

# Modern approaches to understanding the concept of effective criminal policy of the Russian state

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**Abstract**—The article is devoted to the search for the concept of an effective model of criminal policy of the Russian state. For the disclosure of the stated topic, attention was paid to: information reference points, allowing an objective assessment of the criminal political situation in the country; problems of the formation of a civil society as a condition for effective criminal policy; the laws governing the construction of a mechanism for countering crime, as well as a number of other issues that determine the desired positive effect of the fight against crime.

Attention is drawn to the fact that the authorities should not be guided by the effective fight against crime, not the number of persons held criminally liable, compared to the same period last year, but the “quality” of the protection of constitutional rights and freedoms of man and citizen. In connection with the noted main task of the subjects of criminal policy is seen in the scientific development and implementation of the concept of a social state with a pre-programmed positive effect. Thus, it is not so much about the application by the subjects of criminal policy of a certain complex of organizational and legal means of action that can “put” crime into the “Procrustean bed”, but rather about understanding most of the laws and contradictions that lie on the way to comprehensive protection of rights and legitimate interests. man and citizen.

**Keywords**—*criminal policy, crime, megalopolis, efficiency, modeling, civil society, authorities*

## I. INTRODUCTION

A movement in society, referred to as progress, is unthinkable without clashing contradictions between them. Different interests of people and groups, both small and large, coming into conflict, force to search

for agreed positions. Their coordination is the main task of any branch of law. But how to correct deviant behavior from individual non-compliant citizens? To get an answer to this question, apparently, one should turn to the search for the concept of the effectiveness of criminal policy.

What are the ideas of the effectiveness of criminal policy? In its most general form, this is the achievement of law-enforced goals by minimal costs. Costs here mean not only savings in material resources and administrative resources, but also savings in criminal repression, as well as citizens' credibility of authorities. In this case, in this case, it is about solving the problem from a purely pragmatic position, since, in addition to general humanitarian principles, attention should be paid to the obvious high cost to society of the use of punishments against those responsible. It is not only the maintenance in places of imprisonment of the subjects of crimes themselves, but also the cost of maintaining the entire criminal justice system. At the same time, this problem cannot be considered separately from questions of ideology. In other words, the fewer the persons facing the repressive machinery of the state, the less negative impact will be on others.

In the most general sense, efficiency (from the Latin. Effectivus - effective), is expressed in the degree of compliance of activity with the goals, which it aims to achieve. This term also implies the achievement with minimal cost of any goal facing a society or an individual.

At least three conclusions can follow from this statement. First, efficiency is the unity of qualitative and quantitative principles. Secondly, it can be

expressed as a negative and positive value, since the same reason can have two directly opposite consequences. Thirdly, efficiency can be real (the ratio of a real result to a realistic goal); potential (the ratio of the predicted result and the goal of the impact) and the ideal (the ratio of the subjectively determined result and goal).

Speaking of efficiency as a general methodological issue, it should be emphasized that such issues sooner or later become the subject of discussion of any area of human activity. These can be: pedagogy, energy, medicine, management, strategy of military operations, jurisprudence, and much more. Such a wide range of areas of human knowledge, where the problem of efficiency is very important, encourages the authors to search for a universal cause of interest in this problem. At the same time, the universal reason for such interest is the presence of a certain constant in the form of limited resources at the disposal of society (natural, financial, material, industrial, fuel and energy, labor, administrative, citizens' credit of trust in government, etc.).

As numerous examples from world history show, inefficient (uneconomic) spending of any socially significant resources for a society does not rarely cause a decline, and sometimes even a collapse of a given society. Accordingly, the achievement of a state of effectiveness in relation to modern criminal policy is, in the authors' opinion, essential for the theoretical substantiation of the main directions of the fight against crime, and for its practical implementation. Apparently, the system of effective criminal policy is equally necessary for both ordinary citizens and the state as a whole. It is on such a system that the creation of the most comfortable environment depends, where universal human values will be taken up above everything and everything, where exactly the personality will be put on the maximum possible pedestal in its height.

## II. MATERIALS AND METHODS

The materials for the preparation of this study were the long-term scientific research of the authors of the article, based on a systematic analysis of both the evolution of current legislation in the country and trends in the law enforcement practice of combating crime, which are the result of criminal and political decisions. In the process of studying the legal framework for the implementation of state policy in the field of national security, an analysis of law enforcement practice was made at all levels of state and municipal government in the Russian Federation, which makes it possible to fully highlight the current problems of ensuring national security in the Russian Federation and to develop proposals for optimizing state and municipal government systems and legal methods of regulation of the studied social processes.

The study of the goals and means of implementing the state security policy requires an integrated methodological approach based on a synthesis of the results of the political, legal, sociological and economic aspects of the study.

The methodological basis of the article was the general scientific analytical method of cognition and the private-scientific methods arising from it: system-structural, technical-legal, formal-dogmatic, comparative-legal, etc. Their application allowed to analyze the documents selected for the study in interconnection and interdependence in the context of their integrity, comprehensiveness and objectivity. A systematic approach plays a leading role in analyzing the effectiveness of state policy in the field of national security, which allows identifying the structure of the studied social phenomenon, studying individual social and especially legal institutions and their relationships and hierarchies, identifying the most important aspects of dynamic processes that characterize the current state of national security. Here we should pay attention to the fact that the process of modeling a criminal policy acts as a unity of four stages: the first is building models that are adequate to the tasks of criminal policy and the established criminological and criminal law situations; the second is a study of the output of the constructed models; the third is an extrapolation of the studied properties of the models to their original; the use of information obtained through modeling for the development and implementation of crime control programs.

A significant place in the study is given to the technical-legal method, which allows not only to analyze the mechanisms of the applicable legal regulation, but also to evaluate their effectiveness, compliance with the main directions of development of modern national security policy.

## III. DISCUSSION

There is no doubt that any policy, including criminal policy, is part of ethics. However, for a long time, the authorities consider any means to achieve their goals permissible: the point of view of Niccolò Machiavelli prevailed: "The end justifies the means". In the history of different states, this position has led to a multitude of crimes against man and humanity. This was the best counter-argument that the goal does not justify, but determines the means. And the more human it is, the more humane the means of its achievement. At the same time, the humane approach underlying criminal policy, despite its apparent utopianism, has a much greater potential for effectiveness [1]. The above is proved by many years of scientific research and the practice of combating crime [2].

In this regard, it seems interesting to apply the ideas and methods of a systems approach to the normative modeling of organizational systems in order to increase their efficiency, which gave rise to the theory of designing and managing such systems. One of the founders of this theory, as is known, is the American professor S. Yang (1972). The basis of this theory is a holistic model of the organization, which contains a list of all the functions and operations it implements. This model is used to describe and reorganize the organization. In the first case, this refers to the descriptive use of the model when it comes to observing and justifying the functioning of the

organization or predicting its behavior in the future. In the second case - about the regulatory application of the model, not about what is, but about what should be. Strictly speaking, the design of organizations is reduced to the development and implementation of this particular, normative, integral model.

The initial basis of such a model is the laws governing the development of social relations both on the territory of large and super-large cities, and in a separate segment of the time continuum. In this case, the model assumes the role of a hypothesis, allowing us to foresee the tendencies inherent in the law enforcement system, to verify how reliable our knowledge about it is, and how effectively it can be corrected.

In relation to the problem of criminal policy modeling, violent and voluntary, reversible and irreversible changes in the criminal situation should be considered. Changes can be planned or unforeseen, conscious or unconscious.

One of these areas is to build a tree of goals to be solved by the system and to adapt the organizational system of criminal policy to these goals. Since a large system always faces several large, sometimes contradictory tasks, it is very difficult to single out a global goal. After selecting a global goal, a global objective function is decomposed, which is considered to be given.

The primary task of aggregated models of criminal policy is to determine how to choose a solution that would satisfy all existing constraints (in particular, regulatory, resource); which would give the optimum of the objective function (for example, the minimum time, the minimum cost).

Obviously, it is by the example of the specifics of a particular large or super-large city that the average crime considered as a conflict is even more actualized, insofar as at the appropriate level the interethnic, intergroup, interethnic contradictions, etc. become most noticeable. uncertainty, extreme lack of knowledge about the crime situation in the region. Here models come to help, reproducing "conflict situations", which are designed to take into account such contradictions, and then work out means to neutralize or mitigate them.

The choice of alternative institutions comes down to choosing such a system that minimizes the costs (maximizes the benefits) of life in the community; actions of some individuals and groups should impose external costs on others. At the same time, a certain paradox is hidden in this situation. Paradoxical here is the fact that, with an appropriate scenario, all members of society will receive benefits, not losses. Another well-known philosopher and thinker of the past, Jean-Jacques Rousseau, argued that in real life, the pursuit of an individual's personal advantage should be used in the public interest [3].

Consequently, one of the most important components of criminal policy is that the authorities should organize a society in such a way that the system

itself allows the individual to "curb" his behavior in advance. This "bridle" will serve as an effective restriction of the behavior of the apostate from regulatory provisions [4].

To the extent that an individual who makes decisions as a member of society is able to sacrifice his personal interests (his system of values) and accept as his own widely understood Kantian norms, the expected external costs of any decision rule are reduced. Moreover, to the extent that they are accepted, a somewhat smaller number of constitutional restrictions on the operation of the ordinary rules of collective choice can be considered rational. The mutual benefits of individuals from social interdependence can be effectively maximized [5].

The essence of the social contract allows us to better understand the role of the state in the light of the fight against crime. The state appears as an enforcement authority, conceptually external to the contracting parties and solely responsible for securing the agreed rights and agreements for the voluntary exchange of such rights.

In the "defensive state", coercion is theoretically programmed before the actual violation of the law. The subjects agree with the structure of individual rights, the observance of which must be ensured, and in case of violation it is only necessary to detect the fact of its occurrence and automatically impose sanctions.

The "law" provided by the state is not necessarily the set of results that best represent a certain balance between opposing interests, a certain compromise, a certain median solution. In the correct interpretation, the "law", the observance of which is ensured, is such a law which, whatever it may be, is defined for observance [6]. The latter circumstance leads to the fact that the imaginary overlords of the individual face the never-ending threat of rebellion against them, with non-observance of any rules by which they try to direct and organize human behavior [4].

The law must determine what punishment will follow the violation. And here again in the "solutions" there is no place for the external agent's own assessments. At the same time, individuals may feel compelled to observe the conditions of the never-concluded "public contract", feel themselves as an object for potential punishment from the state, for which they do not see any right to either direct or indirect control.

This alienation of the modern man from the "state of defense" is further strengthened when he sees that individuals who play the roles assigned to them in the functioning of this body themselves evade compliance with the norms of the law. Under such conditions, an individual cannot look at the state as something other than just an arbitrary repressive mechanism. If this stage is passed, then the individual adheres to the existing law only because he is personally afraid of the possibility of detecting a crime and the subsequent punishment [3].

#### IV. RESULTS

Observance of the law by one party, considered independently, is a net positive external effect for other parties [7]. These examples show the difference between law and traditional public goods. And this distinction is the most important. It is connected with the coordination by individuals of their relative shares in costs. In this context, J. Buchanan gives a fairly clear example in compliance with the rules of the road. The author writes: "Each of us will probably agree that the rules of the road are necessary. Perhaps there is no such person who would value his own freedom of choice so highly that he would prefer to live in a state without traffic rules. At the same time, for each of us, there are probably laws such that the benefits of which are not sufficient to compensate the victims of personal freedom [8]. The costs of the law are measured in the utility losses experienced by each person due to the limited range of his choices. The main difficulty of modeling a particular segment of a social system is that any societies as components of the system are not identical, their behavior is not determined as strictly as in the physical system.

The behavior of societies and specific individuals is determined not only by the behavior of the system, external influences, but also by the internal state (level of legal awareness, psychological characteristics of the population, religious motivation, ethnic traditions, etc.). A specific society or individual is able to make their own decisions [5]. These solutions may or may not meet system requirements. Moreover, the degree of non-compliance may be different - from almost complete acceptance of the requirements, goals, behavior of the system to their complete rejection. This means that the behavior of, for example, individual microgroups can not deduce the trend of the overall system, no matter what formal logical and mathematical tricks we apply. It is impossible to give a fairly complete description of the behavior of society only on the basis of the properties of individuals, its components. For the same reason, it is impossible to give a description of macro-processes, relying only on information about the micro level. This is probably the main feature of the regional criminal policy from the point of view of modeling and makes any other reasoning algorithm insufficient [9].

Having considered the mechanism of non-repressive law-abiding behavior, then it seems necessary to turn to other segments of criminal policy, also represented by certain models. Models of this type can be considered in relation to the soft and hard types of response to any facts that upset the balance in social systems.

The approaches outlined above allowed finding satisfactory solutions to problems in a situation where individual parts of the system could have mismatched goals, but agreement, development of a common position is possible. However, the methodologies considered earlier do not work in a situation of deep conflict between parts of the system or when coercion is important in the social system. It is the problem of coercion that becomes central in this model.

An example of simulation should be called the model of criminal policy proposed by the authors below. In this model, an attempt was made to take into account all the main blocks of modern criminal policy. It is this kind of simulation models, in the opinion of the authors, can be successfully used in practical activities. The modern model of criminal policy has been reviewed in detail in our Russian-language works [2]. We consider the modern model of criminal policy in the context of new approaches to the study of society [10].

It should be noted here that the central element of the criminal policy model consists of three of the most significant elements. These include: the current legal framework, which regulates both the most important areas of socio-economic relations and the activities of law enforcement bodies of internal affairs. This includes the peculiarities of the current law enforcement practice and the nature of the perception by the population of both the criminal situation and the results of the struggle of law enforcement agencies against crimes.

Each of the above elements of criminal policy has its own branches. For example, according to the elements constituting the block, it is possible to predict the "effectivity" of the activities of law enforcement and law enforcement agencies in combating crimes. To do this, the forces and means involved in this process, as well as the material and technical security of this subject of criminal policy, multiplied by the current socio-economic situation in a particular region, must be taken into account.

We have designated the second block of criminal policy as the "improvement" of the legal framework; it also consists of three basic bases. This is the criminalization and decriminalization of the norms of criminal, criminal procedure and penal legislation, carried out in accordance with the current socio-economic situation in the country.

And finally, we called the third block of criminal policy as "feedback", it represents, in essence, the population's perception, on the one hand, of the current socio-economic situation in the whole country or in certain regions (including the criminal situation), and on the other hand, how positively or, on the contrary, negatively perceived by the population are the results of the activities of the internal affairs bodies aimed at fighting crime.

Finally, the role of feedback in the system should be indicated. Obviously, the system will function normally, even with unstable elements in its composition, if they are covered by a properly organized connection. In the criminal political system, feedbacks are found everywhere. The most important feedback from the authorities to the society is realized through the property of transparency of management. This is served by public awareness of the validity of decisions taken by criminal policy subjects through the activities of independent media, through global

computerization and, most importantly, the presence of an opposition that controls the work of the authorities.

The control system is very sensitive to the place of feedback in the structure, to the quality of the information transmitted through it and to the processing to which the information in the feedback is subjected. And the prevention of crimes should be ensured by conducting preventive measures, timely informing the subjects of criminal policy.

Model megapolis criminal policy should be considered in the regulatory regime. The purpose of this operation is to compare the possible decisions of the subjects of criminal policy with the specific possibilities, the conditions in which such a decision is made, as well as with the available reserves and established restrictions on the standards of the criminal law, resource and organizational nature. Comparing possible decisions and alternatives with real possibilities and given law enforcement standards, criminal policy makers should find optimal solutions, take them and thereby adjust the crime situation in a direction that is favorable to society.

In order to know these or other social systems and to correct them, it is important to establish the optimal combination of the indicated regimes of modeling effective criminal policy. When cognizing such objects, one should also take into account all the complexities and features of social systems modeling [10].

And finally, another important tool in the rational solution of law enforcement tasks is causal models. The latter should be widely used to explain and predict criminogenic processes in the region. In contrast to the structural-functional models, they are focused mainly on the description of the dynamics of these processes. In this case, time is not always taken into account explicitly. The fact is that the cause-effect relationships connecting the elements of the model imply the development of processes and events in time. Elements of such models can be legal concepts, categories, criminological indicators, indicators and variables describing the behavior of criminal processes. It is better to call the element of cause-effect content models a factor (from the Latin. Factor - making, producing), the reason, the driving force of the studied criminogenic processes and phenomena. The term "factor" reminds the researcher that after the object is divided into parts and components, the following operations are necessary:

- identification of the main relationships of the criminal environment;

- determining how changes in some factors affect other components of the regional criminal policy model;

- understanding how the collected criminal-political mechanism will function as a whole, whether it will adequately describe the dynamics of the parameters of interest to the researcher.

## V. CONCLUSION

One of the main problems of successful reform is the maintenance of social stability. It is recommended to conduct a flexible social policy that takes the form of a pendulum movement from a stimulating (hard) policy to a stabilizing (soft) one, i.e. periodic change of priorities [11].

Constant monitoring of the level of social tension allows timely identification of groups in the most difficult situation, ready for mass protests [12]. For such groups, the tactic of a "protective umbrella" is used - a set of measures that temporarily raise the standard of living of members of these groups in comparison with other social strata [13].

The practice of modeling shows that the widespread use of nonlinear models often ensures their stability with respect to variations in parameter values. Apparently, this situation is typical for social systems. If the real system is stable, then the model should be the same. The argument in favor of the insensitivity of real systems to specific parameter values is the similarity of social problems faced by countries with different cultural and ideological features.

So, the "ideal" organization of law enforcement agencies can be carried out using various collective decision rules taking into account different principles of mutual restriction of legislative, executive and judicial power, while making it difficult in every possible way to amend the criminal law to ensure reliable protection of so-called inalienable rights. If you use other criteria for evaluating criminal policy, then the whole system becomes ineffective.

## ACKNOWLEDGMENT

The authors of this article express their gratitude to the staff of the Department of Public Law and Legal Support of the Administration of the Main Directorate of State University, as well as Professor of the Department Tabolin V.V., Director of the Institute of Public Administration and Law Latfullin G.R. and in his person, the leadership of the State University of Management for the invaluable help and support of the publication of this article.

Work Completed with the support of the Russian Foundation for Basic Research (Grant No. 19-011-00720 "Development of the Scientific Foundations of Legal Urbanology as a New Integrated Area in the Legal Science of Cities")

## REFERENCES

- [1] V. A. Shemshuk, Ethical state. Past present Future. Moscow: The World Fund of the Planet Earth, 2001.
- [2] D. I. Aminov, Modern approaches to building an effective mechanism of criminal policy of the Russian state. Monograph. Moscow: Acad. Economic Security of Russia, 2010, 200 p.
- [3] J.-J. Rousseau, On the social contract, or the principles of political law. In the book: "Treatises". Moscow, 1998.
- [4] I. Karabulatova, Kh. Vildanov, A. Zinchenko, E. Vasilishina, and A. Vassilenko, "Problems of transformation matrices modern multicultural identity of the person in the variability of the discourse of identity Electronic Information Society", in

- Pertanika Journal of Social Science & Humanities, 2017, No 25 (S) Jul., pp. 1-16.
- [5] Z. R. Khachmafova, I. S. Karabulatova, S. V. Serebryakova, A. V. Zinkovskaya, and E. N. Ermakova, "The Specifics of an Estimate discourse of gender stereotypes in small forms of Folklore in a Network Discourse of Electronic and Information society at the Beginning of 21st Century", in *Pertanika Journal of Social Science & Humanities*, 2017, No 25 (S) Jul., pp. 137-150.
- [6] *Studies in Philosophy, Politics, and Economics*. London: Routledge and Kegan Paul, 1967.
- [7] W. H. Riker, "Public Safety as a Public Good," *Is Law Dead?* E. V. Rostow. New York: Simon and Schuster, 1971, pp. 379-385.
- [8] J. Buchanan, *The constitution of economic policy. Calculation of consent. The boundaries of freedom*. Moscow: Taurus Alpha, 1997, pp. 332.
- [9] S. V. Ryazantsev, I. S. Karabulatova, R. V. Mashin, E. E. Pismennaya, and S. Yu. Sivoplyasova, "Actual problems of human trafficking in Illegal immigration in the Russian Federation", in *Mediterranean Journal of Social Science*, 2015, Vol. 6, No 3, S. 1, pp. 621-626.
- [10] S. G. Karepova, I. S. Karabulatova, V. S. Novikov, S. V. Klemovitsky, D. I. Stratan, and A. E. Perova, "New Approaches to the Development of Methodology of Strategic Community Planning", in *Mediterranean Journal of Social Science*, 2015, Vol. 6, No 3, S. 6, pp. 357-364.
- [11] N. F. Naumova, "Social policy in the context of delayed modernization", in *Sociological Journal*, 1994, No 1, pp. 6-21.
- [12] G. Rakisheva, I. Karabulatova, and A. Abibulaeva, "Ethno-Sociocultural deviations in the educational environment of the modern Eurasian Higher Education Institution as a reflection of transcultural globalization factors", in *Man in India*, 2017, No 97 (23), pp. 115-131.
- [13] I. Karabulatova, I. Mkrtumova, Z. Polivara, B. Akhmetova, S. Galiullina, E. Loskutova, and E. Abylkasymov, "Protest behavior of present-day Russian youth as ethnosocial deviation in an ethnopolitical conflict-prone situation", in *Central Asia and Caucasus. Journal of Social and Political Studies*, 2016, Vol. 17, Iss. 2, pp. 94-103.