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Book Review:
Criminal Punishment: Appointment and Release

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The issue of a punishment, like a crime, is perpetual. It has never lost its relevance in Criminal Law, fiction, public opinion, the policies of states and the international community as a whole. Publications on criminal punishment, its types, and principles of appointment, goals, justice, effectiveness, and other issues are truly innumerable. Moreover, there seems to be nothing to write about (of course, there are many things to argue about). Therefore, it is obvious: this problem is relevant; it has been examined from all sides; it is eternal; it is basically insoluble, etc. Despite this, in my opinion, one should welcome the appearance of a new - and noteworthy - book on criminal punishment, its appointment and release.

This book is published in a textbook format. According to the established habit in Russia, textbooks are usually published according to branches of law, i.e. Constitutional, Civil, Labor, Environmental and other law textbooks, which highlight the history of this industry, the views of thinkers who have made a significant contribution to its development, the content of legal institutions, the relationship with the principles and norms of international law, the system of law realizing bodies, implementing responsibility for violation of statutory requirements, judicial practice, etc. In other words, these textbooks give a general description of the industry. In contrast, the peer-reviewed textbook is devoted to one legal institution — punishment. This is a landmark step in Russian legal science, personifying not only achievements, but also denoting new directions of scientific and educational activities. The thing is that there existed not only restrictions of rights and freedoms, about which it was spoken-negotiated, but also restrictions of a different kind in the epoch of socialism. For example, textbooks or comments on the Criminal Code of the RSFSR could be published only by the publishing house “Yuridicheskaya Literatura” (in the rarest cases by the publishing house “Nauka”); the authors' teams were also predetermined: a professor at the Law Faculty of the Moscow State University named after M.V. Lomonosov or Leningrad University (as a rule). It was unthinkable to imagine that the textbook can be prepared by scientists working in other universities of the USSR at the time. The situation began to change in the second half of the 90s of the twentieth century against the background of general transformations in the country. After the adoption of the Criminal Code of 1996, comments to it were published (in huge editions), and two or three years later, comments began to appear on individual chapters of the Code (an unheard practice in the Soviet era). There are a lot of comments of this kind: about environmental, economic, official and other crimes. A similar assessment cannot be made yet with regard to textbooks in which the foundations of a given legal institution are presented. That is why the book under re-



view requires an analysis not only of the essentially formulated provisions, but as an attempt to introduce a new format into the system of legal education in Russia.

The textbook consists of an introduction, seven chapters and a list of recommended literature for studying the discipline as a whole, including 134 published works and 19 Internet resources (p. 303 - 317). It should be noted the unusual content and structure of the introduction (p. 3-22), which is usually not evaluated in book reviews. But in this case it must be done. The introduction to the textbook is built according to a rigid scheme: it contains five sections - on the purpose of mastering the discipline, its place in the structure the main educational program, the requirements for the results of mastering the discipline (they are given in an easy-to-read table, including the parameters of general cultural competencies, forms and methods of training, codes), guidelines for students to master the discipline (module), which formulated as general recommendations, and the tasks of lectures and seminars, as well as the goals of independent work of students. The introduction is completed with a list of questions for preparing for the exam, as well as a table entitled "Criteria for assessing knowledge, skills, and declared competencies".

In the first chapter of the textbook "The Concept, Characteristics and Purposes of Punishment (pp. 23-96), nine paragraphs are singled out in order to make students clear detailed ideas about the content of the penal institution of punishment. They primarily cover the following questions: the methodology of the doctrine of criminal punishment; punishment as contradiction and the form of its resolution, as a moral category. Then the stages of the development of the doctrine of punishment are described and its concept is given, as well as the connections (correlation) with other legal institutions and concepts are determined.

In this case, the question of the relationship between the terms "punishment" and "punishment" is highlighted, which is usually analyzed by lawyers for many centuries, but does not lose relevance in our days. The following is a summary of the classic problem of punishment purposes. The chapter concludes with two paragraphs on the criteria and federal indicators of the effectiveness of punishment and on the grounds, criteria and principles for building a system of punishments.

It should be recognized that this chapter reflects all the ideas, developments of domestic lawyers, scientists and practitioners. The material is sufficient for orientation of students in the essence of the problem and is presented in such a way that familiarization with it awakens interest and contributes to a more in-depth study of the problems of punishment (not limited by reading the famous novel by Fyodor Dostoevsky).

The following chapters are structured according to the classical scheme: they highlight the initial theories about the system and types of punishment (Ch. 2, p. 97-155), the purpose of punishment and the conditions application of this legal institution (r. 3, p. 156-211), on exemption from criminal punishment (Ch. 4, p. 212-239).

The final three chapters of the textbook provide detailed material on special cases of sentencing - against minors (p. 239-247), military personnel (ch. 6, p. 248-282), as well as the specifics of sentencing juvenile military personnel (exemption from Chapter 7, pp. 283-302). The authors of the textbook do not explain why they paid particular attention to these problems (the punishment of underage servicemen). It is possible that when reissuing a



textbook, they will also include the issue of sentencing recidivists; application other measures of criminal law punishment; foreign practice and other topics.

Each chapter is supplied with a list of recommended literature, including both Russian and foreign sources (translated and published in the Russian Federation), personifying the achievements of legal thought in the nineteenth, twentieth centuries and today.

Summing up, it should be said that the publication of a textbook on a separate legal institution can become a “first sign” and affect the format of legal education, help to awaken deeper interest of students to study individual (not only criminal law) disciplines, increase the responsibility of faculty and influence the systematics of the relationship between science and the legislator. Even if this does not happen, the textbook “Criminal punishment: appointment and release” has already played a certain role, influencing professional legal thinking (and not only the thinking of the author of this review).