

ESSAY The Genesis of the Institute of Criminal Punishment in Forced Works

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ABSTRACT

The article is devoted to the peculiarities of the formation of the legal basis for the execution of this type of criminal punishment, like forced labor. The scientific paper uses formal-logical, historical and comparative-legal research methods. The history of the appearance and development of this type of punishment is analyzed, the study of the houses of correction, workhouses and correctional arresting units as a prototype of current correctional centers is conducted. The results of the first year of forced labor in the Russian Federation were summed up. The main problems and difficulties associated with the execution of punishment in the form of forced labor are indicated.

Keywords: forced labor, houses of correction and workhouses, a correctional center, the sentence

A characteristic feature of the state's penitentiary policy at the present stage is the reduction in the application of imprisonment sentences, with substitution for sentences not related to isolation of convicts from society. The agenda of the second Congress of the Union of Criminalists held in Bern in 1890 included the issue of forced labor as an alternative to short-term imprisonment. Although consensus on the significance of compulsory labor as a penal sanction and its place in the system of penalties has not been achieved, nonetheless, two approaches to the implementation of forced labor as an independent penal sanction have developed: supporters of the first approach believed that forced labor should limit the right to freedom of labor and not the personal freedom of the convict, while supporters of the second approach believed that without restricting freedom for a sufficient period, the significance of the sanction as a disciplinary measure gets lost. At subsequent congresses of the Union of Criminalists, the issue of this type of punishment was not discussed.

With the adoption of Federal Law No. 420-FZ on December 7, 2011, forced labor as a new type of punishment appeared in the Criminal Code and the Penal Code of the Russian Federation, along with the already existing mandatory and corrective labor. The first version of the law provided for the start of the application of this type of punishment from January 1, 2013, however, the term was postponed twice — to January 1, 2014 and January 1, 2017. The main reason for the postponement was the significant cost of imposing the sentence and organizing its execution, since, according to the legislator, the court decision on punishment by forced labor had to be executed in correctional centers in the region of residence or sentence.

It should be noted that forced labor is not an absolutely innovative norm for Russian law. A punishment of similar content was used in Russia in the era of Peter the Great. This period of development of the penal system of the Russian state was characterized by an increase in the number of prisoners, a limited number of detention facilities and a lack of funds for their maintenance. Therefore, standards on compulsory forced labor for arrestees were introduced to the articles of war of 1715 and the General Regulations of 1720. Thus, the arrestees, serving their sentences in isolation from society, were used as free labor for various works carried out in places of detention.

In the first half of the 18th century, the task of extracting benefits from the labor of those sentenced to imprisonment becomes a priority for officials. Houses of correction and workhouses, as well as correctional detention centers originate as prototypes of current correction centers.

In 1721, the Handbook of Instructions of the Main Magistrate in several cities established houses of correction for men and spinning houses for women so that detainees would provide their own food as a minimum.¹

The legislative act "Institutions for the Governance of the Governorates of the All-Russian Empire" adopted on November 7, 1775 in the reign of Empress Catherine II passed the houses of correction and

¹ Fumm A. M. Criminal Executive Standards as the Basis of the Penitentiary Policy of the Russian State of the XVIII Century [Ugolovno-ispolnitel'nye normy kak osnova penitentsiarnoi politiki Rossiiskogo gosudarstva XVIII v.] // Criminal Executive System: Law, Economics, Management [Ugolovno-ispolnitel'naya sistema: pravo, ehkonomika, upravlenie]. 2014. No. 4. P. 27. (In rus)

workhouses to the supervision of the Welfare Board, and it was assumed that houses of correction would accept “people of obscene or intemperate living” (clause 391), while the workhouses were intended for the maintenance of the poor “in order to provide sustenance through work” (clause 390).²

People who “inflicted shame and disgrace on society” were accepted by houses of correction for the time being or permanently at the “command of the viceroy regimen”, or at the verdict of other courts, or at the request of fathers or mothers, or at the request of the landowner or host.

The concept of workhouses was to help the poor, needing at least some kind of income, as well as to teach the pests of society to work. If in need, one could get to the workhouse voluntarily or forcibly — the police would bring idle and professional beggars there. These looked-after people were conditionally divided into those of “reliable” and “unreliable” conduct. The former were given simpler work, the latter were assigned a guard and were forbidden to leave the premises.

By a decree of April 3, 1781, given to the Senate “On trial and punishment for theft of various kinds and on establishment of workhouses in all the Governorates,” the circle of people in workhouses was expanded to accept those guilty of theft-stealing in the amount of up to 20 rubles.

Both workhouses and houses of correction were intended for work and punishment of “all lazy mob, those without passport, serfs and servants on the run, healthy beggars, drunkards, bullies, promiscuous people, loafers, and so on”.³ The nature of the work was at the discretion of the Welfare Board and was dependant on gender, age, physical fitness, crime and benefit, the work received.

With the emergence of workhouses and houses of correction, labor acquires elements of correctional impact and comes to be considered as a means that could distract from bad habits and inclinations. Initially, houses of correction were intended for those who were not criminals, and, therefore, they were not considered a place of serving a sentence, however, the Criminal and Correctional Penalties Code of 1845 subsequently designates the temporary stay in a house of correction as a correctional punishment, stipulating that those sentenced to detention in workhouses and houses of correction would be used only for work specified in the charters of these houses.

The terms of temporary detention in a house of correction with the loss of certain rights and benefits were set in the range from one year to three years, and if without limitation of rights and benefits — from three months to a year. The length of stay in the workhouse depended on the reason why the looked-after person got into the house. So, those sent for committing theft served a sentence depending on the value of the stolen item, their labor was rated at five cents per day; those on the run and without passport had to stay there until solicited by someone.⁴

On August 15, 1845, the “Additional Rules to the Charter on Detainees” were adopted, including provisions on Convicts to be Detained a Workhouse and on Convicts to be Detained in a House of Correction.⁵ It was established that workers would receive one and a half pounds of flour, one and a half garnets of cereal and two pounds of salt per month. Upon performance of the labor assigned to them, they would be entitled to rest or work for their own benefit.

In the penal system of the Criminal and Correctional Penalties Code of 1885, detention in a house of correction is already absent.

The arresting companies of the civilian department were established in 1830 and until 1864 they were supervised by the Main Directorate of Railways and Public Buildings and were intended to contain and correct the behavior of people of the taxable classes. The government developed a typical design for the buildings of the arresting companies of the civilian department, which was approved and recommended for use in all governorates on August 5, 1839.

The Criminal and Correctional Penalties Code of 1845 stipulated that those sentenced to a temporary submission to correctional arresting companies of the civilian department could be used in urban and all other kinds of work. In the penal system of the Criminal and Correctional Penalties Code of 1885,

² Hereinafter cit.: The Complete Collection of Laws of the Russian Empire. Coll. 2nd. [Polnoe sobranie zakonov Rossiiskoi imperii. Sobranie vtoroe]. Vol. XX. 1845. The First Branch. SPb. 1846. 1045 p. (In rus)

³ Georgi I. G. Description of the Russian-Imperial Capital City of St. Petersburg and Memorials in the Vicinity Thereof, with a Plan [Opisanie rossiisko-imperatorskogo stolichnogo goroda Sankt-Peterburga i dostopamyatnostei v okrestnostyakh onogo, s planom] / I. G. Georgi. [B. m.]: Adamant Media Corporation, 2001. P. 283. (In rus)

⁴ Georgi I. G. Description of the Russian-Imperial Capital City of St. Petersburg and Memorials in the Vicinity Thereof, with a Plan [Opisanie rossiisko-imperatorskogo stolichnogo goroda Sankt-Peterburga i dostopamyatnostei v okrestnostyakh onogo, s planom] / I. G. Georgi. [B. m.]: Adamant Media Corporation, 2001. P. 284. (In rus)

⁵ See: The Complete Collection of Laws of the Russian Empire. Coll. 2nd. [Polnoe sobranie zakonov Rossiiskoi imperii. Sobranie vtoroe]. Vol. XX. 1845. The First Branch. SPb. 1846. PP. 1027, 1031. (In rus)

the time of work in correctional arresting units was determined based on the extent of fault classified into five degrees: minimum of one year, and maximum of four years.

The arresting companies accepted: criminals according to court verdicts; tramps and runaways representing taxable classes or commoners (*raznochinets*), by order of the government; "people having fallen from depraved life into tax arrears, for working out such arrears and for their moral correction", by verdicts of urban and rural communities; evil people for correcting their behavior, by verdicts of communities and the order of the landowning class.⁶

The arresting companies operated as follows: the military management of each troop was concentrated in the hands of the troop commander, who also ensured that each arrestee would master several crafts, the governorate construction commission provided them with work, and the troop's non-commissioned officers supervised the arrestees around the clock during work and rest, officers and soldiers from the governorate troop of the internal guard ensured the external security of the troop's building, the priest took care of the moral correction.

The issues of keeping arrestees in the company and their use in the works were covered by the Regulation on Correctional Arresting Companies of the Civil Department adopted on August 15, 1845. The main goals of creating the arresting companies of the civilian department were declared to be their assistance in the work in the city, the reduction in the number of people sent to Siberia and the costs of their convoy. A six-day working week was set for arrestees, and on Saturday, work continued until lunch. The arrestees' labor was paid "by the day at the set rates that were 30–40% lower than reference rates." Thus, for instance, the work of a stonecutter in the Ryazan governorate in 1846 was paid at the rate of 45 kopecks per day, while the same labor a company arrestee was estimated at 32 kopecks. However, the use of the arrestee labor remained economically unprofitable for the governorate authorities, since it did not pay back the financial costs of maintaining the arresting company. The expediency of the existence of correctional arresting companies was also questioned because there was no possibility to provide arrestees with work all year round. For the winter, urban work, as a rule, was suspended, and the issue of the employment of arrestees was acute. Another problem of the existence of arresting companies was the difficulty in providing arrestees with qualified work, for which they would be paid enough and which could subsequently become a means for free independent activity.

This led to the dissolution in 1870 of all the arresting companies and the formation on their basis of a new type of penal institutions — correctional arresting units. The militarized regime there was abolished, external work for arrestees was discontinued, the main emphasis was placed on the development of work in workshops inside places of detention. Correctional arresting units were included in the unified system of execution of criminal sentences and subordinated to the Main Prison Department of the Ministry of the Interior, created in 1879.

As we see, in Tsarist Russia attempts were made to reach a compromise between the state need to use punishment as a means of deterrence, the economic need to spend as little money as possible on the maintenance of penitentiary facilities, and, ideally, even make a profit, and the social obligation of re-education and social adaptation of the convicts. The state tested various types of punishments, where the restriction of freedom served as a means of bringing to work. The arresting companies were characterized by rather severe conditions of the detention regime, and the labor of arrestees was mainly used by the governorate construction committees and commissions. At the same time, the workhouses and houses of correction were an easier form of punishment, wherein detainees had more comfortable conditions of work and labor compared with correctional arresting companies.

The Soviet period of development of penitentiary law was characterized by the use of forced labor in decrees and other legal acts preceding the drafting of unified laws. For the first time at the legislative level, forced labor was enshrined in the Decree of the Council of People's Commissars of the RSFSR of May 8, 1918 "On bribery", which established that the person guilty of giving a bribe or accepting a bribe was to be sentenced to the most difficult, unpleasant and forced labor.

Forced community service was featured as punishment in the Decree of the Council of People's Commissars No. 3 of July 20, 1918 "On the Court", the Decree of the Council of People's Commissars of July 22, 1918 "On Speculation", and the Decree of the Council of People's Commissars of September 19, 1918 "On Enhancing Criminal Persecution for Transportation, in Circumvention of Postal Departments,

⁶ Ostrovsky A. A. The Legal Basis for the Creation and Activities of Arresting Companies of Civilian Departments in the Russian Empire [Pravovye osnovy sozdaniya i deyatelnosti arestantskikh rot grazhdanskogo vedomstva v Rossiiskoi imperii] // Scientific Notes of the Crimean Federal University Named after V. I. Vernadsky [Uchenye zapiski Krymskogo federal'nogo universiteta imeni V. I. Vernadskogo]. 2015. No.1. P. 97.

of Letters, Money and Small Parcels”, Resolution of the Council of Workers’ and Peasants’ Defence of December 25, 1918 “On Desertion”.

In this period, forced labor was twofold: firstly, it intensified the punitive content of imprisonment and was assigned as part of the overall punishment; secondly, in some cases, taking into account the role of those responsible for committing a crime, it was assigned as the main type of punishment.

The procedure for execution of the type of punishment in question was established by the Decree of the All-Russian Central Executive Committee of June 16, 1919 “Organization of forced labor camps”. The forced labor camps were managed by the Department of the People’s Commissariat of Internal Affairs. People were sent to them on the basis of decisions of units of departments of extraordinary commissions, revolutionary tribunals, people’s courts and other Soviet bodies. All detainees were appointed to work, the type of which was determined by the camp administration, and engaged in physical labor during the term of serving their sentences. Each convict had a personal account and a record-book, which enabled to regulate the income of convicts taking into account earnings and the need to maintain the camp.

Forced labor as a form of punishment was featured in the Guidelines on Criminal Law of the RSFSR of December 12, 1919 (forced labor without placement into a place of imprisonment), the Criminal Code of the RSFSR of 1922 (forced labor without detention) and the Criminal Code of the RSFSR of 1926 (forced labor without imprisonment).

Chapter IV of the RSFSR Correctional Labor Code of 1924 contained provisions on the activities of the Bureau of Forced Labor without Detention. The indicated bureaus, having the rights of a separate unit, were part of the governorate (regional) inspectorate of places of detention. The costs of their maintenance were covered by deductions from the wages of convicts.

Bureau officials kept records of those sentenced to forced labor; assigned them to work; exercised general oversight of their compliance with the rules established at the time the forced labor was served; submitted to the distribution commission applications for early release. The work was carried out in enterprises for managing places of detention and their bodies or in other institutions and enterprises in agreement with the People’s Commissariat of Labor (PCL) and its local bodies. The working conditions of the convicts were regulated by the RSFSR PCL and the articles of the Labor Code. Those serving sentences were given time to prepare for dinner, lunch and afternoon rest, as well as a two-week vacation once a year, sick leave and maternity leave. Of the wages received by convicts, 25% was retained for a special fund of the main administration of places of detention of the RSFSR and was spent on organizing work and improving the life of people serving sentences.

Those registered in the forced labor bureau did not have the right to change their place of residence without permission to move to another job.

As in Tsarist Russia, forced labor was aimed at the full, appropriate, beneficial use of labor and self-sufficiency. When organizing the execution of the punishment in the form of forced labor, it was supposed that local state institutions and state enterprises would widely use the labor of persons serving sentences to carry out maintenance tasks, i.e., reclamation, road works, repair of schools, orphanages, which would allow for great savings in carrying out a number of significant social projects.

In such circumstances, the state recommended that the courts more actively use forced labor, in connection with which the proportion of those convicted to forced labor in the total number of convicted persons grew rapidly: it increased from 15.3% in the first half of 1928 to 57.7% in the second half of 1929 and remained above 50% in the first half of 1930. The pressure on judges was such that in 1930, 20% of all murderers, 31% of rapists, 46.2% of robbers and 69.7% of thieves were sentenced to forced labor without detention.⁷

The organization of forced labor depended on the term of punishment: persons sentenced by orders of administrative bodies to the short-term (from one day to one month) serving of forced labor were sent to group work that did not require qualifications (snow removal, landfill clearing), and persons who were assigned long-term forced labor by a court verdict (from one month to one year) were involved in work in special enterprises (for example, tin and sackcloth workshops) or in large road construction work. A task work system was applied with the accounting of the time given for the task regardless of the time actually spent on it.

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As we see, in the period from 1918 to 1933 an active attempt was made in the RSFSR to organize the execution of forced labor on the basis of economic profitability and sufficient repressiveness.

In the RSFSR correctional labor codes of 1933 and 1970, the legislator transformed forced labor into correctional labor work. In the process of development of the penal system of the Soviet society, such forms of involvement in labor were used as conditional release from detention facilities with mandatory involvement in labor (1964–1993) and conditional conviction to imprisonment with mandatory involvement in labor (1970–1993).

From 1933 until 2011, the term “forced labor” was not used in the national legal system.

The Federal Penitentiary Service of Russia began to execute a new type of punishment in the form of forced labor from January 1, 2017.

By this time, pursuant to the Government Order No. 2392-r of November 12, 2016 “On the Creation of Federal Budgetary Institutions”, four correctional centers were created and opened: in Tyumen Region on the base of the correctional facility No. 6 (Ishim) with 100 places; in Stavropol Territory on the base of the juvenile correctional facility in Georgievsk with 144 places; in Tambov Region on the base of the correctional facility IK-3 (Zeleny settlement) with 70 places; in Primorsky Krai on the base of the penal settlement No. 51 (Ussuriysk) with 150 seats. In addition, seven sites were created for those sentenced to forced labor: in the Republic of Bashkortostan at the penal settlement-5 (Ufa) with 100 places, in Trans-Baikal Territory at the correctional facility IK-10 (Krasnokamensk) with 50 places, in Samara Region at the correctional facility IK-10 (Volzhsky settlement) with 35 places, in Smolensk Region at the correctional facility IK-1 (Anokhovo village) with 55 places, in Arkhangelsk region at the correctional facility IK-21 (Severoonezhsk settlement) with 50 places, in Novosibirsk region at the correctional facility IK-8 (Novosibirsk) with 92 places, in Karelia at the correctional facility IK-7 (Segezha) with 50 places. Thus, the limit for filling correctional centers and sites for those convicted to forced labor is 896 places throughout the country.

The subject of activity of correctional centers is the execution in accordance with the legislation of the Russian Federation of criminal punishment in the form of forced labor; main tasks: supervision of convicts, educational work, material and living arrangements for convicts, involvement of convicts in work, employment of convicts in organizations of any legal form, organization of access control in the facility.

The procedure for the assignment and execution of this type of punishment is regulated by article 53.1 of the Criminal Code, chapter 8.1 of the Penal Code of the Russian Federation and Order of the Ministry of Justice of the Russian Federation No. 329 of December 29, 2016 “On approval of the Internal Rules of Correctional Centers of the Penal System”.

It was established that those sentenced to forced labor would serve their sentences in special facilities — correctional centers or isolated areas created at correctional facilities. The place of serving the sentence is to be within the territory of a constituent entity of the Russian Federation in which the convicted person lives or is sentenced; if involvement in labor under this rule is not possible, then the convicted person is to be sent to correctional centers located in the territory of another constituent entity of the Russian Federation. The person is to arrive at the place of execution of punishment independently at the expense of the state, with the exception of persons who are in custody at the time the sentence comes into force (such persons are to be conveyed and must be released from custody upon arrival at the correctional center). In case of evasion of the person convicted to forced labor from receipt of an order, such person is declared wanted.

The period of forced labor shall be calculated from the date the convict arrives at the correctional center. The time of serving the sentence does not include the time of unauthorized absence of the convict at work or at the correctional center for more than one day.

Those convicted to forced labor are under supervision and are required to comply with the internal rules of correctional centers; work where they are sent by the administration of the correctional center; constantly reside within the territory of the correctional center; live, as a rule, in hostels specially designated for them, not leave them at night or non-working hours, on weekends and holidays without the permission of the correctional center administration; participate, without remuneration, in the improvement of buildings and the territory of the correctional center in order of priority during non-working hours of no more than two hours a week; constantly carry a document of an established form proving the identity of the convict.

To solve urgent issues, the administration of the correctional center may allow convicts to leave the territory for up to five days.

A number of prohibitions are established for convicts. It is forbidden to:

- 1) acquire, store and use objects, products and substances withdrawn from civil circulation; all types of weapons, ammunition, explosive, flammable, radioactive and toxic substances; all kinds of alcoholic beverages, yeast, beer; narcotic substances, psychotropic toxic and potent substances, their analogs and medicinal substances with narcotic effects with no medical prescription; materials, items and videos of erotic and pornographic content; extremist materials and symbols of an extremist organization; playing cards; tattoo machines and their accessories;
- 2) be in the hostels in which they do not reside without the permission of the administration of the CC (correctional center);
- 3) refuse the work assigned by the administration of the CC;
- 4) engage in gambling in order to extract material or other benefits;
- 5) smoke in places not designated for this purpose;
- 6) acquire, manufacture, store or use prohibited items and substances;
- 7) wash, dry clothes, clean clothes and shoes in places not designated for this purpose;
- 8) refit the living rooms;
- 9) prepare and eat food in places not designated for this purpose;
- 10) make self-made electrical appliances and use them;
- 11) transfer to other persons a document proving the identity of the convict, and a pass with the right to leave the CC.

The premises in which the convicts live may be searched, and belongings may be examined. If prohibited items or substances are discovered, they are subject to seizure by order of the head of the correctional center and transferred to storage or destroyed.

Convicts who do not commit violations of the internal rules and have served at least one third of the sentence may be allowed to live with their family on a rented or own living space within the municipal entity in whose territory the correctional center is located. Convicts in good standing are allowed to travel outside the correctional center for the period of annual paid leave. Convicts are entitled to participate in sporting events, to engage in creativity and to study by correspondence in professional educational organizations and higher education institutions located within the municipal entity in whose territory the correctional center is located.

The standard living space per convict is no less than four square meters. Those convicted to forced labor get clothes, shoes (with the exception of clothes and shoes being personal protective equipment) and food at their own expense. If the convicts do not have their own means, they are provided with clothes, shoes and food at the expense of the federal budget in accordance with the norms established by Decree of the Government of the Russian Federation No. 514 of May 25, 2012.

Convicts receive the necessary medical and preventive and sanitary-preventive assistance.

Convicts are involved in work in organizations of any legal form in accordance with the labor legislation of the Russian Federation, with the exception of the rules for hiring, dismissal from work, transfer to another job, refusal to perform work, and leave. After six months of serving the sentence, the convict is granted annual paid leave of 18 calendar days. Annual paid leave shall not be granted to persons convicted to forced labor who are not provided with work. The law provides for 5% to 20% withholdings from the wage of the convicts, which deductions shall be transferred to the account of the territorial body of the penal system.

Educational work is carried out with convicts by the administration of the correctional center, incentives and penalties are applied. Supervision over the serving of a sentence is carried out by the administration of the correctional center, including with the use of audiovisual, electronic and other technical means of supervision, and consists in monitoring and monitoring the behavior of convicts in the correctional center, at the place of work, as well as in other places their stay. Without dwelling on the specifics of assigning forced labor as a criminal punishment, since this issue is beyond the scope of our study, we turn to the problems that identified themselves during the first year of the execution of this type of punishment.

First, the mechanism for attracting to labor in institutions, organizations, enterprises of various forms of ownership is not well developed. Employment of convicts in Tsarist Russia, which by now has turned out to be the most difficult aspect of the execution of sentences associated with involvement in work. A number of state-owned companies are certainly interested in the work of convicts, but in the modern world almost any type of work requires at least the minimum professional skills and capabilities that "marginal convicts", who have lost social ties and have never worked before, do not possess. Therefore,

there arises the issues of organizing training for the performance of work, the resolution of which is assigned by law to the administration of organizations where those convicted to forced labor are engaged.

However, the procedure for completing this training has not been established. Quotas of workplaces for convicts are not provided for either. And the clause in the law stating that annual paid leave shall not be granted to persons convicted to forced labor who are not provided with work enables to conclude that the legislator initially envisaged a situation where people serving forced labor would not actually work. This situation alleviates the educational impact and the repressive function of this punishment.

The second problem is inextricably linked with the first one — the statutory 5% to 20% withholding from the wage of a convict implies at least decent pay, however, according to the Federal Penitentiary Service, the average wage of those convicted to forced labor is from 8 thousand to 15–20 thousand rubles per month. Thus, the goal of saving budgetary funds for the maintenance of prisons seems to be very utopian. Unskilled labor excludes good wages, which reduces the ability to stimulate the behavior of prisoners socially useful for society. In addition, there is competition for jobs between prisoners and workers, which in the current socio-economic situation can lead to increased tension in society.

Third, it is impossible to officially employ convicted foreigners under current legislation, since in order to work in Russia they must have a patent, and it is forbidden to issue such patent to convicts.

Fourth, there is significant doubt about the use of the term “forced labor” in the law, partly because forced labor is prohibited both at the international level (Convention of the International Labor Organization No. 29 of July 28, 1930 “Concerning Forced or Compulsory Labour”; Convention of the International Labor Organization No. 105 of June 25, 1957 “Concerning the Abolition of Forced Labor” [105-ILO]) and in national legislation (part 2 of article 37 of the Constitution of the Russian Federation, article 4 of the Labor Code of the Russian Federation).

In conclusion, it should be noted that the initiative to revive forced labor as a form of criminal punishment in the legislation of the Russian Federation is quite controversial. Forced labor is a specific type of punishment, which consists, on the one part, in restricting freedom and, on the other part, in restricting legal capacity for work. In relation to those convicted to forced labor, there are no sizable exemptions from the general legal status of citizens. They are actually limited only in two constitutional rights: the right to freedom of movement and choice of residence and the right to freedom of choice of work. Historical experience shows that in the execution of sentences it is practically impossible to combine two mutually exclusive functions — persecution and self-sufficiency. Therefore, when implementing the type of punishment like forced labor one should not forget about the experience and, based on it, evaluate the practicality of the stated goals.

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