

Problems of legal regulation enforcement of criminal sentences

Brief description: Punishment activities involve the use of state coercive mechanisms aimed at restricting human rights, and at the same time it must ensure a legal regime that guarantees respect for human rights. That is why proper legal regulation of criminal punishment activities is crucial for its implementation.

European Prison Rules emphasize that the use of sentences of imprisonment and treatment of prisoners requires compliance with security and discipline requirements while ensuring conditions of detention that do not violate human dignity and give prisoners the opportunity to engage in meaningful activities and implement relevant programs, thus preparing them for return to society. As stated in the Concept for Reform (Development) of the Penitentiary System of Ukraine, its purpose is to further reform the penitentiary system of Ukraine for unquestioning observance of human and civil rights and humanization of the penitentiary mechanism, establishing compliance between tasks and functions of such bodies. September 2017 № 654-r).

Based on the goal formulated by the Government, it becomes clear that the issue of execution of criminal penalties should be the subject of careful study by legal experts.

The subject area of the discipline involves the creation of intersectoral training space, which combines in-depth study of certain provisions of criminal law and criminal procedure, as well as a significant number of provisions of criminal executive law as an area focusing on criminal punishment. It is proposed to consider the mechanisms of execution of criminal penalties in connection with them and the impact on the legal status of man and citizen, ways to ensure, guarantee and protect it.

It is the possibility of an interdisciplinary approach that makes this discipline a unique educational complex, which provides an opportunity to comprehensively consider the procedure and conditions of execution of criminal penalties. After all, the subject of the discipline includes the issue of execution of punishments associated with isolation from society. Punishments that are not related to isolation from society,

as well as issues of improving criminal enforcement, identifying problems in the implementation of these activities and possible ways to solve such problems.

The purpose of the discipline

- formation of system knowledge and understanding of conceptual bases of activity on execution of criminal punishments with use of the interdisciplinary approach of disciplines of a criminal law cycle;
- gaining knowledge of the practice of execution of sentences, taking into account the decisions of the European Court of Human Rights;
- providing knowledge on the basic mechanisms of ensuring, guaranteeing and protecting human rights during the execution of criminal penalties;
- acquisition of skills of analysis of the legislation and independent application of norms and provisions of the criminal-executive legislation.

The content of the curriculum

Topic I. THE CONCEPT AND SYSTEM OF PUNISHMENT

- 1.1. The concept and purpose of punishment in the criminal law of Ukraine
- 1.2. The system of punishments and its reflection in the criminal law of Ukraine
- 1.3. Characteristics of types of punishments under the criminal law of Ukraine
- 1.4. Problems of improving the system of punishments in Ukraine

Topic 2. PURPOSE OF PUNISHMENT

- 2.1. General principles of sentencing
- 2.2. Special rules for sentencing
- 2.3. Problems of improving the principles and rules of appointment (determination) of punishment

Topic III. EXECUTION OF PUNISHMENT

- 3.1. Execution of sentences related to isolation from society
- 3.2. Execution of non-isolation sentences
- 3.3. Problems of improving the execution of punishments in Ukraine