by the relevant legislation of the country (Epikhin, 2017). In Russia, the remedies for convicts are defined in Article 9 of Criminal-Procedural Code of the Russian Federation (RF) (Epikhin, 2016b).

The basis for convict correction degree determination is the study of his personality. This is necessary to solve a number of practical tasks on the functioning of institutions that ensure the enforcement of criminal penalties. In addition, the personality of the accused is one of the circumstances to be proved in the criminal procedure legislation (Article 73 of RF CPC).

The study of a convict personality as a legal category is reinforced in Part 4, Art 109 of Criminal-Procedural Code of the RF (Epikhin, 2017). Taking the personality of the convict into account, detachments are formed and the process of general education and vocational training is organized. Without the study of convict personality, it is impossible to implement the measures of disciplinary action and consequently to change his conditions of punishment serving. The study of convict personality also predetermines the issues of their classification, the possibility of their presentation to parole, the substitution of a severe sentence by a softer one, amnesty, as well as pardon (Nechaeva, 2013). In this regard, it should be noted that the parole procedure or other issues in the process of a criminal sentence serving are resolved on the basis of the norms of Criminal-Procedural Code of the RF (Article 397).

The characteristics of convicts include three main trends; socio-demographic, criminal law, and penal.

The socio-demographic characteristics of convicts include gender, age, citizenship, marital status, health status, and education or occupation prior to arrest.

The number of convicted women is relatively small by 5-6% of the total number of convicts, while the proportion of women exceeds half in the total amount of population. This is because they are more meaningful when they see their purpose.

Age is also considered as a psychophysical characteristic of people and it has a significant impact on human behavior. It further influences the appointment of criminal punishment and the definition of a correctional institution type.

RF citizens, foreign citizens, and stateless ones are held separately in prisons. The legal status of these categories of convicts is the same. The peculiarities are the following ones; when foreign citizens are released, a connection is established with the embassies or diplomatic representations.

A family, as a rule, has a positive impact on a person, but at the same time, it can have a negative one.

A significant part of convict marriages disintegrates, which negatively affects the process of correction. Communications with relatives also create favorable conditions for their corrective effects (Potapov and Lepshchikov, 2017).

A high educational level of a person is an anti-crime factor; i.e. the higher a person's education, the less likely to commit a crime. Therefore, convicts are trained in correctional institutions.

The convict's health status also affects the choice of correctional institution type and the choice of corrective action forms and methods. Drug addicts and alcoholics are kept in medical correctional institutions and their corrective treatment is associated with compulsory medical treatment.

The criminal-legal characteristics of convicts include the nature and the gravity of committed crime, the qualification of committed crime, the number of convictions, the recurrence of crimes, the type and the terms of a criminal punishment, and the possibility of early release.

Not only the system of institutions and bodies that carry out criminal penalties, but also the establishment of institution regime type can directly depend on these factors. The term of punishment and the number of convictions similarly characterize the degree of convict public danger, and it is very important when convicts are presented for early release.

The penal characteristics of the individuals serving sentences provide the type of correctional institution regime; the features of convict commonly useful work organization; behavior, the change of convict detention terms, and the degree of their correction.

The problem of correction degree is such that many convicts are released from prisons prematurely, without reaching an appropriate level of correction. After liberation, they continue to perform crimes. So, lack of clear criteria for the evaluation of convict correction degree reduces the effectiveness of educational work. Such problems are also observed in a number of foreign countries (Sizy, 1994) (Sinichkin, 2003).

In order to assess the correction of a convict, it is important to classify convicts on the basis of the following signs; behaviors while serving a sentence, attitudes towards basic remedies of convicts, observance of imprisonment regime, as well as facts of claim solution. In this respect, they are subject to paramount evaluation.

The disciplinary practice has shown that a significant proportion of convicts, are characterized negatively in their behaviors (65.7%).

Moreover, Filippov indicated in his study that “the level of punishment serving order violations per 1000 people increased by 8.8% in Russia, the level of malicious violations of punishment serving order increased by 3.3% and amounted to 40.5% during specified period” (Penal Enforcement Code of Russian Federation, 1997).

The convicts in preventive care also need an individual approach to a corrective action. According to the Federal Penitentiary Service of Russia, there were 72,872 convicted people on preventive records in 2014 (2012-71155), of which 10.3% (7534) were those prone to escape, 6.2% (4482) inclined to systematic violation of internal regulations, 4.8% (3476) willing to attack the representatives of the administration and other law enforcement officials, 3.0% (2171) as the leaders and active participants of organized crime groups, as well as those who had a negative impact on other convicted individuals, 1.8% (1,305) organizing and provoking a mass counteraction to authority requirements, and 1.5% (1,082) as men serving sentences for the disorganization of correctional institution activity and mass riots (Loghmani,2018). The share of convicts, inclined to use drugs, psychotropic drugs and alcoholic beverages made 16.6% of these individuals. The number of crimes committed by the individuals, in different types of accounts; also increased by 29.3%.

An important indicator of a convicted person behavior determination is his attitude towards work, since a large part of convicts does not have the opportunity to work for the reasons beyond their control. In order to introduce this indicator as mandatory, it is necessary to create appropriate conditions. On the basis of convict attitude to basic remedies; Orlov cites the classification of moral and legal indicators, to which he relates the following ones: “1) the attitude of a convicted person to a committed crime and to an appointed punishment: the condemnation of his criminal past; the desire to recover the damage caused; and the recognition of the punishment imposed by the court as justified; 2) the attitude of the convicted person to the procedure and the conditions of a criminal sentence serving: strict observance of sentence serving procedure and conditions, including the internal regulations of correctional institutions; 3) the attitude to corrective action: conscientious attitude to work, study, as well as an active participation in other educational and educational activities; and the participation in the work of public associations; 4) the social characteristics of a convict: the maintenance and the establishment of socially useful links by a convict, as well as the interest of the convict in the labor and domestic system after the release from prison” (Filippov, 2015).

It is also important to consider the consideration of such a criterion for a convicted person degree evaluation as “the attitude of the convict to the committed wrongful act”. During the solution of parole issue, this criterion should be among the main ones, as it reveals the intentions of the convicts, who can be paroled. Unfortunately, the penal legislation does not describe this criterion.

On the basis of indicators characterizing the convicted person personality, various degrees of their correction have been described in the related literature. In this respect, Pozdnyakov named 3 options (Filippov, 2015). Sizy also labeled three degrees of correction: 1) the convict took the path of correction; 2) the convict is characterized positively; and 3) the convict does not need to be corrected by serving a sentence, and he may be paroled or the sentence may be replaced by a softer one. As well, Sinichkin identified a group of additional criteria: 1) the participation of the convicted person in public work and educational activities conducted by the administration of the correctional institution. He pointed out that “characterizing the convicted person from the point of view of his attitude to the educational influence carried out in the correctional institution, these evaluation criteria should be applied strictly individually to each convict, taking into account his individual characteristics”.

The system of generalized indicators for convict correction was presented below in Table 1.

Table-1.

| Evaluation criterion | Summary indicators |
|--|--|
| a convicted person’s behavior while serving his sentence | good behavior, stable good behavior, and exemplary behavior; |
| attitude towards socially useful work | conscientious attitude towards work |
| attitude towards learning | conscientious attitude towards learning |
| participation in performed educational activities | participation in educational activities and an active participation of the convict in educational activities |
| convicted person’s attitude towards wrongful acts committed by him | awareness of the harm done by crime |

Moreover, Antonyan raised the question about the return of a particularly dangerous recidivist notion to the criminal and penal law. This type of convicted person personality must be taken into account during the change of conditions for serving a sentence and the type of correctional institution, the permission for uncontrolled movement or unaccompanied one, the provision of a meeting with the right to reside outside the correctional facility, etc. To ensure that the law requirement on the account of the convict’s personality is imperative not only by form, but also by content, it is necessary to make additions to RF penal code.

The provision of an effective remedy during a sentence serving depends on the level of convict state protection (security) as criminal case participants. Experts also paid attention to this aspect in the literature (Nechaeva, 2013).

4. Conclusion

First of all, there is a need to legislatively fix the assessment of convict correction degree as one of the legal institutions. Secondly, it is important to create the conditions to stimulate convicts for law-enforcement behavior. Thirdly, an open assessment system is needed for convicts and correctional staff. Fourthly, the presence of a legislatively established system of convict correction will make it possible to improve the effectiveness of convict individual right exercise (the transfer to other conditions of serving a sentence, the change of correctional institution type, the replacement of the sentence with a softer one, etc. or the application of incentives and penalties placed in dependence on such an estimate (Potapov and Lepshchikov, 2017).

5. Summary

The institution for convict correction degree evaluation should be implemented not only within the framework of penal and criminal legal relations, but also within the framework of a larger, holistic study of the offender personality.

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