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## **Три модели национальной уголовной политики в условиях Глобализации**

**Клеймёнов И.М.**

*Высшая школа экономики (Санкт-Петербургский филиал), г. Санкт-Петербург, Россия*

### **ТРИ МОДЕЛИ НАЦИОНАЛЬНОЙ УГОЛОВНОЙ ПОЛИТИКИ В УСЛОВИЯХ ГЛОБАЛИЗАЦИИ**

В статье рассматриваются различные модели уголовной политики в условиях глобализации. Автором выделяются три модели национальной уголовной политики: суверенная, реформистская и экспериментальная. Главными критериями такой дифференциации выступают подверженность глобальному воздействию, криминологическая обоснованность и стабильность уголовной политики. Идентификация модели уголовной политики в конкретном государстве представляет собой сложную задачу, решение которой требует самостоятельного исследования.

**Ключевые слова:** глобализация, криминологическая политика, безопасность, тоталитарная уголовная политика, либеральная уголовная политика, суверенная уголовная политика, реформистская уголовная политика, экспериментальная уголовная политика.

### **Three models of national criminal policy in the context of globalization**

**Kleymenov I.M.**

*Higher School of Economics(St. Petersburg branch), [Saint Petersburg](#), Russia*

The author identifies three models of national criminal policy: the sovereign, reformist and experimental. The main criteria of such differentiation are the exposure to global influence, the criminological soundness and stability of criminal policy. Identification of the model of criminal policy in a particular state is a complex task that requires independent research.

The subject. The article is devoted to modeling of the national criminal policy in modern conditions of globalization. The article discusses various models of criminal policy in the conditions of globalization.

The purpose of the author is to describe the basic models of national criminal policy in modern conditions of globalization.

The methodology. The author uses the method of analysis and synthesis, formal legal method as well as sociological methods (survey).

The results, scope of application. The author identifies three models of national criminal policy: the sovereign, reformist and experimental. The main criteria of such differentiation are the exposure to global influence, the criminological soundness and stability of criminal policy. The sovereign model is based on doctrine of weak state and a strong combat criminal activity. It is distinguished by the pursuit of the realization of the equality of all before the law, criminal strategic and political planning system with a clear definition of goals and objectives; criminological security. The reform of criminal policy is characterized by uncertainty goals and objectives, utopianism and pretentiousness, dependence on standards of the international organization, the lower prestige of criminology, reduction of social programs, lobbying of group interests, permanent amendments to the criminal and criminal procedure legislation. Experimental model of criminal policy is connected with approbation of such technologies of management of society that are criminal and contrary to human experience in fighting crime .

Conclusions. Criminal policy of the various states tends by globalist influence more or less. The desire for sovereignty in every sphere, including criminal justice, results the imposition of sanctions by the globalist structures. Reformist penal policy expresses the loss of a strategic, informed criminological development goals of criminal justice, and, as a rule, corresponds to the group, not the public interest. Experimental criminal policy demonstrates a high rate of development and takes a growing place in the globalist projects with an anti-Russian content.

**Key words:** globalization, criminology politics, security, totalitarian criminal policy, liberal criminal policy, sovereign criminal policy, reform of criminal policy, criminal policy pilot.

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**Modeling of criminal policy.** National Criminal Policy is developing in the framework of various models [1]. The French comparativist J. Pradel suggests differentiating between two models of criminal justice - the authoritarian and the liberal (depending on the attitude of this or that state to criminal repression) [2, p. 159]. To the features of authoritarian model J. Pradel refers, in particular, the technique of constructing uncertain dispositions, criminal offenses set of minor rights of the violations, to use as the main form of punishment of imprisonment, discretion in imposing a sentence for by increasing the terms of imprisonment, the assignment of the issue of early release to the competence of the administrative bodies. The liberal model, considers Pradel, is on the contrary, characterized by respect for human dignity and a criminal penal law of this model is aimed at re-socialization [3, p. 25-26].

Following J. Pradel, S.V. Ivanov identifies two models of criminal policy – the repressive (totalitarian) and the humane (liberal-democratic) [4, p. 16].

The above classifications contain the initial negative evaluation of the authoritative and positive evaluation of the liberal model of criminal policy. Meanwhile, you can find the positive traits in the authoritarian model and negative in the liberal. Thus, the authoritarian model provides a higher level of inevitability of the mandate and in general - a high degree of effectiveness of control over crime [5, p. 92]. In addition, it finds quite a wide support among the population. Liberal model of development occurs through its transformation into a liberal oligarchy, and then in the liberal-bureaucratic model which in turn, has a perspective transformation into the criminal pattern of criminal policy which is typical for a criminal state [6, p. 105-122].

In addition, the dichotomy model of national criminal policy leaves out of sight of a number of significant features.

**Criteria for differentiating models of national criminal policy.** The main criteria of differentiation of criminal policy are exposure to external (global) impact, criminological validity and stability of the criminal policy.

*Exposure to external (global)* characterizes the *influence of* independent national criminal policy, which, of course, is the echo of political sovereignty. In this respect, it should firstly be noted in ism and the emerging political and economic environment, which changes to that as quickly as he changes the global world (or the stock price on the stock exchange). Secondly, attention is drawn to the intensity of external influence, which so minimizing camping for obedient subjects and maximizing to the rebels. Thirdly, it is interesting place National Noah s criminal justice in the global legal system.

*Criminological validity of criminal policy* means its true scientific character, because without criminological analysis is not possible to know the status, influence, intentions and

criminality plans, the activity of criminal law to respond to conflicts, without which any modeling loses its mental meaning and turns into a set of promises.

*The stability of the criminal policy* of the sustainability of the chosen course in combating crime and fidelity to the positive experience is accumulated by previous generations of judges, police officers and penitentiary bodies.

**Sovereign model of national criminal policy.** This model is based on the doctrine of a strong state and resolute opposition to criminal activity. The ideology of this approach was embodied in the resolutions of the General Assembly of the United Nations 46/152, endorsed by the UN Program on Crime on STI prevention and criminal justice (adopted at Versailles in November 1991), which states: "Any empowerment and capacity of offenders to commit crimes, States should oppose a similar empowerment of criminal justice" [7].

To the question: "In which country is most effective fight against organized crime?" - we interviewed in May, 2017 of the respondents answered: US - 36.7%; Germany - 35.4; China - 33.1; England - 32.3; Iran - 24.2; Japan - 21.4; Saudi Arabia - 17.8; Belarus - 14.6; Israel - 12.8; others - 8.4%.

The US has a strong statehood. As F. Fukuyama observes, the American state is extremely strict: it has at different levels - federal, state and local - a set of security services, and ensure compliance with all laws [8, p.20]. The United States take the first place in the world in terms of the prison population. Declaring democratic values, which are the cornerstone of human rights, the US criminal justice system is not inclined to reflect on at the decision "human rights are the security of society and the state".

After the events of September 11, 2000 the United States adopted the Law, which became known as Patriot Act. The law includes ten sections. The first section defines the direction of internal security measures to ensure the prevention of terrorism. The second section describes various aspects of the monitoring of persons suspected in terrorist activities. The third section establishes measures to counter the financing of terrorism based on legislation preventing money laundering. The fourth section is devoted to border security, including summer residence visas, immigration and naturalization processes. The fifth is remuneration for participation in the fight against terrorism, DNA identification of terrorists and violent criminals, supplementing registration records with information about terrorists and ant and terrorist activities. The sixth section is compensation for damage and assistance to victims of terrorism (including victims of special services) and members of their families. Seventh section is expansion of the list of information about public hazards, including regional databases. Eighth section is the issue of criminal law [2]. The Patriot Act was supplemented several times on so sensible laws (2004, 2005, 2006, 2011 years) [9, p. 20-24].

As to the criminological validity of the criminal policy, in the USA it is clearly fixed, beginning in 1969, when the Presidential Commission on law enforcement and justice organization published a report, "Challenge to criminality in a free society". The report contained more than 200 recommendations for the prevention and the fight against crime. Some of these recommendations were embodied in the Law on Control of the crime used as public transport and on the streets in 1968.

Currently, criminological and criminal policy is being developed by the *Office of Justice Programs* (OJP) and the US Department, which focuses on prevention by conducting criminological research and development of the rights through the provision of grants and assistance to victims of crime. Its head is the Deputy Attorney General of the United States.

The structure of OJP, in particular, includes:

1. *The National Institute of Justice* .

2. *The Bureau to provide assistance justice* providing strategic guidance criminal policy and assistance in its implementation at various levels. The Bureau has two main objectives: (a) contribute to the prevention of crime and b) improve the functioning of the system. The first direction is of a strategic nature, the second is a tactical one, providing solutions to issues of coordination and communication.

3. *Service for Victims of Crime* whose tasks include the development of programs of victimological help.

4. *Service of support of development* [3].

It should , however, be noted that the US's sovereign criminal policy is largely contradictory. On the one hand, it proved the effectiveness of the policy of zero tolerance policy, which means intolerance to crime, the severity of legal impact and response to any (even minor) offenses [10]. FROM On the other hand, in a number of states "soft" drugs are legalized [4]. The United States is on the first place in the world in terms of "prison population". Therefore, the United States is an example of an effective criminal policy not in all directions.

Models sovereign criminal policy has the following positive properties (qualitative characteristics):

- independence: the state is guided by its own vision of the adequacy of the first response to the challenges of crime;
- striving for the realization of equality of all before the law;
- a strategic policy planning criminal with a clear system of determination of goals and objectives;
- attention to solving problems of social policy;
- realistic, compliance with specified objectives achieved.

At the same time, the model of sovereign policy is not ideal, its character and form a negative properties, which include: the right to serve too broad a boiling police and other law enforcement agencies; arbitrariness in the treatment of and keep persons and convicts [7]; prosecution of persons for ethnic, religious or social or political grounds [16].

**Reforming criminal policy** is characterized by:

- permanent reform (legislation, organizational structure, enforcement, environment);
- the uncertainty of the goals and objectives;
- utopianism: consolidating legal mechanisms, which can not be implemented;
- depending on the standard of international organizations and experts;
- discrepancy between tasks and reached results;
- weak (biased) scientific substantiation, understating prestige kriminologo about ology; avoiding the use of its potential in practice;
- constant changes in criminal law and criminal procedure;
- lobbying of group interests;
- curtailment of social programs to address the criminogenic factors (poverty, unemployment, alcoholism, etc.).

Reforming criminal policy should be distinguished from m modernization model, which expresses the imperative of timely response to changes in criminalization of the logic of the situation, is based on scientific data and used, and it forces scientists; changes are made periodically (on a cumulative basis).

The researchers of the Russian criminal policy believe that it is in a critical condition, constitute as highly probable pessimistic scenarios of its development [21, p. 13-59]. It is no accident for several years it raises the question of the development of the new Criminal Code and Code of Criminal Procedure [23, p. 13-17]. At the same time, crime and corruption have reached such a level that only measures under criminal law to deal with them is impossible: required to m integrated approach to the development of criminal policy, which is based on the criminalization of logical foundations, restoration and development of the real sector of the economy, effective control over the distribution and spending of budgetary funds, strengthening the judiciary, improving law enforcement system [24 , p. 268-296].

The reformist model significantly reduced the potential anti-criminogen law enforcement [26].

**Experimental criminal policy.** Such a model of criminal policy is related to the approbation of the society management technology, which are contrary to common experience of the fight against crime. It can be total and partial (limited).

Ground *total experimental* criminal policy are entire countries that are implementing criminal projects of globalism. People are familiar with these experiments on Kampuchea period, the government "red hum e moat" (1975-1978) [27] and Rwanda during the Tutsi ethnic group of mass destruction of Hutu (1994).

The experimental model is developing in Iraq, Libya, Syria, Ukraine [28].

In all of these projects can be seen the role of the forces of globalization that create criminal habitats. Then, in such habitats form the active centers of withstanding on religious, ethnic or ideological grounds. In social conflicts they are supported by the party that performs the instructions of global actors. This article about Ron permitted any illegal practice hearth in Lenia their opponents. The validity, which is a fundamental principle of a strong and reformed criminal n of policy, single fracture is exposed [9].

*Partial experimental penal policy* realizes innovations in the sphere of counteraction to criminal behavior as direct as a rule, associated with the legalization of criminal and criminogenic kinds of deviant claim of jurisdiction. For example, in the Netherlands for a long time carried out a project of legalization of "soft" drugs and permitted euthanasia. Euthanasia is legal in Belgium, Canada, Vermont and Oregon states. In Portugal, in 2001 decriminalized possession narco about cal products for personal consumption (in the amount of average daily doses of 10), including heroin and cocaine [29]. Despite high evaluation of such projects [30, 31], one should pay attention to what they are:

- have a clearly ordered nature and express the spirit of the global initiatives to aim depopulation of the planet;
- aimed at the substitution of the real picture by simulacre (eg announcing so taking care of reducing drug consumption as a result of decriminalization, while at the same time is not considered that increasing the relative number of individuals). In other words, the estimates change;
- contribute to the emergence of new, more malignant manifestations of evil;
- create the infrastructure of drug use;
- facilitate the processes of corrupting law enforcement org and new drug trafficking;
- involve the criminalization of the health system;
- destroying the spiritual and moral ties of society and the state [32, 33, 34].

### **Conclusions.**

1. Criminal policy of various states of the world is exposed to a greater or lesser extent globalist exposed. The quest for sovereignty in any field, including criminal justice, entails the imposition of sanctions by globalist structures.

2. Reform the criminal policy expresses the loss of strategic, criminalization of logically sound development objectives of criminal justice, it is an escape from the prospect of Bloem and not their decision and, as a rule, corresponds to the group, rather than the public interest.

3. Experimental criminal policy shows high rates of isolation and occupies an increasingly prominent place in the globalist project, the main one of which has anti-Russian content.

4. Optimization of criminal policy requires the establishment of its ideal model, which is to include the positive international experience in the field of combating crime and criminalization in the context of globalization.

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<b>Информация об авторе</b>	<b>Information about the author</b>
<b>Клеймёнов Иван Михайлович</b> доктор юридических наук, профессор кафедры конституционного и административного права Высшая школа экономики» (Санкт- Петербургский филиал). Санкт-Петербург, ул. Промышленная, д. 17,	<b>Ivan M. Kleymenov</b> Doctor of Law, Professor, Department of Constitutional and Administrative Law Higher School of Economics (Saint- Petersburg Branch) 17, Promyshlennaya ul., Saint-Petersburg, 198099, e-mail: <a href="mailto:piliggrim111@mail.ru">piliggrim111@mail.ru</a>



E-mail: piliggrim111@mail.ru. SPIN-код: 9166-9294, AuthorID: 343510	SPIN-code: 9166-9294, AuthorID: 343510.
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