Private Professional Educational Institution "Krasnoyarsk Cooperative College of Economics, Commerce and Law"

Interdisciplinary educational project on “Measures of Individual Educational Influence in Execution of Punishments Not Related to Isolation from Society” and “Foreign language”

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**Annotation**

Oriented application of incentive measures is one of the priority and humane educational methods of influencing the convicted person, that is, being mainly productive and effective, the method of incentives is a reaction to the positive behavior of the convicted person. Incentive measures contribute to the emergence of a kind of stimulation for the formation of the disciplinary and behavioral position of the convicted person, since in their essence they contain a positive judgment about his activities. Among other things, these measures represent a certain way of recording the successes acquired in the process of correctly constructed individually differentiated educational actions in the process of correcting the convicted person. It can be concluded that the insufficient level of development of the main part of socio-public relations is in a causal relationship with the imperfection of the use мep of incentive measures. The system of applying incentives implemented in the course of a differentiated and individual approach has a specific effect on eliminating the deformation of the personality of convicted persons, has an impact on re-socialization, the emergence of further opportunities for social adaptation, and serves as a driving force for preventing and further occurrence of recidivism of crimes.

Keywords (10)

Opredestined, methodology, educational methods, stimulation, deformity, recidivism of crimes, causal relationship, penal enforcement legislation, isolation from society, institute of incentives.

**Introduction**

**Relevance**: At present, more than ever, there is a need, in order to achieve the correction of convicts, to modernize the system of incentive measures through individualization of incentives for law-abiding behavior, namely, the legal consolidation of the list of possible types of incentives for certain types of punishments that exclude isolation of the convicted person from society, as well as the transfer of the maximum amount of incentives provided by entities that perform these types of punishments. By introducing the institution of encouragement in the domestic penal enforcement legislation regulating the execution of certain types of punishments that exclude isolation from society, we have a significant impact on the quality of execution of this type of punishment.

**The aim of the project**: is to study measures of individual educational influence in the execution of punishments that are not related to isolation from society.

**Project objectives**:

1. Consider the problems of applying incentive measures in relation to punishments carried out without isolation from society;

2. To study the effectiveness of incentive measures;

3. Identify the main problems of regulating incentive measures in relation to convicted persons;

4. Analyze and highlight the main meaning and role of types of punishments without isolation from society;

5. Formulate proposals for the modernization of the Russian penal enforcement legislation in connection with the problem under study.

6. Improve the vocabulary of professional vocabulary.

**Hypothesis**: one of the most important factors that stimulate law-abiding behavior among convicts and affect the correction of the latter is the possibility of applying incentive measures to them. By applying these measures, which affect the legal status of a convicted person depending on their behavior, we take into account individual characteristics of the individual, thereby pursuing the goal of a differentiated and individualized approach to the execution of sentences.

**Object of research**: the need for additional introduction of criminal penalties, which will be aimed at reducingо the prevalence of the use of punishment in the form of deprivation of liberty.

**The main part**

1 Classification of alternative punishments and their essence.

Combining punishments into homogeneous groups according to certain criteria, taking into account their functional role in performing various tasks, the scope and nature of legal restrictions is called classification.

According to the classification, all punishments are divided into three categories:

1. ﻿non-custodial sentences;
2. ﻿penalties related to deprivation of liberty;
3. ﻿penalties in the form of the death penalty.

In accordance with the topic of the course work, we will consider a group of non-custodial sentences.

This includes punishments such as:

-fine.

-deprivation of the right to hold certain positions or engage in certain activities;

-deprivation of a special, military or honorary title, class rank and state awards;

-required work;

-correctional work;

-restriction on military service;

-restriction of freedom and forced labor.

The main types of punishments include: correctional labor, compulsory labor, forced labor, and restrictions on military service. It should be noted that those sentenced to this type of punishment are not deprived of their personal freedom: they do not break away from socially useful work, study, and the amount of legal restrictions in them is not large.

* 1. Penalty

Part 12 of Article 46 of the Criminal Code defines the concept of "fine": "A fine is a monetary penalty imposed within the limits stipulated by the Criminal Code, in the form of a monetary amount determined by criminal law, or in the amount of a convicted person's salary or other income for a certain period"

The essence of the fine is to infringe on the property interests of the person who is guilty of committing a crime. The amount of the fine is determined by the court, taking into account the gravity of the crime committed, as well as the property status of the person responsible for its commission and his family, as well as the possibility of receiving wages or other income for the convicted person. When accounting for property status, three factors are taken into account:

1. the convicted person has certain property;
2. receiving a salary;
3. other income.

The Resolution of the Plenum of the Supreme Court of the Russian Federation No. 8 of 04.07.1997" On certain issues of application by the courts of the Russian Federation of criminal legislation on liability for tax evasion "states::" Other income should be understood as any income that is subject to taxation in addition to wages, which is received by the convicted person in cash (including in the form of foreign currency) or in kind. "The law provides for a certain period of payment of a fine, namely: within 30 days from the date of entry into force of the sentence. If the convicted person is unable to fully pay the entire amount of the fine at once, the court (Article31 of the Criminal Code of the Russian Federation) has the right to pay the fine in installments for up to 3 years. For a period of more than two years, a fine may be imposed only for serious and especially serious offenses in the amount of 500 thousand rubles or more. or in the amount of the convicted person's salary or other income.

A fine can be applied as two types of punishments: basic and additional. As the main type of punishment in accordance with the sanction, on the basis of Article 64 of the Criminal Code, an additional type only in cases that are provided for in articles of the Special Part of the Criminal Code. In accordance with parts 2 and 3 of Article 32 of the Criminal Code of the Russian Federation, there is a different procedure for executing the main and additional penalties in the form of a fine, based on which, when calculating penalties for a set of crimes, it is impossible to add up the amounts of fines assigned as the main one for different crimes.

Thus, in accordance with the Resolution of the Plenum of the Supreme Court of the Russian Federation "On the practice of assigning criminal penalties by courts", when deciding whether to impose a fine, courts, first of all, need to find out the financial situation of the defendant, whether there are minor children or elderly parents dependent on him. secondly, at the time of sentencing (the imposition of a fine), the amount of salary or other income of the convicted person is subject to calculation.

1.2 Forced labor.

The considered punishment significantly limits the legal status of an individual. The penalty was introduced into the Criminal Code of the Russian Federation on December 07, 2011 No. 420-FZ "On Amendments to the Criminal Code of the Russian Federation and Certain Legislative Acts of the Russian Federation".

This type of punishment consists in bringing the convicted person to work in places that are determined by the institutions and bodies of the criminal correctional system. The convicted person is serving his sentence in a special institution.

Institution - correctional center. At the same time, the location of the center must be within the territory of the subject of the Russian Federation in which he was convicted or lived. If there is no such center on the territory of a subject of the Russian Federation, the convicted person serves his sentence either in anisolated section of a correctional institution operating as a correctional center, or in a correctional center of another subject. And one more feature, a convict can leave the correctional center for a short time (for up to five years).

days), but only if there is a decision of the administration. The law also provides for a reduction in the amount of deduction from wages if the convict's financial situation worsens.

1.3 Mandatory works.

The purpose of compulsory labor is for convicts to perform socially useful free work at their place of residence, in their free time from work and study, on weekends and holidays (under supervision).

Compulsory labor is the main type of punishment that is imposed on able-bodied persons. These works are provided by local self-government bodies and are performed by penal enforcement inspections within the time period determined by the court. It should be noted that such works are mainly assigned for crimes of small, much less moderate severity and serve as an alternative to punishment in the form of a fine. Compulsory labor in itself does not limit the convicted person's personal freedom, including freedom of movement around the country, but it differs from such types of punishment as arrest.

The law determines the time for calculating the term of compulsory work. 27 of the Penal Code PEC of the Russian Federation: "The time of compulsory work may not exceed four hours on weekends and days when the convicted person is not engaged in his main work, service or study, and on working days - two hours after the end of work, service or study, and with the consent of the convicted person - four hours. As a rule, the time required for mandatory work during the week should not be less than 12 hours." Convicts are mainly involved in cleaning and improving streets, caring for the sick and elderly, and helping with construction.

It should be noted that by fixing this type of punishment, the legislator, first of all, counted on the possibility of forming a convict's respect for society. Of course, in the above-mentioned works there is also an element of punishment - this is the presence of a criminal record, which, as a result, almost always creates certain inconveniences for a person serving a sentence (during employment, training). As a positive point, it should be noted that the Law has separately identified the category of persons to whom compulsory work cannot be applied. These are disabled people of the first and second groups, pregnant women, women with children under the age of eight, women who have reached the age of 55, men who have reached the age of 60, and conscripted military personnel.

Thus, the work that convicts perform while serving a sentence is of a forced nature, since the convicted person is obliged to work for the benefit of society the number of hours specified in the sentence, and the employment itself is carried out in a forced manner. At the same time, the Law provides for liability for malicious evasion of compulsory work (for example, for violating labor discipline more than twice during a month, appearing at work drunk).

* 1. Correctional work.

The essence of correctional labor consists in a set of restrictions on the rights and freedoms of convicts (labor, material), which are implemented in the process of their participation in socially useful work and, most importantly, without isolation from society at the main place of work of the convicted person. Just like community service, correctional labor is a product of the historical development of forced labor. In addition, they are assigned only to able-bodied citizens and as the main punishment.

Features of correctional work:

a) they are performed at the place of the convicted person's main job (they can also be assigned to unemployed citizens);

b) are property penalties. From the earnings of convicted persons, a deduction is made to the state income in the amount established by the Legislation of the Russian Federation.

by a court verdict (in the range from 5 to 20%);

d) are applied only as the main punishment, and for crimes of small and medium gravity. To obstruct the exercise of electoral rights or the work of election commissions (Article 141 of the Criminal Code), theft (Part 1 of Article 158 of the Criminal Code).::e) are established for a period of 2 months to 2 years, in case of malicious evasion of payment of a fine (replacement of correctional labor by a fine by a court), a period of less than 2 months is established.

Difference between correctional work and compulsory work:

a) the terms of correctional labor are longer than in compulsory labor;

b) the legal regulation of the right to leave varies;

c) in case of malicious evasion of the convicted person from performing work. And reference works may be replaced by deprivation of liberty at the rate of one day of deprivation of liberty for three days of correctional labor, while compulsory work may not be replaced by deprivation of liberty;

d) if, when assigning a sentence of correctional labor, the court concludes that the convicted person can improve without deprivation of liberty, the sentence imposed may be conditional (Article 73 of the Criminal Code). Mandatory work cannot be conditionally submitted:

e) conditional early release may be applied to persons sentenced to correctional labor, but it is not applicable to compulsory labor;

g) the execution of both those, and other works is assigned to the jurisdiction of one body - the criminal correctional inspections of the place of residence of the convicted person.

Thus, compulsory labor and correctional labor have different socio-economic characteristics, which makes it possible to speak about the independence of these types of punishments, and not about different variants of the same punishment.

1.5 Restriction on military service

It consists in deprivingо convicted military personnel undergoing military service under a contract of the possibility of promotion to their post and military rank, while simultaneously withholding a part of their monetary allowance established by a court verdict to the state income. (Article 51 of the Criminal Code). Restrictions on military service are applied only as a primary punishment. At the same time, these are crimes of small or medium gravity. This type of punishment includes the following elements: it applies only to military personnel undergoing military service under a contract; it includes the possibility of raising them while serving their sentence in office and military rank; it provides for the retention of a part of the monetary allowance established by a court verdict to the state income. It should be noted that the restriction on military service applies only to military personnel who perform military service under a contract (officers, ensigns and midshipmen, cadets of military educational institutions of professional education, sergeants, petty officers, soldiers, sailors who entered military service under a contract), This penalty is imposed for committing crimes against military service for a period of from 3 months to 2 years, and when replacing a serviceman with correctional labor assigned for committing crimes not related to military training, restriction on military service, for a period of 2 months to 2 years. Deduction to the state's income in the amount established by a court verdict. (but not more than 20% of the penalty) is made from the monetary allowance of the convicted person. Another feature is that while serving a restriction on military service, a convicted person cannot be promoted to a military rank, and the term of punishment is not counted in the length of service for awarding the next military rank (Part 2 of Article 51 of the Criminal Code).

If a convicted serviceman is dismissed from military service on the grounds stipulated by the legislation of the Russian Federation before the expiration of the term of restriction of service established by a court verdict, the commander of the military unit (Article 148 of the Penal Code of the Russian Federation) sends a submission to the court on replacing the unserved part of the sentence with a milder type of punishment, or on exemption from punishment.

1.6 Deprivation of the right to hold certain positions or engage in certain activities.

The prohibition to engage in professional (medical, pedagogical) or other (trade, show business) activities implies a ban on engaging in any other activity, in addition to activities related to state or municipal serviceбой. This penalty can be used as a primary or additional penalty, if it is omitted, then there is a difference in the terms of the sentence. So, if it is used as the main punishment, the duration is from 1 to 5 years, and if it is used, the additional one is from 6 months to 3 years (Part 2, Article 47 of the Criminal Code). This penalty is applied for crimes that are committed with the use of official position, professional or other activities.

Another feature. If such an assignment is assigned as

in addition to compulsory labor or correctional labor, as well as on the condition of conviction, its term is calculated from the moment the sentence enters into legal force. That is, the terms of the main and additional punishment begin to be calculated simultaneously. A different procedure is provided for if the punishment in question is imposed as an additional one to restriction of liberty, arrest, detention in a disciplinary military unit, or deprivation of liberty. In this case, it applies to the entire period of serving the specified basic types of punishment, but its term begins to be calculated only from the moment of opening the main sentence.

Execution of a penalty in the form of deprivation of the right to hold certain positions or engage in certain activities is assigned to the criminal executive inspectorateat the place of residence of the convicted person, a correctional center, correctional institution or disciplinary position, or to engage in certain activities is assigned to the criminal executive inspectorate at the place of residence of the convicted person, a correctional center, correctional institution or disciplinary military unit (art. 16 PEC of the Russian Federation). The requirements of the sentence are fulfilled by the administration of the organization in which the convicted person works, and by the bodies that have the right, in accordance with the law, to liquidate the permit to engage in a certain activity. Those sentenced to this type of punishment, as a rule, make up a small part of the total number of persons registered with the Head Executive Inspectorate. Despite the fact that the total number of persons sentenced to such a measure of punishment without isolation from society is decreasing, this category of convicts is still characterized by an annual increase in both relative quantitative and absolute indicators.

1.7 Restriction of freedom.

The essence of this punishment is expressed in the restriction of the rights and freedoms of the convicted person to move, visit certain places, use forms of leisure, choose a place of residence, work and (or) study. Let us focus on the legal restrictions imposed on persons sentenced to restriction of liberty (Article 53

Criminal Code Of the Russian Federation ): do not visit certain places located within the territory of the relevant municipality, do not leave the place of permanent residence (stay) at certain times of the day, do not visit places of mass and other events and do not participate in these events, do not change the place of residence or stay of the place of work and (or) study without the consent of a specialized state body The state body that supervises the serving of a sentence by convicted persons, the penalty in the form of restriction of freedom is imposed only to persons who are not 18 years old at the time of sentencing, disabled people of the 1stand 2nd groups, pregnant women, women who have children under the age of 14, women who have reached the age of 55, men - up to 60 years of age (4.5. Article 53 of the Criminal Code).

Also, restriction of freedom is imposed (Part 2 of Article 53 of the Criminal Code): a) persons who have no previous criminal record and have been convicted of committing intentional crimes (from 1 year to 3 years); b) persons convicted of crimes committed by negligence (from 1 year to 5 years). If compulsory or correctional labor is replaced by restriction of freedom, then the penalty is possible for a period of less than 1 year (Part 3 of Article 53 of the Criminal Code). At the same time, the term of restriction of freedom is calculated from the date of registration of the convicted person in the correctional center.

**Conclusion**

In the course of our research on "The use of educational tools in the execution of sentences not related to restriction or deprivation of liberty", we came to important conclusions that emphasize the importance of an integrated approach to criminal justice and rehabilitation of offenders.

The use of educational tools within the framework of alternative punishments is a key element that contributes to the social adaptation of convicts, their recovery in society and the reduction of recidivism. Educational measures, such as social programs, occupational therapy, psychological support and educational courses, help not only correct the behavior of offenders, but also develop the skills necessary for their successful integration into society.

Thus, the effective use of educational tools in the execution of non-custodial sentences is not only a humanitarian aspect of criminal justice, but also a constructive approach to minimizing crime in the future. We are confident that further development and implementation of such methods will help create a fairer and more effective justice system that promotes public well-being and security.

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