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METHODOLOGY AND THEORY OF LEGAL PSYCHOLOGY

PSYCHOLOGICAL DIAGNOSTICS OF THE DEGREE OF CORRECTION OF CONVICTS: FUNDAMENTALS OF THEORY AND METHODS

A. N. Pastushenya

Abstract: The article presents the approach to assessing the degree of correction of a convict based on psychological diagnostics of his personal readiness for law-abiding lifestyle. The structural model of such readiness is described as the system of psychological attributes, which includes motivational-and-volitional and other prerequisites of lawful behavior in key areas of life and of anti-crime resistance. The sequence of diagnostic problems for the study and evaluation of such readiness is determined; the main diagnostic methods of psychological attributes, which are viewed as its structural elements and parameters for their evaluation in the whole are shown.

Keywords: degree of correction of convicts, readiness of convicted person for law-abiding lifestyle, person's anti-crime resistance, psychological attributes of personality, psychological diagnostics.

CONTEMPORARY TERRORISM AND THE PROBLEM OF RECRUITMENT TO TERRORIST NETS: PSYCHOLOGICAL ASPECTS

V. A. Sosnin

Abstract: The phenomenon of contemporary terrorism is discussed in the article. Fundamental questions of becoming Quran as the Holy Scripture in history and problems of sects in Islam are examined. Three types of sacred texts in Islam — Quran, Sunna and Hadith are defined. Attitude of Muslim theologians to extremist terrorist movements' activity is examined. They are strongly against identification of Islam as a religion of Good, Peace and Justice with terrorist structures and against the use of such notions as Islamic extremism, islamist etc. in connection with terrorism. However, according to canonic Islam sects are not the exception but natural phenomenon (see Hadith 73 about sects in Islam, for example). The problem of recruitment of people to terrorist nets is discussed, psychological interpretation of recruitment is given. Psychological types of persons disposed to recruiting and their motivation are defined. Psychological logics and stages of recruitment in the whole are described. Brief comments on counteraction to terrorism (ideological-religious aspects and strategies of psychological operations) are given. Generalizing conclusions on counteraction to terrorism in the modern geopolitical situation are briefly mentioned in conclusion.

Keywords: Islam, Quran, terrorism, mass media, geopolitics, motivation, recruitment, counteraction, psychological operations.

CHALLENGES AND MEANS OF IMPLEMENTATION OF COMPETENCE-BASED APPROACH INTO SPECIALISTS' TRAINING IN PRACTICAL LEGAL PSYCHOLOGY

V. F. Engalychev, T. V. Belinskaya

Abstract: The article deals with the problems of specialists' training in the practical legal psychology; it reviews some mechanisms of implantation of competence-based approach in this process. The relevance of the article is determined by a variety of approaches to this process pointed out in recent publications, by the educational paradigm changes due to introduction of federal state educational standards of higher education.

The subject of the research presented in the article is realization of the competence-based approach in the higher education which basic concepts' practical application revealed a set of challenges in new standards' implementation, in the content of main educational programs considering the revision of basic educational programs of the higher education in the sphere of legal psychology.

Rapid changes in the system of higher professional education, in standard's substantive part and key elements of main educational program, in the set of forming during training competences, in particular, result in adequate comprehension and practical implementation of the competence-based approach. The authors found some contradictions between the interpretation of system of competences gained from the higher education, on the one hand, and traditional "handy" system of "profesiograms", used by HR departments and law enforcement authorities, on the other hand. These contradictions reveal the insufficient level of assessment of a professional as a carrier of some competences or an employee who is carrying out some functions. Noted phenomena indicate that competence-based approach's implementation into the training system of legal psychology experts has imitating character in many ways. It is supposed to be altered via the solution of the following problems: reconsiderations of the competences' content to make them more concrete and measurable, revision of the amount of essential competences to assess the results of mastering of the basic educational program, consolidation of disciplines of curricula and the description of mechanisms of competences' assessment.

Keywords: competence-based approach, competence, result of mastering of the basic educational program, competence assessment mechanisms.

APPLIED AND EXPERIMENTAL RESEARCHES

PROBLEMS OF PSYCHOLOGICAL SUPPORT OF INNOVATION ACTIVITY IN PENAL SYSTEM: RETROSPECTIVE ANALYSIS AND CURRENT STATUS

A. I. Ushatikov, I. S. Ganishina

Abstract: In scientific literature the term "innovation" is defined as the final outcome of innovation, which is embodied in the form of new or improved processes,

products used in scientific and practical activities or a new approach to the provided services. Traditionally, the following types of innovation informational, organizational, managerial, social, technical, technological are specified. Information innovations solve the problems of rational organization of information flows in the area of science, technology and innovation, the improvement of reliability and timeliness of the received information. Organizational and management innovations relate to optimal organization of production, transport, distribution and supply, social ones aim at improving of working conditions, promotion of public health, education and culture. Technical innovations manifest themselves in the production of products with new or improved properties; technological arise in application of better ways of products' manufacturing. Innovation activity is a set of scientific, technological, organizational, financial and commercial measures aimed at improving the efficiency of labor, contributing to the accumulation of knowledge and the improvement of technologies and creation of new equipment. The concept of the penal system development until 2020 poses a number of priority areas before penal system, innovation being among them. According to the most researchers, the efficiency of innovative activity in prisons is extremely low, that is due to several factors: the weak material and technical base, low levels of methodological and information-technical support, isolation of correctional facilities are among them.

Innovations in penal system are impossible without knowledge of correctional system employees' psychology, taking into consideration of their individual psychological characteristics, value orientations and attitudes. It is therefore important to carry out psychological support to innovations in the penal system.

Psychological support of innovations in penal system should be realized in three main areas: general, special and specific. General one implies psychological support of all employees within the agency; special is designed to work with individual services and structural divisions; specific is aimed at helping to individual correctional officers. We consider that psychological service staff together with the head of the correctional facility should realize psychological support to innovation activity.

Keywords: correctional system; innovation; types of innovation; innovation; innovation process, the components of the innovation process; innovative transformation; innovative activities in the penal system, psychological support innovation; objective and subjective factors of innovation in prisons; correctional institution; correctional system personnel; staff of psychological services; the head of the correctional facility; psychological barriers.

SOCIO-PSYCHOLOGICAL PECULIARITIES OF PENITENTIARY SYSTEM MANAGERS

A. B. Checkkova, G. V. Sherbakov

Abstract: Nowadays a great number of different tasks are imposed on penitentiary system's managers and only real masters can cope with them. This is because the managers of different levels have to fulfill different kinds of activity (manufac-

turing, guarding, inspection, education etc.). Not every manager is able to organize his activity competently and mistakes' consequences will result not only in material terms but in human resources as well.

To reveal socio-psychological characteristics of penitentiary system's managers the study of psychological peculiarities of employees holding different offices in Russian penitentiary system organizations have been conducted. The sample was divided into two groups. Heads and potential heads of correctional facilities constitute the first group. Potential candidates for promotion to heads of territorial agencies of Russian Federal Penitentiary Service were the members of the second group. Observation, survey, testing (R. Cattell's questionnaire, person's motivation orientations techniques) were used in the research.

Peculiarities of successful penitentiary system's heads have been revealed: emotional stability, dominate locus of control, strategies of behavior in conflict, motivations, communicative and organizational abilities are among them. The results of research make it possible to create a psychological portrait of penitentiary system head.

Keywords: penitentiary system, personnel reserve, the psychodynamics of personality, psychological portrait of the leader.

TOLERANCE AS OPPOSED TO STUDENTS' AUTO-DESTRUCTION PHENOMENON

V. E. Lapshin

Abstract: The article reveals the approach to tolerance as the quality of the individual and the phenomenon of social being. The author highlights the natural, moral and moral tolerance. The author considers that lack of tradition of pluralism, sense of «national humiliation», egocentric attitude of consciousness as the factors hampering the development of tolerance. The author analyses phenomena affecting person's predisposition to auto-destructive behavior, direct correlation between personal characteristics and actual manifestation of auto-destruction. Patterns of youth's destructive behavior: unmotivated aggression, alcohol abuse, smoking, drugs addiction, deviance and delinquency, gambling, larning and other forms of non-chemical addictions, disregard of health culture, suicidal readiness are among them.

Keywords: tolerance, attitudes, socialization, society, values, strategies, self-destructive behavior, patterns of destructive behavior, personal determinism, deviance and delinquency, gambling, larning, cultural norms of health, suicidal readiness.

COMPARATIVE ANALYSIS OF ESTIMATES OF LEGAL PHENOMENA IN VIOLENT AND NON-VIOLENT OFFENDERS

A. S. Kalashnikova, N. S. Levochkina

Abstract: A certain attitude to a variety of legal phenomena plays an important role when deciding about the crime. According to the analysis of the literature, this attitude is different for the different categories of offenders. Therefore, the most

relevant is to study the attitudes to legal occurrences in violent and non-violent criminals in comparison with the analysis of attitudes to various elements of legal awareness among law-abiding citizens, who were not brought to any kind of responsibility.

The study involved men aged from 18 to 55 years: 24 persons serving sentences for violent offences, 25 persons convicted for acquisitive non-violent offences, and 25 persons who were never brought to criminal and other types of responsibility. To identify their attitude to legal phenomena the method of «Semantic differential» was used. Respondents were asked to evaluate the 8 concepts: «law», «law abiding people», «the law enforcement system», «worker of law enforcement system», «offender», «offence», «violent offender (murderer)», «acquisitive offender (thief)» in 13 bipolar scales. The results were analyzed both qualitatively and quantitatively using non-parametric statistic U Mann – Whitney test. The conclusion that law-abiding citizens and convicted for acquisitive and violent crimes evaluate legal phenomena equally is drawn: concepts related to law and law-enforcement system are evaluated neutrally or positively; concepts related to wrongful phenomena («offense», «the offender») are characterizes negatively; but they differ in evaluation of such specific concepts as «violent offender (murderer)» and «acquisitive offender (thief)».

The pole of estimation depends on the position of evaluator: offenders are more positive about their own kind, in contrast to law-abiding citizens, and convicted of acquisitive crimes in their assessments take the average position between law-abiding citizens and convicted for violent crimes.

Keywords: legal consciousness, evaluation of legal phenomena, violent offender, murderer, mercenary offender, a thief, a law-abiding citizen, law enforcement system, offence.

TIME PERCEPTION WHILE SURFING WEB PAGES

I. V. Blinnikova

Abstract: The research investigates time perception issues of web surfing. It analyses objective and subjective factors, which could distort temporal span assessment in the virtual environment. The assessment of the time spent on tasks using various web sites was in the focus of our experiment. On the average, the users overestimated the time spent in the virtual environment; the error rate depended on the task type and the intensity of the interaction with the virtual environment. One of the goals of the study was to test the user's condition influence on temporal span assessment. The time spent in the virtual environment was underestimated (the users believed that they had spent less time than they really had) if the task solution resulted in a better mood and physiological condition improvement. Vice versa, the time was overestimated (the users believed that they had spent too much time) if the mood and the physiological condition deteriorated in the process. The research revealed a connection between distortions in temporal span assessment and personal characteristics. In particular, it highlighted gender differences: generally, men tend to overestimate the time spent on the Internet, while women tend to underes-

timate it. Besides, introverts and emotionally stable users were prone to reassess five-minute surfing sessions.

Keywords: Time perception, virtual environment, Internet resources, internet surfing, internet games, emotional state, individual differences.

PSYCHOLOGY OF SOCIAL PHENOMENA AND LIFE QUALITY

PHENOMENOLOGY OF INTEREST IN THE STRUCTURE OF SELF-ORGANIZED COGNITIVE ACTIVITY

A. Yu. Efremov

Abstract: Formation of cognitive activity is provided by perception, interest, imagination, thinking, understanding, memory, etc. Interest as psychological phenomenon is a structural element of cognitive process. This fact allows turning to the process of knowledge taking into account value of motivation and functioning of personal structures. Research is directed on studying of self-organization of common cultural competence in information society and has prospects for design of appropriate technology. Thus, interest is considered as cognitive, but as ways and means of search and use of information from the point of view of relevance of students' independent mastering of main research methods. Relevance of practical skills and abilities of work with information in global computer networks of the professional focused orientation is considered.

The interest problem in this context assumes research of information and communication situations in which each consumer of information is the natural active subject of the cognitive interest. Psychological characteristics of information communication demand consideration of person's motivation from the point of view of cognitive interest in information that contains meanings of professional competences. Thus, "interest", "knowledge" and information mutually assume knowledge and learning efficiency.

Interest of the student in the results of the study manifests itself in research activity. Interest of the teacher in the work manifests itself in the results of student's research activity as well. By this, between the teacher and student is solved; the balance of interests that assumes pedagogic of partnership in competence-based approach is reached.

The cognitive interest assumes self-realization of personality in student's independent researches with the use of information and communicative environment of modern society. It yields results of development of professional competences of independent creativity.

Keywords: cognitive interest; binarity of interest, cognitive and semantic motivation; a motivator of the self-organized thinking; information communication; emotional and informative conflict; personal cognitiveness; partnership pedagogics.

THEORETICAL AND EMPIRICAL BASES FOR TYPOLOGY OF SUBJECTIVE QUALITY OF MANAGERIAL INTERACTION

V. B. Ryabov

Abstract: An estimation of interaction by its participants sometimes is not adequate to objective interaction efficiency. Private agreements about changes of formal rules in these cases usually are characterized by high satisfaction of interaction's participants and by damage for organizational systems where these subjects work. This effect is peculiar to different corruption schemes. Thereby, the objective efficiency and quality of interaction and subjective estimation of efficiency and quality of interaction may be substantially different.

Psychological analysis of managerial interactions assumes joint examination of objective and subjective quality and efficiency of interaction. The definition of interaction's efficiency is given in psychological literature, but the definition for subjective interaction's quality is not considered until the present time. Being an element of working life, subjective quality of interaction can be considered with the help of model of subjective quality of working life. Rational and emotional satisfaction with working life can be used as estimation criteria for work life quality as well as rational and emotional non-satisfaction with work life. We propose to use appropriate types of satisfaction and non-satisfaction as estimation criteria for control of interaction by its participants. We propose also the way for construction of typology of quality control of interaction estimation based on using of these criteria correlations.

Theoretically, it is possible 16 types of interactions that are defined by possible combinations of criteria. In practice, some combinations are unlikely and are not observed. Empirical research for definition of observed in practice types of interaction was conducted.

Empirical attempt to define and to create interpretation for theoretically proposed types was realized by studying of executors' representations about their managers and peculiarities of interactions with them. We use G. Kelly's personal constructs method for this purpose. Analysis of experimental data with hierarchical cluster analysis method and post-experimental conversation gave four types of quality in managerial interaction. They are team interaction, interaction «seller — buyer», stress interaction and rejected interaction.

Objectification of interaction's quality estimations may be achieved by including of new subjects, which have direct access to information about interaction.

Keywords: control interaction, business interaction, work life quality, rational satisfaction, emotional satisfaction, subjective interaction quality, objective interaction quality, personal construct, team interaction.

LEGAL PSYCHOLOGY AND RELIGION

SPIRITUAL BASIS OF PERSON'S LEGAL CONSCIOUSNESS IN THE WORKS OF I.A. ILYIN

N. V. Borisova

Abstract: The article focuses on the relevant topic of individual's legal consciousness. The novelty of the author's approach consists in the use of historical and psychological context: the article outlines the opinion of an outstanding Russian thinker I.A. Ilyin concerning individual's legal self-determination. The relevance of the historical and psychological study is conditioned by the need in expansion and deepening of this aspect of psychological knowledge. The principal idea contributing to understanding of the essence of individual's legal consciousness largely is relation between legal consciousness and spiritual and moral aspect of the personality. Only spiritual and moral development conditions formation of a sound legal consciousness. I.A. Ilyin considered spirituality to be love-based human self-determination with regard to objective perfection. Since the thinker saw the objective perfection in God, a sound legal consciousness is based on the religious feeling.

I.A. Ilyin determines legal consciousness as a special way of life a soul lives objectively and truly experiencing the right in its basic idea and single variations (institutions). The right and legal consciousness start and end where the question "and what is of legal meaning in reality and what is it?" starts and ends. If a judge, an official, a lawyer or a citizen neither asks this question nor struggle for its objective solution, they don't live with the right and don't create the right.

I.A. Ilyin distinguished and described the basic axioms of legal consciousness contributing to deeper understanding of his spiritual essence: spiritual self-respect, self-management ability and mutual respect and confidence of people in one another. The article describes the way of expansion and refinement of the inner spiritual experience enabling to cognize some unified and objective rightness existing in the outer attitude between humans, and transformation of this objective rightness into a beloved and desired goal of life.

Keywords: legal consciousness, individual, spiritual and moral development, history of psychological thought, religion, love, conscience, self-respect, self-management ability, mutual respect and confidence.

PSYCHOLOGICAL PECULIARITIES OF PEOPLE SEEKING HELP FROM PRIEST AND PSYCHOLOGIST

E.V. Golovina

Abstract: The goal of the work is to study psychological peculiarities of people seeking for psychological support. Differences in mechanisms of psychological defenses, characteristics of interpersonal relations and self-confidence of people seeking psychological help from psychologist and priest are the subject of the study.

Obtained differences in the characteristics' intensity make it possible to describe psychological portraits of respondents from different groups.

The analysis of data revealed that those who do not turn for help differ from representatives from other groups in their inclination to distance themselves from experiencing of negative emotions by relying upon rational explanation of events. Positive psychological background of this category probably explains their unwillingness to change something in themselves. In this, they are alike with respondents who have sought help from priests. This persons least of all are inclined to self-accusation and most of all are inclined to self-control. They are, as a rule, are farsighted, solid, individualistic. People who are in the state of low spirit, depression, dissatisfaction with themselves and others want to receive psychotherapist's support. It turned out that to visit priest one does not necessary be in the state of low spirit, depression, dissatisfaction with themselves and others, it is enough not to analyze oneself and be more trustful. The research allows estimating the efficiency of rehabilitation by means of certain type of therapy.

Keywords: mechanisms of psychological defense, confidence in oneself, self-attitude, interpersonal relations, types of religiosity, psychological support of priest and psychotherapist.

PSYCHOPRACTICES

TO THE PROBLEM OF PSYCHOLOGICAL PREVENTION OF PROFESSIONAL ALIENATION OF PENITENTIARY SYSTEM EMPLOYEES

B. G. Bovin, E. M. Fedorova

Abstract: The article presents the results of a longitudinal study (2012–2014 y.y.), during which the phenomenon of professional alienation of correctional system's employees have been studied. The purpose of the research was to develop a set of methods for psychological prevention of professional orientation's destructions in correctional system's employees, professional alienation, in particular. N.N. Yegorova's Professional Identity Scale, D.A. Leontiev's Life-Meaning questionnaire, author's questionnaire for the study of factors determining the formation of professional alienation were used; survey of practical psychologists of the correctional system was conducted. The article deals with some problems of prevention of psychological alienation of correctional system's employees; signs (criteria) of professional alienation as the destruction of person's professional orientation are described; analysis of methods for diagnostics of professional alienation is made. The results are as follows. 1). Two main problems have been revealed in the processes of psychological prevention of professional alienation: a) the lack of methods for psychodiagnostics of professional alienation; b) the lack of theoretical and methodological approaches to prevention and therapy of professional alienation. 2). N.N. Yegorova's questionnaire «The study of professional identity» should be used to study the intensity of profes-

sional alienation/identity of penitentiary system employees. 3). The crisis of professional identity, typical for correctional system's employees, is linked with the loss of interest in the service, impossibility of further professional development, professional exhaustion, loss of meaning and service's depreciation.

Keywords: professional alienation, professional identity, professional destruction, professional crises, psychological prevention, psychological correction, staff of the penal system.

ASSISTANCE TO ADMINISTRATORS

SOCIO-PSYCHOLOGICAL ANALYSIS OF ESCAPES

M. P. Chernyshkova, M. G. Debolsky, O. L. Degtyareva

Abstract: The article discusses the escape as a crime of particular public danger. Statistics of runaways committed by convicted persons, suspects and accused from criminal-executive system for the year of 2014 is presented in comparison with 2004. Based on survey of literature on the subject, internal documents of territorial agencies of Federal service of execution of punishments of Russian Federation by the results of escapes' office checkups, the results of scientific research of penitentiary psychologists as well as personal practical experience of the authors of the research risk factors of escape are defined.

Ineffective management, inadequate control of duties' execution, ineffective system of organization and realization of convicts' behavior control (supervision and safety), low level of professional duties accomplishment, professional and personal deformation, poor organization of prophylactic work, ineffective interaction between services, low level of prison's staff training, unfavorable socio-psychological environment, deficiency in engineering tools operation are among external risks' factors.

Psychological history of convicts, mental abnormalities, chemical addictions, existence of significant traumatic, frustration situation, failure to satisfy actual needs, peculiarities of current situation perception as favorable for escape, violation of prison's rules, psychological characteristics (criminological, socio-demographic, socio-psychological, personal) facilitating escape are among personal risks' factors.

Based on generalized analysis of the results of experimental and theoretical studies, the authors' analytical review, psychological and pedagogical system of escapes' prevention as well as other forms of destructive behavior of convicts, suspects and accused have been developed.

Keywords: prison crime, escape from places of confinement, from under arrest or from under guards, prisoners, suspects, accused, sprout situation, risk factors, agencies of criminal Executive system, professional deformation, prevention of shoots.

CONDITION OF PROFESSIONAL EDUCATION OF CONVICTED IN JUVENILE CORRECTIONAL FACILITIES (MONITORING RESULTS)

E. M. Danilin, N. V. Davydova, I. V. Evdokimov, N. I. Makhboroda

Abstract: The problem of the status of professional education of convicted in juvenile correctional facilities is considered. Convicts, who have received a specialty in professional educational establishment of juvenile correctional facility, should be placed in job according their specialty in the colonies to earn money and improve their work skills that will help them in life after release. But in colonies, it is impossible to employ all the convicted persons — gradutors of professional establishments to paid work according specialty. In juvenile correctional facilities convicts are trained not only in traditional trades, but also learn new professions to meet the demands of the labor market. Assessing the status of professional training, attention should be paid to career-oriented work with convicts. The authors present types of career-oriented work with convicts, as well as the algorithm of professional training.

Keywords: professional training, juvenile colonies, convicted, imprisonment, system, criteria, indicators, behavior.

ASSISTANCE TO YOUNG SCIENTISTS

THE STUDY OF PERSON'S MORAL-PSYCHOLOGICAL QUALITIES BY THE EXAMPLE LEGAL AWARENESS

E. V. Raspopin

Abstract: Employees and candidates for service in law-enforcement agencies should meet high demands. First, these requirements concern the state of their physical and mental health.

However, an equally important role in man's activity plays moral qualities and characteristics. Legal awareness (sense of justice) is among these qualities. This quality is of great importance for employees of law-enforcement agencies. It represents the respect for rules of law, willingness and ability to comply with the legal norms of behavior in society. The legal awareness is an essential characteristic of reliability and professional competence of law enforcement officers.

An important task in the field of study of legal awareness is to assess the level of its development. In turn, to assess the level of development of legal awareness requires reliable diagnostic tools. In this regard, the article contains the description of the author psychodiagnostic techniques intended for examining the level of legal awareness.

According to theoretical bases of the technique, the structure of legal awareness consists of two main components: normative and evaluative. The normative component is the level of legal training of the person, his stock of legal knowledge. The evaluative component is the person's attitude to the law, his personal willingness to follow legal standards of conduct. The method has been designed to study the evalu-

ative component of legal awareness. Methodologically, this task is solved through the study of the relationship of the individual to the law presented in the Proverbs and sayings on legal topics.

The technique is multidimensional and is consists of the following scales. The First scale — legal nihilism — assesses the degree of trust or mistrust, respect or disrespect of the subject for the rule of law, effectiveness and efficiency of the law. The second scale — justification of wrongful conduct — evaluates the submission of the subject on the admissibility or inadmissibility of violation of the legal norms of behavior in different situations. Finally, the third scale assesses the General level of legal awareness of the subject.

General information about the structure of the technique; description of the procedure of its holding and results' processing; interpretative texts for users are presented in the article. Local test norms developed on a sample of employees of law enforcement bodies as well as information about the reliability and validity of the technique are given.

Keywords: professionally important qualities of the personality, moral-psychological qualities of a personality, legal awareness (sense of justice), psychological diagnostics, psychodiagnostic technique, law enforcement officers.

MOTIVATING AND STIMULATION OF SERVICE ACTIVITY OF PENAL STAFF: CURRENT STATUS AND EFFICIENCY

A. Yu. Dolinin

Abstract: The subject of the article is the organizational and legal problems of motivation and stimulation of performance of employees of the penal system. The purpose is to analyze the current level of motivation of employees of the penal system, and offer ways to improve the effectiveness of their performance incentives.

The current stage of development of the penitentiary system requires a comprehensive study of the problems of stimulating and motivating of staff performance, which in the present conditions are not well understood in details. To assess the effectiveness of motivational mechanism in the penal system it is proposed to use such statistics as: shortage of staff, the level of staff turnover, number of employees laid off in the first year of service, the data on disciplinary practice of personnel.

The author's analysis of official statistics revealed that in recent years a large proportion of laid-off employees stopped service in the penal system because of turnover, half of them dismissed at his own request. There is a tendency of increasing the number of employees who have reached pension. Each year the number of cases of violations of the law by employees increases. Statistical data on the state of human resources capacity of the correctional system demonstrate a low level of employee motivation and disadvantages in their performance stimulating.

This fact is actualizing search for reserves of increasing the efficiency of personnel motivation in the correctional system. The author suggested and substantiated the main directions of improving the efficiency of these processes.

Improving of socio-economic motivation and incentives of staff performance should include differentiation and indexation of their allowances; increasing in the number of facilities to ensure normal functioning of the staff; the solution of their housing problems.

Effective organizational and psychological motivation of the personnel is possible while matching of employee's goals and with objectives of the penal system and should be based on maintaining of a healthy moral and psychological climate and strengthening of corporate culture in groups of employees, improving non-material forms of stimulation of employees due to the introduction of new types.

Keywords: penitentiary system, work with the staff, penitentiary system staff, motivation, stimulation, optimization, staff reduction, dismissal.

DURA LEX SED LEX

ANALYSIS OF SOCIAL SUPPORT OF PRISON STAFF (ACCORDING TO THE DATA OF THE FEDERAL PENAL SERVICE OF MOSCOW)

V. I. Ogorodnikov, O. O. Korniychuk

Abstract: Legal, institutional and practical problems of the social support of employees of the correctional system constitute the subject of the article; the goal is to define these problems by analyzing the current state of this issue by the example of the Department of the Federal Penal Service of Moscow.

Existing at legislative level gaps and contradictions of legal fixation of guarantees for social security of prison staff due to the lack of a law on service in the penal system have a negative impact on the staffing situation in the Federal Penal Service. Taking into consideration the specific character of service, the staff of penal departments and bodies are in need of social support from the State. However, along with increasing requirements to the staff of penal service, considerable reduction of positions and tense economic situation in Russia, some of the benefits previously granted to employees of the penitentiary system were annulled. The ones that are still valid, is difficult to implement because of the weak managerial control for the legality and objectivity in realization of the rights of employees for various social benefits, frequent and long-term delays in their granting and a number of other factors that should be identified and removed.

Keywords: penal service, work with the staff, the staff of the penal service, social support, social security, social benefits.

VALUE OF A PENALTY IN PROVIDING OBLIGATIONS IN THE SPHERE OF PURCHASES OF GOODS, WORKS, SERVICES FOR ENSURING THE STATE AND MUNICIPAL NEEDS

B. E. Koshelyuk

Abstract: In article the penalty as a way of performance of obligations under the state and municipal contracts is considered. The federal law No. 44-FZ establishes the closed list of ways which provide performance of the state and municipal contracts. Unlike the Civil code of the Russian Federation the Federal law No. 44-FZ doesn't carry a penalty to ways of providing performance of obligations, and considers it as a responsibility measure for the state and municipal contracts. The author suggests to add a penalty to some ways of purchases for providing state and municipal needs.

The bases of emergence of a penalty allow to allocate its lawful and contractual form. Traditionally the lawful was understood as the penalty established zakonny or other legal act including norms of civil law. Only that which registers the parties in the contract is called as a contractual penalty and thus its size is defined by the parties.

Considering this way of providing, the author, offers the different points of view. So, one experts consider a penalty an ineffective way of stimulation of the performer (supplier), and others, on the contrary, express positive opinion on it. Besides the last opinion is consolidated legislatively: in the Federal law No. 44-FZ a certain list of ways of performance of the contract — for competitions and auctions is established: the irrevocable bank guarantee, introduction of money into the account specified by the customer. At the conclusion of the state and municipal contracts at the only supplier or by request of quotations only the penalty can become a real way of ensuring performance of the contract that, of course, strengthens its positions. The author, we consider necessary to turn on her in the Federal law No. 44-FZ, in particular in the item of 1 St. 44 and also to add to ways of placement of orders without tendering (competitions and auctions) the listed ways of ensuring performance of contracts. This need is connected with providing an option for the performer of the contract and higher guarantees of performance of the contract for the customer.

Keywords: a penalty, ways of providing performance of obligations, purchase, the contract, the state order, measures of civil responsibility, the state and municipal contract.