

SOCIAL WELFARE AND SEVERITY OF CRIMINAL PUNISHMENT

Oleg N. Bibik

Dostoevsky Omsk State University, Omsk, Russia

Article info

Received –

2019 April 15

Accepted –

2019 May 20

Available online –

2019 September 12

Keywords

Criminal punishment, social exchange, welfare of society, time of human life, imprisonment, murder, violence

The subject. The article is devoted to the correlation between the level of social welfare and the degree of criminal punishment's repressiveness.

The purpose of the article is to confirm or disprove hypothesis that improving the social welfare increases perceiving harmfulness of criminal punishment with its constant formal measure and stimulates the mitigation of criminal sanctions.

The methodology of the study includes general scientific methods (analysis, synthesis, description) and sociological approach.

The main results and scope of their application. The author proves that society is based on reciprocity, the expression of which is the exchange of certain actions between people. The application of criminal punishment in response to the committed crime can be considered as a special case of social exchange that occurs when the crime is committed. Since crime and punishment are included in the process of social exchange, an equivalent is needed to determine their relation. The equivalent in such an exchange is the time of a human's life. Time of human life as an equivalent in social exchange fits perfectly into the logic of development of modern society, culture of consumption. A person's life time is the time when person is able to consume. The reason for the choice of such a value guide is cultural stereotypes. Time is the most important factor in our due to modern cultural values, time plays a decisive role in the formation of the price of crime. The modern system of criminal justice is focused on taking into account the lost time of human life in the application of punishment.

Improving the social welfare increases perceiving harmfulness of criminal punishment with its constant formal measure, this process stimulates the mitigation of criminal sanctions. The slowdown in the deflation of criminal punishment for violent crimes is due to a decrease in the social tolerance to violence, which is determined by the development of culture.

Conclusions. The general direction of normal development of society is deflation of criminal punishment, its weakening. The change of living standards naturally affects the severity of criminal punishment and is inversely dependent on it – the higher the quality of life, the less the severity of punishment. The practice of deprivation of liberty is an example. The study of the relationship between the use of deprivation of liberty and murder showed that the more economically developed the state, the more the number of murders correlated with the number of persons deprived of liberty. Although murderers are not the dominant group of prisoners, the more murders, the lower the cost of human life in a particular country, the more often deprivation of liberty is used in that country.

1. Criminal punishment as an element of social exchange

Human society is based on reciprocity, the essence of which is reduced to the principle of "you – to me, me – to you". The expression of reciprocity is the exchange between people of certain actions, including benefits. According to the theory of social exchange, social behavior interact in order to meet the needs, supported by the achievement rewards and the avoidance of sanctions, exchange of activity leading to the reward and costs [1, p. 85; 2, p. 322].

The application of criminal punishment in response to a crime can be considered as a special case of social exchange. The understanding of punishment as payment for a crime within the framework of social exchange is repeatedly found in scientific research. For example, punishment is regarded as compensation that the offender pays each of their fellow citizens for the crime of causing damage to all of them [3, p. 159]. Parallels are drawn between punishment in criminal law and price in circulation [4, p. 358]. Crime and punishment are presented as either complete identity or an equivalent exchange of one act to another [5, p. 208, 224]. If the purpose of punishment can be regarded as a form of exchange, which is the sort in which one party controls the process by assigning the proper prices [6, p. 131-132]. According to scientists, criminal punishment is the exchange of the harm caused by the offender, those deprivations and restrictions that he must "pay" for it. In this sense, criminal punishment plays the same role as money [7, pp. 304-305].

The exchange of punishment for crime was investigated in the so-called "barter" concept of law by E.B. Pashukanis. The scientist believed that the right arises in the presence of communication of separate isolated entities associated with equivalent exchange [8, pp. 75, 89; 9, pp. 40-41]. Crime is a special kind of turnover, where exchange, that is, contractual, relationship is established after the willful action of one of the parties. Accordingly, the crime is exchanged for the

equivalent harm caused to the offender-punishment [8, p. 160-161; 9, p. 43]. G. Becker expressed feature of the "contract" concluded with the Commission of a crime: "Those who have to bear punishment, - the debtors on transactions on which their "creditors" has not given its consent and which was not voluntary..." [10, p. 323].

2. Human life as an equivalent in the exchange of punishment for crime

Since crime and punishment are included in the process of social exchange, an equivalent is needed to determine their relationship. In Economics, the role of the equivalent is played by money, through which the objects of exchange are valued. Under exchange punishment on crime on role equivalent claim: 1) money; 2) human life time.

P. A. Sorokin believed that punishments and awards have a tendency to standardization. The result is a unit of exchange-that is money. However, they have not yet been able to replace all kinds of cars and awards [5, p. 225].

Analyzing the system of penalties, E. B. Pashukanis noted that a fine implies a monetary form of compensation for the consequences, and imprisonment for a certain period is unconsciously associated with the idea of an abstract person and abstract human labor, measured by time. But in the end, all crimes are measured by the time a person spends to work out a fine or serve a sentence in prison [8, p.172; 9, p. 44-45]. Newton. Christie seems to share this approach, observing with regard to incarceration: "We allow the poor to pay with the only good that is almost equally distributed among the members of society – time" [6, pp. 101-102]. Insight of E.B. Pashukanis was actually confirmed in the work of Gary Becker, who believed that the only scarce resource of a person acts as a limited amount of his time [10, p. 33, 298].

Human life time as an equivalent in social exchange fits perfectly into the logic of the development of modern society, its culture and, above all, the culture of consumption. A person's lifetime is the time during which he will be able to consume. The reason for choosing such a value benchmark is cultural stereotypes. Time is the most

important factor in our life, taking into account modern cultural values (hence the expression "live once", "you need to have time to take everything from life"), which plays a decisive role in shaping the price of crime.

The modern criminal justice system, obviously, focus on the lost time of human life in the application of punishment (e.g., imprisonment, is actually depriving a person of his life, the penalty of depriving a person of time spent to earn the money required for the execution of the punishment). It directs the criminal prosecution for the duration of a human life as its main wealth.

3. Quality of life and criminal repression

Economists have found out that income growth, associated primarily with the growth of earnings, increases the relative cost of time, time-consuming consumer goods [10, p. 197]. Given that a person's life time is the equivalent in the modern exchange of punishment for crime, attitudes about the risk of losing this benefit will also change as society grows in prosperity. As a result, the maximum harmfulness of punishment will increase. For example, the assessment of the term of imprisonment the greater the income of the convicted person who is deprived of the opportunity to extract this income [10, p. 321].

Improving the welfare of society increases the marginal harmfulness, repression of criminal punishment with its constant formal meaning, which ultimately stimulates the mitigation of criminal sanctions. Historical data confirm this pattern.

For example, in ancient times and much later, the death penalty was quite common, relatively ordinary phenomenon, because people in those days dragged a miserable existence and did not appreciate his life, as did not appreciate it and the surrounding people, the state, society. It is no accident that, in particular, in Russia up to the XVI-XVII centuries the death penalty was widely used [11, S. 130]. I. Y. Foinitsky wrote: "In the death penalty saw necessary and normal measure of the current management. It all used: and the legislator, and judge, inspired a large number of death

sentences and even the convicts themselves, which, according to the testimony of many writers, calmly walked to the scaffold..." [11, p. 130]. It was not such a serious punishment, as in our days [12, p. 1211]. In the twenty-first century, we see a radically different picture of ideas about the permissible repressiveness of punishment, as the quality of human life, its price has increased.

Human life is viewed through the prism of today's level of development of society, and therefore valued much more. As a result, the death penalty is not currently applied in industrialized countries (except the United States). From this punishment refused and many developing countries, including Russia.

There are factors that objectively inhibit the process of deflation of criminal punishment associated with violent crimes. So, foreign scholars have studied the evolution of juries in Britain from the late eighteenth century and the early twentieth century. In the result, it was found that during this period the perception of violence in society has changed - people have become less tolerant to treat violent crimes as a result of cultural and institutional change. This process was facilitated by the recognition of the state as a monopoly of violence [13]. The protection of human rights and freedoms, supported by many legal cultures, has also played an important role.

One of the evidence for the decrease in modern society tolerance to violence is a study conducted in Japan: scientists have recorded both a decrease in violent crime, including murder, in the period from 1980 to 2015 and an increase in panic, the proportion of those who believe that the country is becoming more dangerous (from 50 to 85%). This trend in media coverage of murders has been identified: the rarer the murders, the greater the sensation. And in this regard, it is quite natural in Japan with a stable rate of murders in 2004. there was an increase in criminal responsibility for aggravated murders ("monstrous murders") [14, p. 35-37, 43]. Obviously, in addition to the influence of the media on public opinion, its changes in relation to murder are dictated by a decrease in the tolerance of society to violence.

Another proof of the above is a sociological survey conducted in Japan in 1977, 1997 and 2015 by the Institute of police of Japan and N. A. Morozov on the public assessment of crimes (the survey was conducted in relation to 21 crimes). Its results show that public opinion on crimes involving violent infliction of death (robbery, entailed death, explosion, entailed death) has changed little and even tended to slightly increase the assessment of their danger. The position of the public concerning crimes, did not cause the violent death, in most cases (16 of the 19 crimes) have been changed to reduce the risk of the relevant acts (e.g., fraud by creating fictitious companies, disclosure of company secrets, opening secret documents, prostitution, adultery) [14, p. 270].

Another example is France, where scientists note a change in the characteristics of a typical prisoner. While in 1980 he was likely a thief, in 2010 a typical inmate is likely to be a rapist, murderer or drug dealer. At the same time for the noted period the number of crimes with use of serious violence (serious violence) didn't change and remained very low. Against this background, however, the responsibility for crimes with serious violence was tightened [15, p. 114-115, 118]. The situation is similar in Sweden, where deprivation of liberty is most often used for drug, violence and sexual offences. Despite the fact that the number of murders and manslaughter has decreased slightly since 1980, the number of prisoners sentenced to life imprisonment has increased dramatically [15, p. 34, 36]. In Germany, there is an increased attention of society, the media to the problem of violent crimes, as well as sexual crimes. Convicted of these acts are often sentenced to measures involving deprivation of liberty, and receive longer prison terms [15, p. 145].

In Russia, among the prisoners also a large part are convicted of murder. In 2015, their share in the total number of prisoners was 28%, although in the total number of convicts, the share of murderers was only 1.28% in 2015. According to the FSIN, in 2018, in correctional colonies for adults was 460923 people, including those convicted of drug trafficking 129419 people (28,1%), murder - 91130 people (19,8%), deliberate causing of heavy

harm to health – 46167 people (10%), rape, violent actions of sexual character – 21465 people (4.7 per cent), theft – 68966 people. (15%), robbery – 23409 people (5.1%), robbery – 29547 people (6.4%) . That is, more than 40% of convicts in correctional colonies serve sentences for violent crimes, which significantly exceeds the number of convicts for non-violent crimes.

Scientists are looking for the reasons for this number of convicted violent crimes in their reduced latency, changing the conditions for the use of criminal penalties and other coercive measures. However, there is more reason to believe that the reason is a changed public assessment of violence. The requirement of fair punishment at the present stage is linked in the public consciousness with concern for the rights of the victim of crime [15, p. 50]. This increased attention to the victim of a crime in the field of criminal policy, which D. Garland called "the return of the victim" ("the return of the victim") [16, p. 11]. Caring for the victim is a natural projection of her fate on herself. Once a person begins to value his life and health more, he begins to pay more attention to the protection of similar goods belonging to other people.

Thus, the slowdown in the process of deflation of criminal punishment for violent crimes is due to a decrease in the tolerance of society to violence, which is determined by the development of culture. As has been rightly pointed out, on the one hand, criminal punishment is becoming less severe as society is increasingly horrified by violence and brutality is repelled. But on the other hand, the more hideous seems to us some offense, the more legitimate is the infliction of pain to those who commit them [15, p. 291].

At the same time, the General trend of normal development of society is deflation of criminal repression, its weakening. The change in the quality of life naturally affects criminal repression and is inversely dependent on it – the higher the quality of life, the less criminal repression is used. A good example is the practice of deprivation of liberty. If we analyze the statistics of the use of this punishment, we can easily see its prevalence in countries with a lower standard of living. Apart from the US, the top 100 countries with the most

prisoners have no G7 countries. The industrialized countries of North America and Europe are predominantly in the middle or at the end of this ranking.

The reasons why the United States ranks first in this ranking lie in the actual assessment of human life in this society. It should be remembered that in the United States the law allows the free circulation of firearms, the death penalty in a number of States. The United States is actively involved in armed conflicts. In the country disproportionately to the industrialized nation with a high murder rate is 5.4 per 100 thousand in 2016, To compare, the next country in G7 in this indicator is Canada, with 1.7. All this points to the high level of violence, which is institutional in nature and seems to be part of the American mentality, as well as the relatively low cost of living in society (by the standards of industrialized countries), which is naturally found in the widespread use of deprivation of liberty. If citizens are willing to buy firearms, then they are ready to use them, ready to kill a person. This willingness changes the value system, reducing the cost of living. The same thing happens in war, when a soldier who takes up arms is mentally preparing to become a murderer, and it is war that devalues the value of human life, which opens up the possibility for a variety of atrocities. It is for this reason that in the United States the use of imprisonment is massive.

4. The relationship between homicide and dynamics of the use of imprisonment

I conducted a study of the statistics of registered murders and the number of persons

deprived of liberty per 100 thousand people on the basis of UN data. The data were compared for the last reporting year, in which both indicators are present in all compared countries. The study showed that in the most economically developed countries, the dynamics of deprivation of liberty is interrelated with the dynamics of murder.

High rates of correlation between these indicators are observed in Europe. All countries of the region (42 countries and territories) were studied taking into account the availability of data for 2014 (table 1). Correlation analysis was applied using the least squares method. Symptom factor were the number of murders per 100 thousand people, and effective symptom – the number of prisoners deprived of their liberty, on 100 thousand the following Results: the linear correlation coefficient is 0,852; the coefficient of determination is 0,7259; that is, in 72.59% of cases, a change in the number of murders leads to a change in the number of prisoners; the average approximation error is 30.04. Obviously, the proposed model needs changes to estimate the regression taking into account the error parameters. However, it still confirms the existence of correlation between the studied indicators, power connection rated "high" on Cheddock scale. Of course, the number of murders cannot directly affect the number of persons deprived of their liberty, since it only reflects the value of human life in a particular society.

Таблица 1

Statistics of registered murders and the number of prisoners in Europe in 2014 в странах Европы в 2014 г.

№	Country (Territory)	The number of prisoners per 100 thousand inhabitants	The number of victims of murders per 100thousand inhabitants
1	Belarus	313,9	3,6
2	Bulgaria	109,0	1,6
3	Czech Rep.	176,0	0,8
4	Hungary	182,3	1,5
5	Poland	204,6	0,7
6	Moldova	179,8	3,2

The end of table 1

№	Country (Territory)	The number of prisoners per 100 thousand inhabitants	The number of victims of murders per 100thousand inhabitants
7	Romania	151,0	1,5
8	Russia	467,2	11,3
9	Slovakia	184,4	1,3
10	Denmark	63,3	1,3
11	Estonia	230,1	3,1
12	Finland	57,7	1,6
13	Iceland	46,9	0,6
14	Ireland	80,6	1,1
15	Latvia	235,4	3,2
16	Lithuania	291,6	5,4
17	Norway	79,8	0,6
18	Sweden	58,8	0,9
19	Great Britain (England and Wales)	108,3	0,9
20	Great Britain (Northern Ireland)	145,8	0,9
21	Great Britain (Scotland)	92,9	1,2
22	Albania	194,8	4,0
23	Bosnia and Herzegovina	79,2	1,4
24	Croatia	88,4	0,8
25	Greece	104,7	0,9
26	Italy	91,9	0,8
27	Kosovo	101,8	2,3
28	Malta	136,5	1,4
29	Montenegro	178,9	3,2
30	Portugal	135,6	0,9
31	Serbia	115,8	1,4
32	Slovenia	73,5	0,8
33	Spain	139,8	0,7
34	Rep. Northern Macedonia	150,0	1,6
35	Austria	100,7	0,5
36	Belgium	104,9	1,9
37	France	103,2	1,2
38	Germany	77,6	0,9
39	Liechtenstein	142,8	2,7
40	Luxembourg	112,5	0,7
41	Netherlands	70,7	0,7
42	Switzerland	79,2	0,5

Similar data were also examined for other groups of countries grouped by geography – Asia, North America, South America, Central America, Africa, the Caribbean, Australia and Oceania. In these countries, the correlation between deprivation of liberty and homicide was either absent (the linear correlation coefficient is negative) or low (the linear correlation coefficient ranges from 0.266 to 0.466). It was also examined the sample of 200 countries (all the countries represented in the statistical information of the UN, which showed the presence of two compared indicators in a single reporting year), which recorded low levels of correlation (linear correlation coefficient 0,430; power connection indicators on Cheddock scale is moderate).

At the same time, attempts to apply the economic criterion gave a completely different result. For such indicator as gross domestic product per capita by purchasing power parity in 2010 according to the IMF, taking into account the availability of data on the number of murders and incarceration per 100 thousand people for 2010 (this period was chosen because of the presence of the largest number of countries, data on which are reflected in the UN statistics) in a sample of the first 100 countries and territories of the IMF rating (table. 2), the indicator of correlation – 0,404 (relationship strength indicators on Cheddock scale is moderate); the coefficient of determination – 0,1636; in the sample of the first 70 countries and territories, the rate of correlation 0,409 (relationship strength indicators on Cheddock scale is moderate); the coefficient of determination – 0,1673; in the sample of the first 50 countries and territories index correlation 0,565 (relationship strength indicators on Cheddock scale is significant); the coefficient of determination – 0,3195. Finally, in the sample of the first 20 countries and territories ranking the linear correlation coefficient amounted to 0,805 (relationship strength indicators on Cheddock scale is high); the coefficient of determination – 0,6475.

Table 2

№	Country (Territory)	The number of victims of murders, per 100thousand inhabitants	The number of prisoners per 100thousand inhabitants
1	China (Macau)	313,9	3,6
2	Luxembourg	109,0	1,6
3	Brunei Darussalam	176,0	0,8
4	Singapore	182,3	1,5
5	Kuwait	204,6	0,7
6	Norway	179,8	3,2

Table 2

№ n/n	Страна (территория)	Количество жертв убийств, на 100 тыс. жителей	Количество лишенных свободы, на 100 тыс. жителей
7	Switzerland	0,7	73,6
8	USA	4,8	738,4
9	China (Hong Kong)	0,5	144,6
10	Netherlands	0,9	86,1
11	Ireland	1,1	93,3
12	Austria	0,7	104,8
13	Sweden	1	72,9
14	Denmark	0,8	71
15	Australia	1	134,3
16	Germany	1	87,6
17	Belgium	1,7	96,5
18	Bahrain	0,9	88,6
19	Canada	1,6	115,6
20	Iceland	0,6	52,1
21	Finland	2,2	62,7
22	China (Taiwan)	0,8	282,7
23	France	1,3	96,1
24	Great Britain (England and Wales)	1,1	150,8
25	Great Britain (Northern Ireland)	1,3	81,2
26	Great Britain (Scotland)	1,9	149,3
27	Japan	0,4	56,8
28	Cyprus	0,7	57,2
29	Italy	0,9	116
30	Puerto-Rico	27,4	293,1
31	Spain	0,9	158
32	New Zealand	1	193
33	Lebanon	3,1	214,6
34	Trinidad and Tobago	35,6	277,9
35	Bahamas	26,1	354,2
36	Israel	2	271,9
37	Greece	1,5	107,9
38	Malta	1	140,3
39	Slovenia	0,7	66,1
40	Czech Rep.	1	207,9
41	Portugal	1,2	111,1
42	Slovakia	1,5	185,6
43	St. Kitts and Nevis	40,8	548,2
44	Hungary	1,4	164,5
45	Estonia	5,3	254,7
46	Poland	1,1	214,9
47	Antigua and Barbuda	6,3	311,6
48	Lithuania	7	292,6
49	Malaysia	1,9	136,5
50	Kazakhstan	8,5	336,2
51	Seychelles	9,8	472,6
52	Croatia	1,4	119,3

№ n/n	Страна (территория)	Количество жертв убийств, на 100 тыс. жителей	Количество лишенных свободы, на 100 тыс. жителей
53	Chile	3,2	354
54	Latvia	3,3	320
55	Turkey	4,2	166,2
56	Uruguay	6,1	257,8
57	Venezuela	45,1	140,6
58	Romania	2	138,2
59	Barbados	11,1	325,5
60	Lebanon	3,8	116,7
61	Azerbaijan	2,3	243,2
62	Belarus	4,2	418,3
63	Mexico	22	160,3
64	Bulgaria	2	126,7
65	Mauritius	2,6	196,2
66	Panama	12,6	344,3
67	Brazil	22	261,2
68	Montenegro	2,4	233,4
69	Thailand	5,4	313,7
70	Maldives	1,6	227,7
71	Botswana	15	347,7
72	Serbia	1,4	124,2
73	Costa-Rico	11,6	231,9
74	Algeria	0,7	135,7
75	Iraq (Central Iraq)	9,7	94,9
76	St. Lucia	25,5	304,8
77	SAR	30,8	316,6
78	Rep. Northern Macedonia	2,1	121,5
79	Dominican Rep.	25	209,6
80	Grenade	9,6	418,4
81	Columbia	33,7	183,9
82	Dominica	21	412,9
83	St. Vincent and Grenadines	22,9	950,5
84	Paraguay	11,9	99,8
85	Bosnia and Herzegovina	1,5	73,7
86	Albania	4,3	158,4
87	Jordan	1,6	117,4
88	China	1	121,1
89	Ecuador	17,6	79
90	Namibia	14,4	195,6
91	Indonesia	0,4	48,6
92	Sri-Lanka	3,8	128,8
93	Kosovo	6	75,1
94	Ukraine	4,3	336,4
95	Mongolia	8,8	273,6
96	Fiji	2,3	127,6
97	Georgia	4,4	559,7
98	Morocco	1,4	200,2
99	Armenia	1,9	178,7
100	Philippines	9,5	101,8

That is, the more economically developed a state is, the more murders are correlated with imprisonment. And although murderers are not the dominant group of prisoners, the more murders, the lower the cost of a person's life in a particular country, the more often imprisonment is applied in that country. Countries (territories) in which these indicators are weakly correlated are highly likely to experience economic difficulties in increasing the use of imprisonment. In this regard, such states as Brazil, Dominica, Venezuela, Colombia, Namibia, South Africa are especially indicative. There are also opposite situations when the number of prisoners is significantly higher than the average in relation to the number of murders, which may indicate possible political or cultural reasons. Examples include the United States, Singapore, China (Taiwan, Macau).

5. Conclusions

The application of criminal punishment in response to the crime committed can be considered as a special case of social exchange, in which the punishment is offered in lieu of the crime committed.

Since crime and punishment are included in the process of social exchange, an equivalent is needed to determine their relationship. The modern system of criminal penalties is obviously focused on taking into account the lost time of human life in the application of punishment. It aims criminal repression at a person's lifetime as his or her main wealth.

Increasing the welfare of society increases the maximum harmfulness, repressiveness of criminal punishment with its constant formal meaning, which ultimately stimulates the mitigation of criminal sanctions. Human life is viewed through the prism of the current level of development of society, and therefore valued much more.

The change in the quality of life naturally affects criminal repression and is inversely related to it – the higher the quality of life, the less criminal repression is used. The example is the use of deprivation of liberty, which in economically developed countries is correlated with the number of murders committed. The

number of murders reflects the real cost of a person's life in a particular society. Therefore, the more murders, the lower the cost of human life in the country, the more often imprisonment is applied.

There is a slowdown in the process of deflation of criminal punishment for violent crimes, due to a decrease in tolerance of society to violence, which is associated with cultural development

REFERENCES

1. Kultygin V.P. The concept of social exchange in modern sociology. *Sociological researches*, 1997, no. 5, pp. 85–99. (In Russ.).
2. Ritzer J. *Modern sociological theories*. St. Petersburg, Piter Publ., 2002. 688 p. (In Russ.).
3. Foucault M. *Discipline and punish. The birth of the prison*. Moscow, Ad Marginem Publ., 1999. 478 p. (In Russ.).
4. Iering R. *The Purpose of the law*, Vol. 1. St. Petersburg, 1881. 425 p. (In Russ.).
5. Sorokin P.A. *Crime and punishment, feat and reward: the sociological etude about the main forms of public behavior and morality*. Moscow, Astrel' Publ., 2006. 624 p. (In Russ.).
6. Christy N. *Limits of punishment*. Moscow, Progress Publ., 1985. 176 p. (In Russ.).
7. Mitskevich A.F. *Criminal punishment: concept, purposes and mechanisms of action*. St. Petersburg, Yuridicheskii tsentr Press Publ., 2005. 329 p. (In Russ.).
8. Pashukanis E.B. *Selected works on the General theory of law and state*. Moscow, Nauka Publ., 1980. 270 p. (In Russ.).
9. Shchitov N.G. Sociological and legal theory of punishment. *Sotsiologicheskie issledovaniya = Sociological researches*, 2012, no. 3, pp. 39–49. (In Russ.).
10. Becker G. *Selected works on economic theory*. Moscow, HSE Publ., 2003. 672 p. (In Russ.).
11. Foinitskii I.Ya. *The Doctrine of punishment in connection with turnover*. Moscow, Dobrosvet-2000 Publ., Gorodets Publ., 2000. 464 p. (In Russ.).
12. Posner R.A. An Economic Theory of the Criminal Law. *Columbia Law Review*, 1985, vol. 85, no. 6, pp. 1193–1231.
13. Klingenstein S., Hitchcock T., DeDeoa S. The civilizing process in London's Old Bailey. *Psychological and cognitive sciences*, 2014, vol. 111, no. 26, pp. 9419–9424.
14. Morozov N.A. *Crime in modern Japan: problems of criminological and criminal law policy*, Doct. Diss. Moscow, 2016. 430 p. (In Russ.).
15. Ruggiero V., Ryan M. (eds.). *Punishment in Europe: A Critical Anatomy of Penal Systems*. Basingstoke, Palgrave Macmillan Publ., 2013. 304 p.
16. Garland D. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago, University of Chicago Press Publ., 2002. 307 p.

INFORMATION ABOUT AUTHOR

Oleg N. Bibik – Doctor of Law, Associate Professor;
Professor, Department of Criminal law and Criminology
Dostoevsky Omsk State University
55a, Mira pr., Omsk, 644077, Russia
e-mail: olegbibik@mail.ru
RSCI SPIN-code: 2670-9299

BIBLIOGRAPHIC DESCRIPTION

Bibik O.N. Social welfare and severity of criminal punishment. *Pravoprimerenie = Law Enforcement Review*, 2019, vol. 3, no. 2, pp. 95–104. DOI: 10.24147/2542-1514.2019.3(2).95-104. (In Russ.).