SYSTEM OF PRINCIPLES OF THE CRIMINAL-EXECUTIVE POLICY OF UKRAINE

[a]YULIIA FIDRIA, [b]ZORIANA ZARADIUK, [c]ANDRII HUSAK, [d]VIKTORIIA KONDRATISHYNA, [e]BORYS CHUPRYNSKYI

[a-e]Department of Criminal Law and Procedure, Lesya Ukrainka Volyn National University, 13, Volya Ave., 43025, Lutsk, Ukraine
email: [a]Fix357@ukr.net, [b]Lawyer.st@ukr.net, [c]annamax@ukr.net, [d]vikusyalutsk@ukr.net, [e]b.chuprinskij@ukr.net

Abstract: The article examines the system of principles of the criminal executive policy of Ukraine. In the study, we distinguished a set of principles of criminal-executive half-life and criminal-executive legislation. In the article we have classified the principles of criminal enforcement policy into common law, intersectoral, sectoral, as well as given their general characteristics. It is offered to allocate in the system of principles of the criminal executive policy of Ukraine principles of separate institutions (directions) of criminal executive policy.

Keywords: Criminal executive activities, Criminal-Executive Code, Criminal-executive legislation, Criminal-executive policy, Intersectoral principles, System of principles.

1 Introduction

The principle is called what underlies a particular theory, doctrine, science, worldview; that which is the primary basis, the primary source [20, p. 720].

Principles are the basic grounds, initial ideas, characterized by universality, general significance, higher imperative and reflect the essential provisions of theory, doctrine, science, a system of domestic and international law, political, state, or public organization [1, p. 110].

The principles of law are the guiding grounds (ideas) that determine the content and direction of the legal regulation of social relations. The significance of the principles of law is that they in a concise form, concentratedly reflect the most essential features of the law, are its quintessence.

The principles of the criminal-executive policy of Ukraine should be called guiding ideas, provisions on the basis of which the activity of Ukraine in the field of execution of punishments is realized.

In the literature, the principles of criminal executive law are understood as theoretically substantiated basic provisions, which are due to the objective laws of punishment, express the essence of criminal executive activities aimed at implementing the restrictions inherent in punishment (regardless of coercive measures), and find their manifestation in the process of execution – serving all punishments without exception.

2 Literature Review

As a result of acquaintance with authoritative sources that are trustworthy, we note that, in particular, A. Kh. Stepaniuk noted that in the literature it is generally accepted to classify the principles of law into three categories: common law, intersectoral and sectoral [19, p. 296].

Examining the principles of criminal-executive legislation, I. S. Mykhalko noted that the principles of legislation “permeate” the entire normative fabric of criminal-executive law, and their system, enshrined in Art. 5 of the Criminal-Executive Code of Ukraine, is a single, logically balanced hierarchy of principles, in which science in the field of dissemination distinguishes common law, intersectoral principles, and principles of law.

Under the principles of criminal executive legislation, the author proposed to understand the basic principles and provisions of the process of execution/serving a sentence, which is enshrined in the criminal executive law and has ideological, legal, regulatory, and strategic nature, supported by certain legal tools in the process of criminal enforcement due to the purposes of execution of punishment [11, p. 21].

At the same time, the principles of the penitentiary policy are a much broader concept. According to I. S. Mykhalko, the principles of the policy include not only the principles of current criminal executive legislation, but also the principles of policy put forward by the science of this branch of law, and the principles of practice of execution and serving a sentence, intentions and specialized international standards acquired the importance of principles [12, p. 72].

Another researcher of criminal-executive policy formulates the principles of the criminal-executive policy of Ukraine as theoretically substantiated, formulated in the current legislation and applied in practice the main provisions (guiding ideas, etc.), which are due to objective laws of implementation of the relevant criminal punishment and achieving its goal [3]. At the same time, the author highlights the following principles of the criminal executive policy of Ukraine: the principle of compliance of criminal executive policy with other elements of policy in the fight against crime, the principle of inevitability of criminal punishment, the principle of social and legal psychology, the principle of differentiation and individualization of punishment. principle of expediency, the principle of economy of repressions, the principle of a progressive system of execution and serving of punishment, the principle of mutual responsibility of the state and convict, the principle of reconciliation (mediation) of convict and victim, the principle of rational application of measures of persuasion and coercion to convicts, the principle of public participation in the execution of criminal punishment combination of all elements of the purpose of punishment in its execution, the principle of complex and systemic (continuous) influence on the person of the convict, the principle of repayment and removal of conviction.

3 Materials and Methods

Despite the fact that the literature pays a lot of attention to the system of principles of the criminal executive law, principles of criminal executive legislation, principles of the process of execution/serving of sentences, the issue of principles of criminal executive policy and their system remains poorly understood.

Thus, the purpose of the article is to build a system of principles of the criminal executive policy of Ukraine and determine the arsenal of its elements. This is done in order to optimize the current classification system of principles enshrined in the Criminal Enforcement Code of Ukraine.

4 Results and Discussion

Ukrainian legislator in Art. 5 of the Criminal-Executive Code of Ukraine defined the following principles of criminal-executive legislation, execution and serving of sentences: the inevitability of execution and serving of sentences, legality, justice, humanism, democracy, equality of convicts before the law, respect for human rights and freedoms, the mutual responsibility of the state and the convict, differentiation, and individualization of execution of punishments, rational application of coercive measures and stimulation of law-abiding behaviour, the combination of punishment with corrective influence, public participation in cases provided by law in the activity of bodies and institutions of execution of punishments.

It is quite fair to note that the list of legally enshrined principles raises many questions among scientists and is indisputable. For example, it is unclear how the principle of «mutual responsibility of the state and the convict» can be implemented within the framework of criminal liability, which is the use of state coercion by penitentiary bodies and institutions and is expressed in restricting the rights and freedoms of the convict [9, p. 43].

In addition to the principles of criminal executive legislation, execution and serving of punishments enshrined in Art. 5 of the Criminal Executive Code of Ukraine, I. S. Mykhalko to the list of principles of criminal executive policy includes a number of principles developed by science and practice: the principle of minimal legal restrictions on the rights and freedoms of convicts, the principle of saving criminal repression, the principle of priority incentive policy resocialization and adaptation of convicted convicts, the principle of priority measures of socio-pedagogical correction of convicts, the principle of improving educational and operational work with convicts, the principle of increasing the openness of the penitentiary system and its focus on cooperation with civil society, the principle of improving penitentiary system [12, p. 72].

Without opposing the above scientific positions, which have the right to exist, we propose to divide the principles of criminal executive policy (as well as rights) into common law, intersectoral, and sectoral. Such classification will promote complex research of the legal nature of separate principles of the criminal executive policy of Ukraine.

Common law principles are the guiding principles on the basis of which the legal policy of Ukraine in general and criminal enforcement policy, in particular, are built. As a rule, these principles are enshrined at the level of the Constitution of Ukraine. These include the following principles.

1) The principle of democracy (Article I of the Constitution of Ukraine).

Regarding the principle of democracy in criminal executive law, R. V. Korolov noted that this is due to the laws of social development, a fundamental idea that characterizes the degree of influence of state and public institutions, individual citizens on criminal executive policy and its implementation in law and practice institutions that execute criminal punishments, based on the principles of openness and transparency to the people, the legal personality of convicts, the optimal combination of their freedom and responsibility [8, p. 126].

According to O. Ye. Skakun, the principle of democracy is manifested in the practical implementation of the will of the citizens of the state through their representative authorities. Democracy is also manifested in the fact that the activities of penitentiary institutions and bodies are carried out under the supervision of public organizations. The public has the opportunity to participate in widely indirect work aimed at achieving the goal of some criminal penalties (e.g., correctional labour) [18, p. 58].

A. M. Sheina argues that the essence of the principle of democracy is that the penitentiary policy covers the exercise of the will of the people, the activities of bodies and institutions, which is aimed at punishing and controlling certain public organizations (services) in juvenile affairs, supervisory commissions. The latter play a direct role in the re-education and correction of convicts [16, p. 28].

2) The principle of respect for human rights and freedoms (Article 3, Article 55, and Article 63 of the Constitution of Ukraine).

The Constitution of Ukraine in Part 2 of Art. 3 stated that human rights and freedoms and their guarantees determine the content and direction of the state. The state is accountable to man for his activities. The establishment and protection of human rights and freedoms is the main duty of the state.

The criminal-executive sphere is not an exception to the extension of the general principle of respect for human rights and freedoms.

A. Kh. Stepaniuk notes that in executive activity respect for human rights is directly related to the convict`s ability to defend his rights, appealing with proposals, statements, and complaints to the court, to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, to relevant international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant, as provided in Art. 55 of the Constitution of Ukraine.

Human rights in the activities of penitentiary bodies and institutions are manifested in the active-duty of the administration to respect them in relation to each of the convicts. In this regard, in the executive activity of the administration of penitentiary bodies and institutions, only what will be provided by the criminal-executive legislation is allowed, and convicts, serving their sentences, will be able to do everything that is not prohibited by law [19, p. 301].

The latter is due to the norm of Part C of Art. 63 of the Constitution of Ukraine, namely: «The convict enjoys all human and civil rights, except for restrictions imposed by law and established by a court sentence».

3) The principle of the Constitution of Ukraine (Article 6, Article 62, and paragraph 14 of Article 92 of the Constitution of Ukraine).

At the constitutional level, the principle of division of power into three branches is enshrined: legislative, executive (which includes bodies and institutions of execution of punishments), and judicial, as well as in paragraph 14 of Art. 92 of the Constitution of Ukraine stipulates that only the laws of Ukraine determine the judiciary, the judiciary, the status of judges, the principles of forensic examination, the organization and activities of the prosecutor`s office, bodies of inquiry and investigation, notaries, penitentiary bodies and institutions. This is where the principle of legality manifests itself.

In addition, the position of V. I. Seliverstov and I. V. Shmarov should be supported, who believe that the principle of legality is expressed in the rule of law governing the execution of punishment, the priority of this law over other regulations, as well as inaccurate and strict observance of the criminal-executive legislation not only by establishments and bodies executing punishment, but also by all bodies, establishments, the organizations, citizens involved in execution of punishment, and the convicts [15, p. 16].

4) The principle of the rule of law (Article 8 of the Constitution of Ukraine).

It should be noted that simultaneously with the consolidation in Art. 8 of the Constitution of Ukraine, the principle of the rule of law, the basic ideas of the classical version of the concept (principle) of the rule of law are embodied in other articles of the Constitution of Ukraine. For example, according to S. M. Pohrebniak, this concept provides for the following provisions: 1) public authorities and local governments, their officials are obliged to act only on the basis, within the powers and in the manner prescribed by the Constitution and laws of Ukraine (Article 19); 2) citizens have equal constitutional rights and freedoms and are equal before the law (Article 24); 3) the rights and freedoms of man and citizen are protected by the court, and the jurisdiction of the courts extends to all legal relations arising in the state. It should be noted that the main ideas of the classical version of the concept of the rule of law are embodied in the Constitution of Ukraine. Thus, it provides for: 1) public authorities and local governments, their officials are obliged to act only on the basis, within the powers and in the manner prescribed by the Constitution and laws of Ukraine (Article 19); 2) citizens have equal constitutional rights and freedoms and are equal before the law (Art. 24); 3) the rights and freedoms of man and citizen are protected by the court, and the jurisdiction of the courts extends to all legal relations arising in the state [13, p. 28].

5) The principle of equality of citizens before the law (Article 21 and Article 24 of the Constitution of Ukraine).

A. I. Zubkov argues that the principle of equality of convicts before the law is expressed in a single legal status of persons serving a particular type of punishment or are in the same conditions of imprisonment, regardless of nationality, social status, religion, and other socio-political, demographic characteristics. Differences can be predicted depending on gender, age, health status, pregnancy or young children, and most importantly – on the behaviour of convicts [22, p. 16].

6) The principle of humanism (Article 28 of the Constitution of Ukraine).

The principle of humanism is reflected in Art. 28 of the Constitution of Ukraine, which states that everyone has the right to respect for his dignity. No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

T. V. Rudnyk found that the content of the principle of humanism in criminal executive law is closely related to the provisions of the Constitution of Ukraine and international legal acts on human rights and treatment of ligaments and includes the following elements: prohibition of torture and other cruel, inhuman or degrading treatment or punishment. or degrading treatment and punishment; respect and protection of the rights, freedoms and legitimate interests of convicts; an attitude of employees of penitentiary institutions to convicts with respect for their dignity; proper conditions of detention of convicts; social and legal protection of convicts; personal safety of convicts; responsibility for torture, other ill-treatment of convicts [14, p. 9].

Such an interpretation of the essence of the principle of humanism is too broad, as it covers respect for and protection of the rights, freedoms, and legitimate interests of convicts, which is a manifestation of another common law principle.

7) The principle of social justice.

This principle is inherent in politics in general and criminal enforcement policy in particular. Aristotle defined politics as the art of providing people with the highest justice [4, p. 31]. Based on the statement of the ancient thinker, we can say that justice is not only one of the basic principles of politics, but also its ultimate goal.

The essence of the principle of justice is that, on the one hand, the state, subjecting the convict to punishment, thereby restores justice in society, which was violated by the crime, and on the other - the scope of restrictions on the rights and freedoms of the convict should be an adequate degree of his guilt and public danger of the crime [9, p. 43].

8) The principle of public participation in the activities of penitentiary bodies and institutions.

This principle is one of the common law, because its manifestation can be observed in all spheres of public life, it is an integral attribute of civil society.

The mechanism for implementing this principle in practice is enshrined in Art. 25 of the Criminal-Executive Code of Ukraine, which provides for public participation in the correction and re-socialization of convicts, as well as public control over the observance of the rights of convicts during the execution of criminal sentences.

Cross-sectoral principles are the principles of criminal-executive policy, which are characteristic of other components of the policy in the field of crime control. These include the following principles.

1) The principle of compliance of penitentiary policy with other components of policy in the fight against crime.

This principle is cross-sectoral, as it also serves as a principle for other elements of crime policy. For example, the criminal law policy of Ukraine is characterized by the principle of compliance of criminal law policy with other components of policy in the field of crime control.

P. L. Fries`s assertion that criminal law policy is a defining element, as it establishes the range of acts belonging to the category of criminals (within which criminalization and decriminalization are carried out), and defines penalization (defenalization), deserves full support. All other elements of the policy in the field of combating crime, so to speak, work in the direction determined by criminal law policy. Of course, in such a situation between all the elements there must be unity in approaches, assessments, methodologies. Such unity should be based on the consistency of the principles on which the activities of each component are implemented [5, p. 53].

2) The principle of inevitability of punishment.

Therefore, A. Kh. Stepaniuk rightly states that the principle of inevitability of punishment reflects the connection between crime and punishment, with its help the succession of stages of criminal responsibility can be traced. The inevitability of punishment – an objectively existing, recurring, significant link between the stages of criminal responsibility, which characterizes its progressive development [19, p. 350].

As we can see, the principle of inevitability of punishment applies at all stages of the implementation of policy in the field of crime control, starting from criminal law policy and ending with the criminal executive.

The principle of inevitability of punishment in the penitentiary policy is manifested in the need for the proper execution of the sentence imposed by the court in the sentence on behalf of Ukraine.

3) The principle of expediency.

The principle of expediency means that the application of measures of criminal law and criminal executive influence on the person of the convict must be consistent with the purpose of criminal repression. The framework of criminal, and at the stage of execution of punishment framework of criminal-executive repression, types, and nature of measures, actions, as well as their choice and application in practice are determined by expediency.

4) The principle of saving repression.

PL Fries wrote that the principle of economy of repression is fundamental to criminal law policy. It finds its expression at all stages of its implementation. At the stage of law-making, its implementation means classifying as criminal only those acts that really need to be combated by criminal law. The degree of public danger of these acts must be so high that the use of other measures of legal influence is ineffective and ineffective. In those cases, and situations when the positive social effect of the fight against crime can be achieved through the application of less severe measures of influence, the use of criminal repression is inappropriate [6, p. 66].

A particularly important manifestation of this principle of penitentiary policy is the application in more cases of types of punishment not related to isolation from society, which reflects the tendency to liberalize penitentiary policy.

5) The principle of differentiation and individualization of punishment.

V. Ya. Konopelsky as a result of the analysis of criminal and criminal-executive aspects of differentiation and individualization of punishment came to the conclusion that differentiation of punishment is calculated on rather an indefinite circle of persons who committed a crime, it is not personified and does not consider all significant features of each crime. , and individualization, on the contrary, always has the personified,

individualized character that provides the account of individual properties of a crime and the person guilty of its commission significant for criminal law. In other words, individualization applies only to a specific, individually identified person and to a specific case of a crime. According to the differentiation of differentiation, the individualization of punishment takes into account the identity of the perpetrator of the crime and his behaviour [7, p. 158].

V. I. Seliverstov and I. V. Shmarov, believing that this intersectoral principle is derived from the principle of differentiation and individualization of criminal law liability, say that in criminal executive law it is expressed in the differentiation and individualization of execution and serving a sentence. At the same time, differentiation of execution of punishment, in their opinion, means that different categories of convicts depending on the gravity of crimes, previous criminal activity, guilt, behaviour in the process of serving a sentence are subject to coercion and restriction of rights to varying degrees. Individualization of execution of punishment presupposes taking into account not group, but individual features of the convict`s personality while serving the sentence and is realized by changing the legal status of the convict depending on the behavior when applying incentives and penalties [15, p. 17].

According to O. A. Syza, differentiation and individualization of execution of punishment are two independent interdisciplinary principles. At the same time, under the first principle, she considers it necessary to understand «the division of convicts into groups, categories, categories based on the features specified in the law or developed in the practice of execution of sentences, as well as tools and methods based on criminology, penitentiary pedagogy and psychology», and the second principle is based on taking into account not a group but individual characteristics of the convict and is reduced to «changing the content of punitive and educational influence depending on the behaviour of the convict and the degree of his correction» [17, p. 145-160].

Sectoral principles are a group of principles of criminal-executive policy, on the basis of which the process of execution/serving of sentences is directly carried out.

The list of industry principles includes the following principles.

1) The principle of rational use of coercive measures and promotion of law-abiding behaviour.

According to S. M. Zubariev, the sectoral principle of rational application of coercive measures means of correction of convicts, and stimulation of their law-abiding behaviour is a development of the principles of differentiation and individualization of punishment, which orients the staff of penitentiary institutions to a comprehensive balanced impact on each convict the process of execution of a particular type of punishment [21, p. 17-18].

I. S. Mykhalko as a result of an in-depth study of the principle of rational application of coercive measures and stimulation of law-abiding behaviour offers his author`s definition of the content of this principle. Thus, according to the author, the principle of rational application of coercive measures and stimulation of law-abiding behaviour is a fundamental idea regulated by the norms of criminal-executive legislation, which, permeating the dual process of execution / serving a sentence, optimally combines two types of legal measures to influence convicts: punitive and stimulants, which are a feature of the content of this principle and are covered by its scope, is implemented by specially authorized bodies and institutions within the statutory period and in accordance with the objectives of criminal punishment and the means to achieve them [10, p. 259].

2) The principle of combining punishment with corrective action.

V. I. Seliverstov and I. V. Shmarov believe that the combination of punishment with corrective influence as a sectoral principle implies the need to accompany all types of punishment (not only in the form of imprisonment) by applying to convicts various measures of education. Such a combination of execution of punishment with measures of corrective influence forms, in their opinion, a punitive-educational process [15, p. 18].

The main means of corrective influence (correction and resocialization), which are applied together with the punishment to the convict, are named in Part 3 of Art. 6 of the Criminal-executive code of Ukraine to which the established order of execution and serving of punishment (mode), socially useful work, social-educational work, general and vocational training, public influence belongs.

The relevant system of principles of penitentiary policy, it seems to us, should be supplemented by another group of principles – the principles of individual institutions (directions) of penitentiary policy.

We propose to differentiate the principles of penitentiary policy institutions according to the directions of penitentiary policy into the following:

1) Principles of policy in the field of execution of sentences related to isolation.

Among the principles of policy in the field of execution of sentences related to imprisonment, we can name the principle of separate detention of convicts in correctional and correctional colonies (Article 92 of the Criminal Executive Code of Ukraine), the principle of serving the entire sentence in one sentence. correctional or correctional colony (Article 93 of the Criminal-Executive Code of Ukraine), the principle of serving a sentence by a convict in a correctional or correctional colony within an administrative-territorial unit according to his place of residence before conviction or permanent residence of the convict`s relatives (Part 1 of Article 93, Criminal Executive Code of Ukraine).

2) Principles of policy in the field of non-isolation punishment.

A striking example of the variety of policy principles in the field of non-isolation punishment is the principle of involvement in community service, on the basis of which punishment is carried out in the form of community service (Part 2 of Article 36 of the Criminal Executive Code of Ukraine) and execution of punishment in the form of correctional labour (Part 2 of Article 41 of the Criminal Executive Code of Ukraine).

Among the principles of execution of property punishments, M. P. Chernenok calls the principle of the reality of execution, which means the effectiveness of such activities, regardless of the method of execution; the principle of the rationality of execution, which characterizes the activities of bodies executing property penalties, in terms of its usefulness, i.e. determines how the intended beneficial effects of these activities are not "suppressed" by harmful side effects, the principle of inviolability of the convict in the execution of property punishments to encroach in any form on the personal freedom and dignity of the convict to property punishments [2, p. 8].

5 Conclusion

Thus, the system of principles of the criminal-executive policy of Ukraine is formed by common law principles, which include democracy, respect for human rights and freedoms, legality, rule of law, equality before the law, humanism, social justice, public participation in law enforcement agencies; intersectoral principles, namely differentiation and individualization of execution of punishment, correspondence of penitentiary policy to other components of policy in the field of fight against crime, the inevitability of punishment, expediency, the economy of repression, and also branch principles: rational application of coercive measures and encouragement of law-abiding behaviour corrective action, etc. An important role in the formation and implementation of the penitentiary policy of Ukraine is played

by the principles of individual institutions (directions) of penitentiary policy, which are divided into the principles of policy in the field of execution of sentences related to isolation and the principles of policy in the field of execution of sentences associated with insulation.

Summarizing the above and based on the current content of Art. 5 of the Criminal-Executive Code, the system of principles outlined in it should be set out in the following sequence. First of all, in the specified criminal-executive norm it is appropriate to define the general legal principles of the criminal-executive legislation, execution, and serving of punishments, and only after that – branch principles of the criminal-executive legislation. Thus, the system of principles of the Criminal-Executive Code should be defined in the following sequence: legality, justice, humanism, respect for human rights and freedoms, the inevitability of execution and serving sentences, equality of convicts before the law, the mutual responsibility of the state and the convict, differentiation, and individualization, rational use of coercive measures and stimulation of law-abiding behaviour, combination of punishment with corrective influence, public participation in cases provided by law in the activities of bodies and institutions of execution of punishments. It should also be added that the existing system of principles of criminal executive legislation, execution, and serving of sentences should be a flexible system of key legal principles, which, taking into account the modern development of the state and society, should be promptly adjusted by the legislature systems.

Literature:

1. Antonyan, E.A., Antonyan, Yu.M., & Borsuchenko, S.A. (2012). *Russian course on criminal executive law: in 2 volumes.* In V.E. Eminova and V.N. Orlova (Eds.). Moscow: Moscow State Law Academy named after O.E. Kutafina, Elite, Main Part, 1, 696.
2. Chernenok, M.P. (2003). *Problems of theory and practice of execution of property punishments.* Author's ref. for PhD Thesis, special. 12.00.08: "Criminal law and criminology, criminal executive law", 10, 21.
3. Chubrakov, S.V. (2015). *The problem of principles in criminal executive law: history and modernity*. In V.A. Utkin (Eds.). Tomsk: TSU Publishing House, 128.
4. Demidenka, G.G. & Petrishina, O.V. (2009). *History of the doctrines of state and law.* Textbook for order. Kh.: Pravo, 256.
5. Fries, P.L. (2005). *Criminal law policy of the Ukrainian state; theoretical, historical and legal issues*. K.: Attica, 332.
6. Fries. P.L. (2005). *Criminal and legal policy of Ukraine*: PhD Thesis, special. 12.00.08, "Criminal law and criminology, criminal executive law". Kyiv, 440.
7. Konopelsky, V.Ya. (2013). Differentiation and individualization of execution of punishment: criminal and criminal-executive aspects. *South Ukrainian Law Journal,* 1, 155-158.
8. Korolev, R.V. (2007). On the question of the concepts of the principle of democracy in criminal executive law. *Business in law*, 4, 125-126.
9. Litvinov, O.M., Stepanyuk, A.Kh., Yakovets, I.S., Autukhov, K.A, Gel, A.P., Losich, S.V., & Nazimko, Ye.S. (2015). *Criminal executive law of Ukraine. General and Special parts*. In O.M. Lutvinova and A.Kh. Stepanyuk (Eds.). K.: Publishing house "Dakor", 632.
10. Mikhalko, I.S. (2009). Analysis of the definition and content of the principle of rational application of coercive measures and stimulation of law-abiding behavior of convicts under Ukrainian and Russian legislation. In B.I. Borisova et al. (Eds.). *Issues of combating crime*. Kh.: Law, 18, 249-259.
11. Mikhalko, I.S. (2013). *Ensuring the principle of rational application of coercive measures and stimulating law-abiding behavior of convicts: [monograph].* Kh.: Law, 200.
12. Mikhalko, I.S. (2014). The concept of policy principles in the field of execution of criminal penalties. *Scientific Bulletin of the International Humanities University. Ser.: Jurisprudence*, 9(2), II, 71-72.
13. Pogrebnyak, S.M. (2006). The principle of the rule of law: some theoretical problems. *Bulletin of the Academy of Legal Sciences of Ukraine*, 1(44), 26-36.
14. Rudnik, T.V. (2010). *Implementation of the principle of humanism in the execution and serving of imprisonment.* Author's ref. for PhD Thesis, special. 12.00.08: "Criminal law and criminology, criminal executive law". Kyiv, 22.
15. Selivestrova, V.I. (Ed.). (2002). *Criminal executive law.* Textbook. for just. Universities, 3rd ed., ed. and ext. M.: Jurisprudence, 368.
16. Shane, A.M. (2016). *Philosophical and legal principles of the principle of democracy in law*. PhD Thesis: special. 12.00.12: "Philosophy of Law", Lviv, 217.
17. Sizaya, E.A. (2008). *Principles of Penal Law: Questions of Theory and Practice*. Cheboksary: CHKI RUK, 384.
18. Skakun, O.S. (2008). On the principles of criminal executive law of Ukraine. *Bulletin of Kharkiv National University of Internal Affairs,* 41, 55-62.
19. Stepanyuk, A.H. (2002). *Actual problems of execution of punishments (essence and principles of criminal-executive activity: theoretical and legal research).* PhD Thesis, special. 12.00.08: «Criminal law and criminology - criminal executive law», Kh., 403.
20. Utkin, V.A. (1995). *A course of lectures on criminal executive law*. A common part. Tomsk: Publishing house of UMC TSU, 94.
21. Zubarev, S.M. (2006). *Penal law: lecture notes*. 3rd ed., ed. and ext. M.: Yurayt-Izdat, 232.
22. Zubkova, A.Y. (Ed.). (2006). *Criminal executive law of Russia: theory, legislation, international standards, domestic practice of the late XIX – early XXI century*. Textbook for universities, 3rd ed., reworked and ext. M.: Norma, 720.

Primary Paper Section: A

Secondary Paper Section: AE, AG