УДК 343.847 DOI 10.33463/2712-7737.2019.01(1-3).3.197-200

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REVIEW OF YU. A. KASHUBA'S MONOGRAPH **«SUSPENDED SENTENCE (RELEASE)** WITH MANDATORY INVOLVEMENT IN LABOR» UNDER THE SCIENTIFIC EDITORSHIP OF THE LAUREATE OF THE GOVERNMENT OF THE RUSSIAN FEDERATION IN THE FIELD OF SCIENCE AND TECHNOLOGY, PHD (LAW), SCD (ECONOMICS), PROFESSOR N. D. ERIASHVILI

РЕЦЕНЗИЯ НА МОНОГРАФИЮ Ю. А. КАШУБЫ «УСЛОВНОЕ ОСУЖДЕНИЕ (ОСВОБОЖДЕНИЕ) С ОБЯЗАТЕЛЬНЫМ ПРИВЛЕЧЕНИЕМ К ТРУДУ» ПОД НАУЧНОЙ РЕДАКЦИЕЙ ЛАУРЕАТА ПРЕМИИ ПРАВИТЕЛЬСТВА РОССИЙСКОЙ ФЕДЕРАЦИИ В ОБЛАСТИ НАУКИ И ТЕХНИКИ. КАНДИДАТА ЮРИДИЧЕСКИХ НАУК, ДОКТОРА ЭКОНОМИЧЕСКИХ НАУК. ΠΡΟΦΕССОРА Η. Δ. ЭРИАШВИЛИ

Abstract. The article presents a review of a monograph on the problems of penal law "Suspended sentence (release) with mandatory involvement in labor". The monograph was published in "UNITY-DANA: Law and Right" in 2018 ISBN 978-5-238-03062-3. The author is Yuriy Anatol'evich Kashuba, DSc (Law), Professor, professor of penal law department at the Academy of the Federal penitentiary service of Russia. The monograph is recommended for publication by the Research Institute of Education and Science, as well as the International Educational and Methodological center "Professional textbook". The monograph is devoted to Institutes of probation with mandatory involvement in labor and conditional release from places of liberty deprivation with mandatory involvement

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of the convict in labor. These institutions were founded since the decrees adoption of the Supreme Soviet Presidium of the USSR "About parole from places of imprisonment for convicts, who have embarked on a way of correction, for work on constructions of national economy enterprises" (adopted on 20.03.1964), "About probation with mandatory involvement of convicted persons in labor" (adopted on 12.06.1970). After liquidation of the USSR, they were canceled in 1993. Later, the legislator introduced new types of punishment – restriction of freedom, and later – forced labor that borrowed many elements from probation with mandatory involvement in labor (Article 24.2 of the Criminal Code of the RSFSR) and parole with mandatory involvement of convicted persons in labor (Article 53.2 of the Criminal Code of the RSFSR). The monograph can be used in improving the norms of criminal, criminal procedural and penal legislation, in the activities of the Penal system, in the process of teaching criminal and penal law and other related disciplines.

Keywords: probation, release with mandatory involvement in labor, work of parolees, educational work with parolees, collective of parolees, criminological characteristics of parolees.

Аннотация. В статье представлена рецензия на монографию по проблемам уголовно-исполнительного права "Условное осуждение (освобождение) с обязательным привлечением к труду". Монография опубликована в Издательстве "ЮНИ-ТИ-ДАНА: Закон и право" в 2018 г. ISBN 978-5-238-03062-3. Ее автором является Юрий Анатольевич Кашуба, доктор юридических наук, профессор, профессор кафедры уголовно-исполнительного права Академии ФСИН России. Монография рекомендована к изданию Научно-исследовательским институтом образования и науки, а также Международным учебно-методическим центром «Профессиональный учебник». В монографии рассматриваются институты условного осуждения к лишению свободы с обязательным привлечением к труду и условного освобождения из мест лишения свободы с обязательным привлечением осужденного к труду. Указанные институты возникли со времени принятия указов Президиума Верховного Совета СССР от 20 марта 1964 г. «Об условном освобождении из мест лишения свободы осужденных, вставших на путь исправления, для работы на строительстве предприятий народного хозяйства», от 12 июня 1970 г. «Об условном осуждении к лишению свободы с обязательным привлечением осужденного к труду». После ликвидации СССР они были отменены в 1993 г. Позднее законодатель ввел в перечень наказаний новые виды – ограничение свободы, а еще позднее – принудительные работы, заимствовавшие немало элементов из условного осуждения с обязательным привлечением к труду (ст. 24.2 УК РСФСР) и условного освобождения из мест лишении свободы с обязательным привлечением осужденного к труду (ст. 53.2 УК РСФСР). Монография может быть использована при совершенствовании норм уголовного, уголовно-процессуального и уголовно-исполнительного законодательства, в деятельности уголовно-исполнительной системы, в процессе преподавания уголовного и уголовно-исполнительного права и других смежных дисциплин.

Ключевые слова: условное осуждение, освобождение с обязательным привлечением к труду, труд условно осужденных, воспитательная работа с условно осужденными, коллектив условно осужденных, криминологическая характеристика условно осужденных.

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Recommended citation / Для цитирования

Rodionov, A. V 2019, 'Review of Yu. A. Kashuba's monograph "Suspended sentence (release) with mandatory involvement in labor" under the scientific editorship of the laureate of the Government of the Russian Federation in the field of science and technology, PhD (Law), ScD (Economics), Professor N. D. Eriashvili', *International penitentiary journal*, vol. 1(1–3), iss. 3, pp. 197–200, doi: 10.33463/2712-7737.2019.01(1-3).3.197-200.

Родионов, А. В. Рецензия на монографию Ю. А. Кашубы «Условное осуждение (освобождение) с обязательным привлечением к труду» под научной редакцией лауреата премии Правительства Российской Федерации в области науки и техники, кандидата юридических наук, доктора экономических наук, профессора Н. Д. Эриашвили / А. В. Родионов // Международный пенитенциарный журнал. – 2019. – Т. 1(1–3), № 3. – С. 197–200. – DOI : 10.33463/2712-7737.2019.01(1-3).3.197-200.



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The problem of convicts' work organization in modern conditions is of significant importance. This is largely due to the fact that socially useful work for a long time remains one of the most effective means of convicted criminals' correction. The humanization of criminal and penal policies has a significant impact on reducing the number of persons in places of liberty deprivation. Increasing the number of persons sentenced to punishments not connected with deprivation of liberty, as well as persons who received conditional release. At the same time, the complex of problems related to attracting this category of people to socially useful work requires special attention from the scientific community.

It should be noted that the search for new legal and organizational and economic means of using labor as a means of correction is an important task due to the fact that the structure of convicts in the context of their crimes is changing significantly. It should be also noted that economic parameters of functioning of newly established correctional centers also determine the need to review existing models of labor organization for persons sentenced to non-custodial sentences.

The reviewed monograph is prepared on a topic that has a direct application value. We can agree with the author that, despite the fundamental difference between the institutions of probation and conditional release with mandatory employment in the system of legislation, both of them are aimed at limiting the use of libertydeprivation, and arose in connection with the search for new means of convicts' correction, as well as preventing commission of new crimes.

The author pays special attention to the retrospective analysis of legal acts of the Soviet and post-Soviet periods. The monograph analyzes the following issues: social orientation and nature of the institutions of probation and conditional release from prison with mandatory involvement of the convicted person to work; determining the procedure and conditions for their application; determining the system of bodies that execute conditional sentences and release with mandatory involvement of the convicted person to work; identification of features of implementation of basic means of correction for conditionally released persons with obligatory involvement in work

The conclusions obtained by the author can be used for the development of theory of penal law, as well as taken into account when improving modern penal legislation.

The reviewed monograph is a complex, new, original scientific work, which raises a significant field of problematic issues, as well as identifies promising areas for their solution. This work makes a significant contribution to modern penitentiary science, and its publication is a significant event for the scientific, practical and professional community.