

adjustment of the relevant provisions of the studied articles. Thus, it is proposed to complement Part 2 of Art. 309 of CC of Ukraine inserting the legal structure “with involvement of a juvenile” after the words

“by Articles 307, 308, 310 and 317 of this Code, or”. At the same time, in Part 3 of the Art. 307 of CC of Ukraine it seems relevant to provide the concept of “minor” instead of the concept of “juvenile”.

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DETERMINATION OF PRINCIPLES OF THE POLICY IN THE SPHERE OF EXECUTION OF CRIMINAL PUNISHMENTS

Theoretical issues of legal policy and its principles in general have been the subjects of researches of many theorists and representatives of various legal sciences. However, there are not enough developments on the policy in the sphere of execution of criminal penalties and the definition of its principles. Among Ukrainian and foreign scientists, who developed the policy in the sphere of execution of criminal punishments, can be distinguished such authors as I.H. Bohatyrev, O.M. Dzhuzha, V.M. Dremin, S.M. Zubarev, O.I. Zubkov, K.M. Karkovkina, O.H. Kolb, V.V. Kondratishina, O.V. Lysodied, O.S. Mikhlin, N.N. Ol'shevskaya, L.B. Smirnov, A.K. Stapaniuk, M.O. Struchkov and others.

It is highlighted that science of penal law clearly indicates the elements of its structure: strategy of policy, goals and

tasks, principles, main directions and methods of activity of the institutions of execution of criminal punishments. However, the scientific doctrine still has not formed a clear approach to the definition of “principle of the policy” and the system of principles underlying the policy in the sphere of execution of criminal punishments.

In the research the definition of policy as a strategy of the state activities in the sphere of execution of criminal punishments as a wide comprehensive phenomenon with many different components is given.

In the article the definition of “principles of the policy” and “principles of legislation” are examined. It is concluded that this definitions do not coincide with each other, because, firstly, they differ in content, and, secondly, they

could have different forms of realization.

The principles of the policy in the sphere of execution of criminal punishments, including the basic legal strategic positions, moral principles and basic directions of the policy in the sphere of execution of criminal punishments enshrined in the Criminal Executive Code of Ukraine and other normative acts in this field are determined.

In conclusion, to the principles of the policy in the sphere of execution of criminal punishments could be attributed: firstly, all the principles formulated in Art. 5 of the Criminal Executive Code of Ukraine, secondly, the number of principles developed by science and

practice, like the principle of minimization of legal limitations of rights and freedoms of prisoners; the principle of minimal criminal repression; the principle of priority of development of incentive policy over the repressive one; the principle of resocialization and adaptation of convicts, who have served their sentences; the principle of priority of measures of social and pedagogical correction of the prisoners; the principle of improving special investigative work with the prisoners; the principle of increasing transparency of penal system and its focus on cooperation with civil society; the principle of improving the institutions of progressive system of serving the sentence.