Antipov Alexey Nikolaevich

Monitoring as a means of controlling the state of the external and internal environment

No. 3 , 2017

The basis for increasing the efficiency of the functioning of any complex system is objective information about the processes taking place in it. It is she who allows you to respond in a timely manner to emerging negative changes, accordingly make the right management decisions, and determine the directions for further development.

Monitoring is one of the most effective ways to obtain this information. That is why the issues of its organization and implementation are given increased attention both by the country's leadership and the leadership of various federal executive bodies and other structures.

Taking into account the cost , multidimensionality, labor intensity of monitoring, it seems necessary and advisable to initially get acquainted in more detail with its types and stages of implementation. The initial stage of obtaining data is directly related to the definition (development) of a certain set of criteria and indicators, which are the "cornerstone" of objectivity, sufficiency and reliability of obtaining information. The next stage is the processing of the information received. This stage largely depends on the professional preparedness of the persons who carry it out. Only the understanding that monitoring is not only a complex process of obtaining a certain set of data, but also their further adequate processing, analysis, interpretation, translation from a quantitative component to a qualitative one, and the development of proposals can lead to a positive result.

The theoretical aspects of organizing and conducting monitoring presented in the article, illustrated with specific examples, will allow a deeper understanding of these processes and further put into practice the knowledge gained.

The examples given on the penal system of the Federal Penitentiary Service of Russia can be considered by analogy in the activities of other ministries and departments of federal executive bodies.

Valeev Artem Takhirovich

APPEALS OF CRIMINAL JUDGMENTS IN THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS AND THE UN HUMAN RIGHTS COMMITTEE

No. 3, 2017

In the course of implementing the provisions of the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Court of Human Rights (ECHR) and the UN Human Rights Committee (UN HRC) have developed certain international standards of the right to appeal against court decisions on criminal business.

In accordance with these standards, only the convicted person has the unconditional right to appeal against court decisions in criminal cases. The content and limits of the right to appeal against court decisions in criminal cases of other participants in criminal proceedings, including the victim, are determined by national legislation and are not part of these standards. The main differences between the latter are the permissible restrictions on the right to appeal, as well as requirements for the form of the appeal procedure. In particular, the ECHR provides states with ample opportunities to limit the right to appeal, establishing that it can be limited only to questions of law, or a person wishing to appeal to a higher court must obtain permission to appeal. In addition, exceptions may be made to the right to appeal in respect of minor offenses, as well as when the person was already tried in the first instance by the Supreme Court or convicted on appeal against his acquittal.

The UN HRC in its practice takes a different point of view on the permissibility of such restrictions, believing that a review that is limited to the formal or legal aspects of a conviction without any consideration of the facts is insufficient. The Committee considers it inadmissible to deny the right to appeal

for minor offenses, decisions made by the Supreme Court of First Instance, as well as convictions issued following an appeal against an acquittal.

The UN HRC does not impose any special requirements on the form of the appeal procedure, including not requiring a full re-examination of the case. The practice of the ECHR in this regard appears to be somewhat inconsistent. On the one hand, the ECHR is loyal to various restrictions on the right to appeal, and on the other hand, it has repeatedly recognized violations of the provisions of the Convention when a full review of the case, provided for by national legislation, has not been carried out.

Vedeneev Yuri Alekseevich

LEGAL SCIENCE: AN INTRODUCTION TO THE CONCEPTUAL HISTORY

No. 3, 2017

The article is devoted to the issues of epistemological and socio-cultural foundations of the development of jurisprudence. The conceptual history of the discipline goes beyond the existing tradition of presenting the evolution of political and legal ideas, teachings and doctrines. The study of the issue involves the analysis of changes in the systems of legal knowledge or the subject, structure and language of the discipline in the context of sociocultures of certain historical epochs of their formation and development.

The conceptual perspective in the study of legal science as a sociocultural phenomenon constitutes a new scientific direction and approach in legal research. Its theoretical development makes it possible to expand the boundaries of interdisciplinary contacts with other social sciences, to ensure movement from the dogmatic format to the format of cultural-historical jurisprudence or the jurisprudence of the poetics of a legal text - its historical vocabulary, semantics and stylistics. The conceptual history of legal science is complemented by its

institutional history, which constitutes the general history of the development of both law and the science of law.

Gorbunova (Korshunova) Irina Viktorovna

LEGAL STATUS OF EASONS IN SIBERIA IN THE SECOND HALF OF THE XIX - BEGINNING OF XX centuries.

No. 3, 2017

The article is devoted to the formation and content of the legal status of estates in Siberia in the second half of the 19th - early 20th centuries: nobility, clergy, urban and rural inhabitants (Cossacks, merchants, burghers, peasants, foreigners). A comparative legal analysis of the structure of the Russian and Siberian society, the legal status of the taxable and non-taxable strata of the population of Siberia and Russia, the all-Russian and regional legislation of the national outskirts is carried out.

As a result, the author comes to the conclusion that the formation of the composition of the estates and their legal status in Siberia were associated with the colonial policy of the tsarist government, aimed at developing this region and subordinating it to the tasks of the center. Reforms and changes in legislation in the second half of the 19th - early 20th centuries. were aimed at undermining the estate-patriarchal social system, contributed to the erasure of class differences and a radical change in the legal status, primarily of the taxable strata of the population (urban residents, peasants, foreigners). The government sought to eliminate the estate privileges of the aborigines in comparison with the peasants, to subordinate both of them to the action of all-Russian legislation. However, the process of endowing peasants and foreigners with personal (civil) and property rights in their entirety proceeded slowly, since the state policy was deliberately aimed at preserving class survivals in the legal status of peasants and foreigners.

A comparative analysis of the legal status of the nobility and the Cossacks in Siberia and Russia showed that in economic and socio-political relations, the

Siberian version of the legal status of these social groups was inferior to the all-Russian one. The Siberian nobility was not part of the ruling class-estate of feudal lords, but was a privileged stratum of society, adjacent to the ruling class. The Siberian Cossacks were a specific service and labor stratum; having lost the opportunity to receive hereditary nobility, entered the lower levels of the police apparatus, and also on their 30 tithes of land allotment, the Cossacks could engage in agriculture.

Dorfman Marat Mikhailovich

DETENTION OF FOREIGN CITIZENS IN THE TERRITORY OF ISRAEL FOR THE PURPOSE OF THEIR DEPORTATION

No. 3, 2017

The article examines the legal aspects of the detention of persons illegally in Israel for the purpose of their deportation from the country. Particular emphasis is placed on the legal framework that regulates the detention of illegal immigrants and the changes that have occurred in this area from the 90s of the last century to the present day. A relationship is being drawn between the deportation of persons who violated the visa regime and their detention immediately prior to deportation. Explains the functions of a border guard inspector. The duties and powers of the court to supervise the detention of persons illegally in Israel are examined in detail. There are also examples from judicial practice in which the court found it possible to release people from custody on bail. The author of the article concludes that the release by the court of persons for the purpose of their independent departure from the country is an exception to the rule. It is proposed to make a number of proposals to improve the mechanisms for protecting the rights of persons held in custody in Israel for the purpose of their deportation, since, according to the author, the rights of such persons are not sufficiently protected in Israeli legislation. The main proposals are as follows. First, to limit the maximum time of detention to 12 months. Secondly, to consolidate at the legislative level the

provision of free legal aid to persons in custody. Finally, add alternative measures of detention, such as house arrest under the supervision of special devices such as electronic bracelets.

Isaev Igor Andreevich

PHANTOM STATE OR IMAGINARY POLIS (Greek motives)

No. 3, 2017

The article examines an aspect important for political and legal history - the formation and origins of such a phenomenon as political utopia. Its classic example was the " polytheia " of Plato, which was formed in the struggle against the ideology and concepts of the Greek sophists and political demagogues. The relevance of the topic is enduring, since the entire subsequent political history of Europe proceeded under the sign of this Platonic utopia. It was perceived as a model by both democratic and totalitarian ideologues of the modern world. The Greek "phantom" state dialectically combined features of broad democracy and tyranny. The polis was both a territorial, spatial formation and a spiritual and symbolic unity, a kind of "matrix" from which modern statehood was later born. Mythological thinking imparted to polis politics elements of a transcendental and sacred existence. In those conditions, what would later be called political mythology or political theology was born. The dialectic of the coexistence of two worlds, the aggressiveness of the "evil empire", the dark chthonic forces - all of this will be interpreted in the ideological wars of a later time. Plato managed to create an ideal model of the state that sets the style and nourishes the spirit of statehood and politics both in the Middle Ages and, in particular , in the Renaissance. It was at this time that Plato's utopian model received a completely modern interpretation.

Nomos or law was an integral part of an imaginary polis state, which was often identified with it. The most important categories of legal and political science, such as justice, truth, law, guilt, equality, etc., are considered in this work

in a wide cultural context, playing an important role both in the framework of a real polis structure, and in the imaginary state of Plato. Such thinkers as F. Nietzsche, A. Schopenhauer, V. Dilthey , J. Evola , K. Schmitt , E. Jünger and many other philosophers, jurists and historians made their contribution to the study and development of the problem . The article pays a lot of attention to the analysis of their positions and assumptions. The main attention is paid to the analysis of such a category as the law and its role in the formation of the state - the policy. At the same time, the role assigned to both the real action of the law and its ideal significance is equally important. The author of the article draws attention to the category of "imaginary", so characteristic of the mythological and poetic perception, which distinguished political and legal consciousness in antiquity. At the same time, he emphasizes the relevance of this category - without the factor of imagination, neither active political activity, nor productive legislation is possible . Greek motives are still heard in modern political life.

Klimenko Yuri Alexandrovich

EXTREMIST COMMUNITY ORGANIZATION : QUALIFICATION ISSUES

No. 3, 2017

The article examines the signs of the objective side of the corpus delicti under Art. 2821 CC, which are of the greatest importance for qualifications. In the course of the study, the issue of the legal nature of this crime was covered and the conclusion was formulated that the extremist community is a special type of complicity in crimes of an extremist orientation, separated into an independent composition within the framework of the Special Part of the Criminal Code. The paper presents the main points of view that have developed in the doctrine on the form of complicity within which the extremist community exists. As a result of the analysis of the norms of the criminal law and materials of judicial practice, the signs used by the courts to establish the fact of the presence of an extremist

community were revealed. It is concluded that the extremist community belongs to such a form of complicity in a crime as a criminal community (criminal organization), and a definition of the concept of “extremist community” is formulated. The main forms of socially dangerous act provided for by Art. 2821 of the Criminal Code. Recommendations are given on the qualification of the crime provided for in Part 1.1 of Art. 2821 of the Criminal Code of the Russian Federation, and the resolution of problematic issues related to this rule (competition with the prescriptions of Part 1 and Part 2 of Article). In connection with the addition of the criminal law, Art. 2823 of the Criminal Code of the Russian Federation "Financing of extremist activities" resolved the question of the ratio of the norms formulated in part 2 of Art. 2821 and art. 2823 of the Criminal Code of the Russian Federation, as well as formulated proposals on the qualification of the offense in cases where a member of the extremist community finances it. The author has developed recommendations for improving the clarifications of the Plenum of the Supreme Court of the Russian Federation, dedicated to the interpretation of the norms on responsibility for organizing an extremist community under Art. 2821 of the Criminal Code of the Russian Federation.

Kondrashev Andrey Alexandrovich

THE IDEA OF THE LEGAL STATE IN RUSSIA: CONSTITUTIONAL MYTHOLOGY AND LEGAL REALITY

No. 3, 2017

The article examines the concept of a "rule of law" and gives the author's definition of the concept of a "rule of law" - this is an organization of public power, formed by society on the basis of the principles of free elections, separation of powers, independence of the judiciary in order to implement and protect the rights and freedoms of every citizen, controlled by institutions civil society. The author has classified the approaches to the concept of the rule of law that exist in

the science of constitutional law. The author has identified a number of features of the rule of law: 1) the formation of state authorities and local self-government bodies on the basis of free elections, 2) the formation of higher authorities without the participation of the president; 3) guaranteed realization of the rights and freedoms of the individual, both political and economic and social; 4) real and state guaranteed freedom of expression, embodied in the presence of freedom of speech, freedom to hold various public events and freedom of association in public associations; 5) the legislative establishment of real mechanisms for full compensation by the state for harm caused to a citizen; 6) the presence of a stable system of legislation and non-politicized law enforcement ; 7) the presence of a fair and independent court; 8) ensuring real democracy by the people through the active and consistent use of various mechanisms of direct democracy. The author analyzes the relationship between the rule of law and the organization of state power in Russia, the rule of law and the law, the rule of law and the judiciary, the rule of law and civil society. The author comes to the conclusion that at the moment the theory of the rule of law in Russia is very contradictory. And the constitutional formula for the recognition of Russia as a legal state is today only a kind of borrowed slogan, expressing a kind of meaningless political declaration. The main conclusion is made in the work: in order for the concept of the rule of law to become firmly rooted in the domestic legal system, to become a reference point for actual constitutional and legal relations, a radical and qualitative modernization of the key institutions of the state and society is required. In addition, it is necessary to change the legal consciousness of the majority of Russians: from the patriarchal type, relying on the mercy of the state, which provides certain benefits, to the individual legal one, when each citizen must demand the realization of his rights using judicial methods of protection and actively monitor the effectiveness of the work of state institutions.

Lazareva Valentina Alexandrovna

ACTUAL RESEARCH (Review : Shestakova L.A. Implementation of the concept of juvenile justice in juvenile proceedings in the Russian Federation. - M .: Jurlitinform , 2016. - 252 p.)

No. 3, 2017

The article is a review of the monographic research of L.A. Shestakova "Realization of the concept of juvenile justice in juvenile proceedings in the Russian Federation". The relevance of the topic of the monograph under review is due to the attention that is given in the modern world to the treatment of minors who have violated the criminal law. Russia's international obligations have necessitated reforming juvenile proceedings in the direction of creating a special model of juvenile justice in the Russian Federation as an effective accessible mechanism for protecting the rights and interests of minors. Juvenile justice is contrasted with punitive justice with its punishments associated with isolation from society, with suspended sentences that do not entail correction, but, on the contrary, contribute to maintaining high rates of recidivism of minors. International acts recommend that the participating States form a model of juvenile-friendly justice, which should include an informal procedure for considering a juvenile case; a wide range of methods of influencing the offender; active educational work with minor teachers, psychologists, social workers; the use of alternative traditional procedures, compensation for harm, psychological readaptation of the victim, educational and corrective work with the offender himself. International acts emphasize the need to apply to juvenile offenders such restorative procedures as prevention, transaction, mediation, family conferences. However, none of the listed means of restorative influence on a juvenile offender is used in Russia largely due to doctrinal reasons. The aim of the research undertaken by the author is to determine the directions of development of criminal procedural legislation that regulates juvenile proceedings, taking into account the possibility of introducing into it restorative procedures based on a compromise as a way of resolving criminal legal conflicts. The monograph shows that the idea of introducing a mediation procedure into the preliminary investigation of juvenile

crimes corresponds to the goal of increasing the effectiveness of the implementation of the institutions for terminating a criminal case in connection with the reconciliation of the parties (Article 25 of the Code of Criminal Procedure of the Russian Federation) and the use of compulsory measures of educational influence (Article 427 of the Code of Criminal Procedure of the Russian Federation).

Mityukov Mikhail Alekseevich

CONSTITUTION AND FEDERAL TREATY: RELATIONSHIP PROBLEMS (political and legal discussions May 1992 - September 1993)

No. 3, 2017

Based on documentary sources (transcripts of the Congresses of People's Deputies, the Supreme Council and the Constitutional Commission of Russia) and other materials, the author, member of the Constitutional Commission and Chairman of the Committee on Legislation of the Former Armed Forces, explores the peculiarities of the relationship between the Constitution and the Federal Treaty (FD), touches upon certain aspects of political and legal discussions around it during the period of incorporation into the previous Constitution of 1978 (with amendments and additions) until the termination of the activities of the Congress of People's Deputies and the Supreme Soviet of the Russian Federation. Shows that the emphasis of the polemic between supporters and opponents of the Federal Treaty focused on the problems of interpreting the place of the treaty in the Constitution, its legal nature and implementation. The first believed that FD needed appropriate mechanisms, procedures, additional concretization of the principles for the implementation of certain norms. Opponents objected to the legislative regulation of the implementation of the FD, fearing that in this way he would replace the Constitution and make it an "unnecessary document." They also did not accept the idea of creating a new Federation Council as a supposed mechanism for implementing the Federal Treaty.

The article analyzes the controversial practice of 1992-1993 for the first time. on the application of FD by legislative and executive authorities. It is noted that the problem of the correlation between the Constitution and FD receives a special confrontational intensity in the light of the implementation of the constitutional reform in the constituent entities of the Russian Federation (Bashkiria, Yakutia, Tuva, etc.), discussion of the draft of the new Constitution drawn up by the working group of the Constitutional Commission, preparation of the main provisions of this Constitution, as well as the draft "constitutional agreement" on the way out of the political crisis.

By the end of the summer, there were three mutually exclusive opinions in parliamentary circles: 1) to use the full potential of the Federative Treaty and “not to enter the constitutional race” (VB Isakov); 2) to abandon the "apologetics of the Federative Treaty" and accelerate the adoption of the parliamentary draft of a new Constitution (OG Rumyantsev); 3) to support the Constitutional meeting to finalize the presidential draft of the Constitution (M.A.Mityukov and others).

Especially, with a certain criticality, the author dwells on some theoretical and legal-technical research of the leadership and experts of the Constitutional Commission in the field of correlation between the Constitution and FD: on the "true correlation" of these acts; dividing the text of the agreement into declarative and regulatory content; structural and cumulative options for the incorporation of FD in the future new Constitution of dr.

In conclusion, the results of the study of the first period in the development of the relationship between the Constitution and the Federal Treaty are summed up .

Sitnikova Alexandra Ivanovna

LEGISLATIVE TEXTOLOGY OF CRIMINAL LAW

No. 3, 2017

The legislative-textual approach to criminal law, in contrast to the traditional linguistic approach, rests on the understanding that the end result of legislative activity is the text of the criminal law. Legislative textual criticism has two areas of practical application: the construction of criminal law regulations and the interpretation of the texts of the criminal law.

The first direction of the practical application of legislative textual criticism makes it possible to identify the textual features of the criminal law, to establish the dynamics of changes in the articles of the General and Special parts of the Criminal Code of the Russian Federation, to analyze the structural organization of the text of the criminal law, to identify the minimum, optimal and oversized texts of the articles, to differentiate criminal law prescriptions in accordance with their compositional and graphic features and give practical recommendations for improving the architectonics of articles of the Criminal Code of the Russian Federation, consider the problem of the quality of the criminal law in relation to its addressees, establish the textual features of the headings of the articles of the Special Part of the Criminal Code of the Russian Federation, develop practical recommendations on the application of the provisions of legislative textual criticism in the design of notes, identify new constructions of corpus delicti with restrictive (restrictive) features.

Legislative-textological interpretation as the second direction of the practical application of legislative textual criticism makes it possible to analyze the text of a criminal law, including its structural , constructive and conceptual features, to develop an algorithm for legislative-textual interpretation that provides a step-by-step interpretation of the text of a criminal law.

The methodological foundations of legal textual criticism are both traditional methods of cognition (the method of historical reflection, comparative legal, logical, sociological, statistical, the method of expert assessments), and new approaches to the study of the text of the criminal law (discursive, textocentric , communicative and the method of structural analysis).

Stelmakh Vladimir Yurievich

OBTAINING INFORMATION ABOUT CONNECTIONS BETWEEN SUBSCRIBERS AND (OR) SUBSCRIBER DEVICES

No. 3, 2017

The author examines the issues of legal regulation of a new investigative action introduced in 2010 into the criminal procedure law - obtaining information about connections between subscribers and (or) subscriber devices. In Art. 1861 of the Code of Criminal Procedure of the Russian Federation provides a list of types of information received, which unreasonably limits the cognitive capabilities of an investigative action. Taking into account the tendency to increase the parameters of connections registered by the equipment of telecom operators, it would be advisable to provide in the specified norm for obtaining any information about connections between telecommunication means. The term “subscriber” used in the law is inaccurate, since connections are made not between subscribers as such, but between the telecommunication means used. The term "subscriber unit" is not entirely applicable to computers, the functionality of which is not limited to the transmission of messages. In connection with the above, it is proposed to change the name of the investigative action to “obtain information about the connections of telecommunication means”, to clarify and consolidate directly in the criminal procedural law the concept of “telecommunication means”, including identification modules (SIM-cards) among them, since from the point of view of of legislation on communication, such devices cannot be attributed to communication means. Connections include communication sessions during which voice and non-voice information is transmitted and received , as well as call signals recorded by the base station, even if the interaction with the called subscriber unit did not take place. Before starting an investigative action, it is necessary to obtain information about the identification number of the telecommunication means. This information is requested by sending a request by the investigator, without a court decision. Currently, there is no deadline for the execution of the investigator's

requests, which significantly complicates the process of assigning investigative actions. Therefore, a proposal is made to establish in the Code of Criminal Procedure of the Russian Federation the deadline for the execution of the investigator's request and the introduction of administrative liability for non-execution or untimely execution of the request. At present, it is not clear from the text of the Code of Criminal Procedure of the Russian Federation whether, within the framework of the investigative action under consideration, it is allowed to obtain information about the connections not only of specific subscriber devices, but also of all those served by the base station for a certain period. The thesis about the possibility of obtaining such information is argued. In addition, the law does not separate retrospective and prospective procedures for obtaining information, as a result of which it remains unclear whether the established in Art. 1861 of the Code of Criminal Procedure of the Russian Federation, a 6-month period for obtaining information about previously established connections. The author substantiates that the specified period applies only to obtaining information in a prospective manner. The article argues that the results of the investigative action under consideration in terms of the types of evidence are not material evidence, but other documents. As a result of the study, the author proposed new formulations of the norms of the criminal procedure law governing the investigative action under consideration.

Talan Maria Vyacheslavovna

FIRST LAWYERS OF KAZAN UNIVERSITY

No. 3, 2017

The article is devoted to the history of legal education and science at Kazan University. The first teachers of law at Kazan University were German professors who tried not only to teach, but also continued to engage in scientific research. At the beginning of the XIX century. Within the walls of Kazan University, the ideas of creating a literary and legal society, a prototype of a legal clinic were realized,

public tests were carried out for persons seeking to take public positions. A trial committee was organized for officials in legal subjects.

The first Russian professor of jurisprudence was Gavriil Ilyich Solntsev. The article describes the procedure for the first in the history of the university to defend a dissertation in law. On the example of the activities of Professor Solntsev, the process of teaching law is shown, which combined two methods - practical and comparative-historical. Solntsev owns the first teaching aids on teaching legal sciences, in which he opposes the mechanical process of lecturing. The recommendations offered by him have not lost their relevance today, they are useful to modern teachers. On the example of testing for the degree of candidate of jurisprudence at Kazan University, the process of obtaining a teaching position is disclosed.

The personality of Professor Solntsev was very multifaceted. He successfully combined scientific, teaching and administrative activities, in different years he served as dean and rector of Kazan University. Solntsev was a real professor in the highest sense of the word. During the period of trusteeship over the Kazan University of Magnitsky, disagreements arose between him and Solntsev about the methodology of teaching natural law. As a result, the university trial of Solntsev took place, at which the content of his lectures was discussed. Solntsev, in writing or orally, answered 217 questions about natural law and the essence of law in general. Subsequently, Solntsev was dismissed from the university of his own free will and for twenty years successfully fulfilled the duties of the Kazan provincial prosecutor. Solntsev entered the history of legal science not only as the author of the first textbook on criminal law, but also as a talented professor who combined the theory of law and practice.

Pavel Teplyashin

EASTERN EUROPEAN TYPE OF PENITENTIARY SYSTEMS

No. 3, 2017

The article provides a brief description of the Eastern European penitentiary type, which is characterized by a search for a balanced approach to solving the dilemma between ensuring public safety and adherence to the doctrine of human rights, the jurisdiction of the penitentiary institutions' governing bodies to the relevant ministries of justice (with the exception of Hungary), a fairly high prison rate, both the rule is the minimum number of foreign convicts and a slight excess of the normatively envisaged staffing capacity in correctional institutions The implementation of public-private partnership projects in the functioning of prisons (Albania, Bulgaria, Hungary and the Czech Republic) and the immediate prospect of partial prison privatization (Romania, Slovenia) are primarily associated with problems of state financing of penitentiary institutions.

It is noted that prisons and authorities of this type have many similarities, they have established cooperation in the area of family penal justice, the implementation of the projects "National Ethics of Scientific Research" (NHREs) and "Ethics of Relations and Behavior" (EABs).

The general trend is a decrease in the duration of imprisonment, a gradual increase in prison space and conditions of detention of convicts. The practice of the used means of correcting convicts is expanding in terms of obtaining general education and vocational training, the use of individual programs for serving sentences and social reintegration , training psychiatric technologies, as well as the peculiarities of the treatment of certain categories of prisoners (drug addicts, women, persons convicted of sexual crimes, etc.).)

It is noted that against the background of active measures to maintain progressive standards of treatment of convicts in prisons, the reports of human rights organizations and the reports of CPT representatives note violations of the rights of convicts up to violence and cruel treatment, significant shortcomings in the use of remedies for persons serving sentences, or other shortcomings in the organization of the activities of correctional institutions.

The conclusion is formulated that in the context of the ambiguous reform of the domestic penal system, the analysis of the Eastern European penitentiary type

determines a natural scientific interest in further typological comparative legal research of the entire European penitentiary map.