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ADDITION OF PUNISHMENTS

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Introduction. They complete and specify the rules for assigning the final penalty for both single crimes and for the totality of crimes and sentences of the prescriptions of Articles 71-72.1 of the Criminal Code, the content of the provisions of which is much broader than the names of the articles themselves. The logical sequence of the presentation of regulatory requirements in these articles is flawed.

The method and the basic algorithm for determining the final penalty when adding punishments. The final punishment for two types of plurality - the totality of crimes and sentences – is determined by the rules of Articles 69-72 of the Criminal Code, which establishes: (a) a method for determining the final punishment (absorption, full or partial addition); (b) a basic algorithm for determining the final penalty when adding punishments imposed for individual crimes; (c) differentiated limits of the final punishment.

Rules for adding punishments. Article 71 of the Criminal Code details the rules for adding individual punishments, different in appearance: (a) by transferring to a single more severe type of punishment; (b) by their independent execution (thereby - only a complete addition).The proportions by which the replacement is made are chosen arbitrarily, and in some cases, contrary to the intention of the legislator, it is even possible to mitigate the punishment instead of tightening it. There is an obvious need for scientific substantiation of such coefficients, taking into account, at least, the political and social significance of deprivation and restrictions that determine the qualitative indicator of the repressiveness of punishment, their consequences (primarily legal and economic) both for the convict himself and for society, which is the subject of independent research. The legislator has not strictly observed the principle of the arrangement of types of punishments depending on their severity and severity. The problem lies in the fact that all the rules for the application of punishment (sentencing, replacement of punishment with a stricter one, release from serving a sentence) proceed from the presumption of an indisputable and accurate classification of punishments according to their severity. The above fully applies to the provisions of Articles 69-72 of the Criminal Code. Part 2 of Article 71 excludes the first stage of the addition of individual punishments, different in type, namely their transfer (recalculation) to another type of punishment. In such cases, independent execution of the relevant measures is provided. The legislator has avoided developing a set of rules defining the independent execution of punishments imposed by the court without bringing them to a single form. In fact, Part 2 of Article 71 of the Criminal Code presents only some special cases of this type of addition of punishments, but even they suffer from incompleteness.

Addition of punishments with their independent execution. It would be preferable to reflect in Part 2 of Article 72 of the Criminal Code all the existing rules for the addition of individual punishments involving the independent execution of the measures-components: (1) additional punishments of different types; (2) basic and additional punishments of different types; (3) basic and additional punishments of the same type; (4) real for the execution of punishment and suspended sentence; real for the execution of punishment and punishment, the execution of which is postponed; two or more sentences with a suspended sentence; sentences with a suspended sentence and with a suspended sentence; (5) basic or additional punishments of the same type, if the characteristics of the repressiveness of the penalties determined by the court are fundamentally different, in particular, the consequences of evasion from serving the sentence.

Conclusions. The current rules for adding and determining the final terms (sizes) of punishment are desystematized, fragmentary and do not always correspond to the elementary canons of legislative technique, their very presentation in the Criminal Code is rather chaotic. They do not fully take into account the peculiarities of the construction of the punishment system and its shortcomings, general and special rules for the appointment of punishments and other measures of criminal responsibility.

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1. Introduction.

It is noteworthy that the content of the provisions of Articles 71-72 is much broader than the titles of the articles themselves, and the normative material presented in Article 72.1 does not correspond to its name at all.

Most of the prescriptions of Article 72 detail the rules of sentencing for a particular crime, establishing:

1) The possibility of calculating in months and years, in certain cases - and days, the terms of those types of punishments, the maximum duration of which is set in years;

2) Adjustment of the final duration of punishment by virtue of offset in a proportion determined by law of the time of detention of a person and (or) his stay under house arrest;

3) Mitigation of the final amount or term of punishment by virtue of taking into account the time of detention of a person in custody;

4) Release from serving a sentence in connection with the previous detention of a person in custody.

The final punishment for two types of plurality - the totality of crimes and sentences - is determined by the rules of T. 69-72 of the Criminal Code.

2. The method and the basic algorithm for determining the final penalty when adding punishments.

At the same time , the prescriptions of Articles 60-70 of the Criminal Code establish:

1) The method of determining the final punishment (absorption, full or partial addition);

2) The basic algorithm for determining the final penalty when adding up the penalties imposed for individual crimes:

a) in the case of a combination of crimes, a less severe punishment is fully or partially joined to a more severe one, or measures of equal repressiveness are fully or partially formed. In the cases provided for in Part 5 of Article 69 of the Criminal Code, the punishment served under the previous sentence (sentences) of the court is counted in the final punishment;

b) when imposing a sentence on the totality of sentences, a less successful scheme is provided: the punishment imposed by the last sentence of the court is partially or completely joined by the unserved part of the punishment under the previous sentence of the court;

3) The limits of the final punishment:

a) For the main, non-custodial, and additional punishments, the maximum term (size) according to the totality of crimes and sentences, it may not exceed the maximum term or amount provided for this type of punishment by the General Part of the Criminal Code, including taking into account the specifics of criminal responsibility for minors;

b) In the case of a set of crimes that does not include at least one completed grave or especially grave crime (more precisely: no completed grave or especially grave intentional crime, or a serious crime committed by negligence), an additional limiter is established in accordance with Part 2 of Article 69 of the Criminal Code. The final punishment, when adding up any basic coercive measures, may not exceed: a) more than half the maximum term or the amount of punishment provided for the most serious of the crimes committed; b) the maximum term or amount provided for this type of punishment by the General Part of the Criminal Code, taking into account the requirements of Article 88 of the Criminal Code;

c) Juvenile convicts who have committed crimes that are not particularly serious at the age of sixteen, the maximum duration of imprisonment for a combination of crimes and sentences may not exceed six years; other minors - ten years (Part 6 of Article 88 of the Criminal Code). According to the totality of crimes, it also cannot exceed more than half the maximum term of this punishment provided for the most serious of the crimes committed;

d) For adults, the maximum of imprisonment for a set of crimes may not exceed more than half the maximum term of this punishment provided for the most serious of the crimes committed, but not more than 25 or 30 years (Parts 4, 5 of Article 56 of the Criminal Code). The only limit on the duration of imprisonment for a set of sentences is a 30 or 35-year term (Parts 4, 5 of Article 56 of the Criminal Code, Part 3 of Article 70 of the Criminal Code).

3. Rules of adding of punishments.

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Article 71 of the Criminal Code details the rules for adding punishments. It provides for the possibility and methods of adding individual punishments, different in appearance.

Finally, the provisions of Article 72.1 allow, in addition to punishment, the application of a special measure of criminal legal influence to persons recognized as drug addicts.

Already from the above brief review it is clear: the logical sequence of the presentation of regulatory requirements in these articles is flawed.

Thus, the procedure for determining the terms of punishments when adding punishments is provided, as follows from the name, in Article 71 of the Criminal Code, but its content does not fully correspond to the name, since the norms of this article include:

1) rules for the addition of individual punishments, different in appearance, by transferring to a single more severe type of punishment: three types of work (mandatory, correctional, compulsory), two special punishments for military personnel (restrictions on military service and detention in a disciplinary military unit), restrictions on freedom and arrest;

2) rules for the addition of individual punishments, different in appearance, by their independent execution (thereby – only full addition).

The rules of addition of individual punishments, different in appearance, also imply the definition of punishment in two stages. At the first of them, punishments are "transferred" to the most severe in appearance, taking into account the location in the list of Article 44 of the Criminal Code, at the second, their addition is carried out according to the general rules of sentencing according to the totality of crimes and sentences.

The transfer to a more severe punishment is carried out based on the proportions established in Part 1 of Article 71 and Part 2 of Article 72 of the Criminal Code.

At the same time, part 1 of Article 71 establishes that the terms of various types of punishment correspond only to the duration of imprisonment. One day of imprisonment corresponds to:

a) one day of forced labor, arrest or detention in a disciplinary military unit;

b) two days of restriction of freedom;

c) three days of correctional labor or restrictions on military service;

d) eight hours of compulsory work.

Taking into account this attitude, Part 2 of Article 72 establishes the correspondence of the duration of compulsory labor to other types of punishment types of punishment: two hundred and forty hours of compulsory labor correspond to one month of imprisonment or forced labor, two months of restriction of freedom, three months of correctional labor or restrictions on military service. Why the results of the simplest arithmetic calculations had to be fixed as a criminal law norm and why it was in Part 2 of Article 72 of the Criminal Code, and not in Article 71, one can only guess. It is also impossible to explain why in these prescriptions the types of punishments are listed in the reverse sequence of Article 44 of the Criminal Code: for example, in part 1 of Article 71, first of all, the ratio of deprivation of liberty and forced labor, arrest, detention in a disciplinary military unit, in the last – compulsory labor is established. A more successful solution is proposed in paragraph 1 of paragraph 21 Resolutions of the Plenum of the Supreme Court of the Russian Federation No. 58 dated 12/22/2015, when clarifying the correspondence of the terms of restriction of freedom to the duration of compulsory and correctional labor: "in the case of the addition of the restriction of freedom imposed as the main punishment, with punishment in the form of compulsory labor or correctional labor, courts should take into account the provisions of part 2 of Article 72 of the Criminal Code (240 hours of compulsory labor or three months of correctional labor correspond to two months of restriction of freedom)".

The question of the justice of the proportions themselves, in which the transfer of one type of punishment to another is carried out, has become a byword. The negligence of the legislator in their definition is noted almost unanimously [2; 3; 4]. The proportions by which the replacement is made are chosen arbitrarily, and in some cases, contrary to the intention of the legislator, it is even possible to mitigate the punishment instead of tightening it.

There is an obvious need for scientific

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substantiation of such coefficients, taking into account, at least, the political and social significance of deprivation and restrictions that determine the qualitative indicator of the repressiveness of punishment, their consequences (primarily legal and economic) both for the convict himself and for society, which is the subject of independent research, the conceptual basis and vector of which is most accurately formulated and O.N. Bibik duly argued [5, pp. 175-183].

It is almost universally recognized that the legislator has not strictly observed the principle of the arrangement of types of punishments depending on their severity and severity. In the legal literature of recent years, attention is constantly drawn to this [6, 7; 8; 9; 10] .

The problem is not that the location of punishments in the list of Article 44 of the Criminal Code according to their severity is relative: all the rules for the application of punishment (sentencing, replacement of punishment with a stricter one, release from serving a sentence) proceed from the presumption of an indisputable and accurate classification of punishments according to their severity. The above fully applies to the provisions of Articles 69-72 of the Criminal Code. Thus, the legislator's assessment of the severity of the restriction of freedom is overstated [11, pp. 68-69], which can lead to the issuance of blatantly unfair court decisions. In the case of the addition of compulsory and correctional labor with restriction of freedom by transferring to the latter type of punishment, it is more than likely that the actual mitigation of legal restrictions for the convicted person is significantly more likely. Moreover, if the principle of absorption is applied, the punishment in the form of restriction of freedom can "absorb" both mandatory work for a period of two years and a fine of half a billion rubles. The punishment that unjustifiably competes with deprivation of liberty, but is not recognized as its kind, is forced labor. They differ little from the content of imprisonment with serving in a colony-settlement [12; 13; 14; 15]. In this regard, the question is legitimately raised: will the convict's stay in a traditional penal colony be more profitable for the convict than forced labor [16, p. 85]. This issue becomes particularly relevant in the case of the addition of punishment in the form of forced labor and imprisonment. According to O.K. In such cases, it is impractical to replace the deprivation of liberty with forced labor, since the meaning of such a replacement is lost, the person will eventually still serve a sentence of imprisonment [17]. However, it should be taken into account that, firstly, forced labor can already be imposed under another sentence (Part 5 of Article 69 of the Criminal Code), secondly, the time of detention of a person in custody is counted in the terms of forced labor at the rate of one day for two days, and imprisonment - day for day, day and a half or two days (Part 3, 3.1 of Article 72 of the Criminal Code). The court's choice of forced labor as punishment for one of the crimes forming the totality is the result of the court's assessment of the actual public danger of the perpetrator's personality and the specific act committed. He can also determine the method of establishing the final punishment (absorption, full or partial addition, the amount of the attached punishment). The severity of the raised problem is also due to the official policy of intensification and wider introduction into law enforcement practice of punishment in the form of forced labor, which has received the approval of the Ministry of Justice of the Russian Federation and the President of the Russian Federation.

When adding punishments, including those of different types, it is necessary to take into account the units of calculation of their duration. Months and years are such for all urgent types of punishment, with the exception of mandatory work. Part 2 of Article 72 of the Criminal Code provides for the possibility of calculating these types of punishment in days, but only in cases of 1) replacement of punishment; 2) addition of punishments; 3) when calculating punishment. The duration of compulsory work is set in hours (Part 1 of Article 72 of the Criminal Code).

Thus, the law explicitly states that when sentencing for a separate crime, the minimum unit for calculating the term is a month, and when replacing, adding or offsetting punishments – a day.

Thus, when appointing Hamidullin S.V. under Part 4 of Article 162 of the Criminal Code, the court in the operative part of the sentence specified only the quantitative expression of this punishment - "10 (ten)", but did not specify the unit of its

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measurement provided for in Part 1 of Article 72 of the Criminal Code - "month" or "year", becausefor which the punishment of Hamidullin S.V. for this crime cannot be considered appointed, and therefore the indication of it is subject to exclusion from the sentence.

In another case, Trifonov was reduced to 14 years and 8 months of imprisonment for a set of crimes under Part 4 of Article 111 and Part 3 of Article 30, Part 1 of Article 158 of the Criminal Code. However, the punishment imposed on Trifonov under Part 3 of Article 30 and Part 1 of Article 158 of the Criminal Code in the form of 1 year 5 months of restriction of freedom corresponds to 8 months 15 days of imprisonment, and the final punishment imposed under the rules of Part 3 of Article 69 of the Criminal Code, even by the complete addition of punishments, could not exceed 14 years 7 months 15 days.

In another decision, it was noted that when sentencing by the court, a violation of the criminal law was committed, namely, for a crime under Part 3 of Article 30, paragraph "a" of Part 4 of Article 226 of the Criminal Code, with the application of Part 2 of Article 62, Part 3 of Article 66 of the Criminal Code, the punishment was imposed by the court in days, namely - in in the form of imprisonment for a term of 5 years, 7 months, 15 days. According to Part 1 of Article 72 of the Criminal Code , the terms of imprisonment are calculated in months and years .

The legislator does not provide in which situations the court may use the principle of partial, and in which cases - the principle of full addition of punishments. In each case, the court decides which part of the punishment should be attached to a more severe punishment, assessing the cumulative social danger of the deed and the identity of the perpetrator in relation to the final measure of punishment. Moreover, the court of appeal or cassation instance, instead of the rules of absorption of punishments imposed on the totality of crimes applied by the verdict, has the right to apply the rules of their addition in cases when these judicial instances mitigate the punishment for one or more crimes. At the same time, the punishment should not exceed the amount of punishment imposed by the verdict, taking into account the changes made to it by subsequent judicial instances (paragraph 2. paragraph 58 of the resolution of the Plenum of the Supreme Court of the Russian Federation No. 58 of 12/22/2015).

As noted above, Part 2 of Article 71 excludes the first stage of the addition of individual punishments, different in type, namely their transfer (recalculation) to another type of punishment. In such cases, the independent execution of appropriate measures is provided for: "A fine or deprivation of the right to hold certain positions or engage in certain activities, deprivation of a special, military or honorary title, class rank and state awards when combined with restriction of liberty, arrest, detention in a disciplinary military unit, deprivation of liberty are executed independently." Thus, if a fine is imposed as the main punishment for one of the crimes, when determining the final punishment for a combination of crimes or sentences, the operative part of the sentence should indicate the application of Article 69 or Article 70 of the Criminal Code, as well as the independent execution of the fine.

The addition of a fine imposed as the main punishment by transferring to a more severe type of punishment is possible only if the fine is replaced by a more severe punishment due to the convicted person's malicious evasion from paying it (paragraph 2, paragraph 5.4 of the resolution of the Plenum of the Supreme Court of the Russian Federation dated December 20, 2011 No. 21 "On the practice of courts applying legislation on the execution of a sentence").

The lack of elaboration, the gap in the norm of Part 2 of Article 71 is obvious. The legislator has avoided developing a set of rules defining the independent execution of punishments imposed by the court without bringing them to a single form. In fact, Part 2 of Article 71 of the Criminal Code presents only some special cases of this type of addition of punishments, but even they suffer from incompleteness. Some of the uncertainties were removed at the level of explanations of the Plenum of the Supreme Court, but many questions remain unanswered at the moment.

The specifics of such three types of punishment as a) a fine; b) deprivation of the right to hold certain positions or engage in certain activities; c) deprivation of a special, military or honorary title, class rank and state awards are obvious.

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Among their many features, we will single out two. Firstly, the qualitative indicator of the repressiveness of these measures is more than variable. Secondly, the perception of these punishments by the convicts themselves may be over-variable. Practically all other types of punishments for this indicator are more unified. It is these features of the three considered measures of state coercion that first of all exclude the permissibility of establishing a template, a typical proportion between them and other types of punishments. Mathematically, such a calculation is quite possible, but in relation to a specific, already imposed punishment, taking into account exactly what rights the convicted person is deprived of or in what rights he is limited (for example, when comparing a fine and correctional labor, which are sometimes directly referred to as "fine in installments", comparing the size of the fine and the amount of deductions from wages the payment of the convicted person to correctional labor shows that the fine may actually be a significantly more severe punishment). In addition, deprivation of a special, military or honorary title, class rank and state awards is the only type of punishment imposed solely as an additional one, which also necessitates its independent execution when combined with any other measures of state coercion. The ethical component is also extremely important. Is it permissible to raise the question of, for example, the transfer of punishment in the form of deprivation of state awards to any other type of punishment?

The very exclusion of the possibility of transferring these types of punishment to other criminal law measures seems justified, but the fact is that in any other: compulsory work, correctional, and forced, and, finally, into each other. For example, if the relevant article of the Special Part of the Criminal Code provides for the deprivation of the right to hold certain positions or engage in certain activities as one of the main types of punishments, then in the case of another type of main punishment, the court also has the right to apply the provisions of Part 3 of art. 47 of the Criminal Code and, therefore, assign this punishment as an additional to the fine. Paragraph 5 of the resolution of the Plenum of the Supreme Court of the Russian Federation dated 22.12.2015 No. 58 explicitly states: simultaneously with the fine imposed as the main punishment, it is allowed to impose additional punishment for the same crime in the form of deprivation of the right to hold certain positions or engage in certain activities, as well as deprivation of a special, military or honorary title, class rank and state awards subject to compliance with the rules for the application of these types of punishments established by Part 3 of Article 47 and art. 48 CC.

For an inexplicable reason, Part 2 of Article 71 of the Criminal Code excludes their transfer only to restriction of freedom, arrest, detention in a disciplinary military unit, imprisonment.

However, the rule according to which a fine, deprivation of the right to hold certain positions or engage in certain activities, deprivation of a special, military or honorary title, class rank and state awards would be executed independently when they were added, would also be inaccurate.

4. Addition of punishments with their independent execution.

The fragmentary nature of the provisions of Part 2 of Article 72 of the Criminal Code was noted above. It would be preferable to reflect in it all the rules for the addition of individual punishments, involving the independent execution of the measures-the components.

1. Additional punishments of various types are carried out independently when they are added together. If, however, for various crimes included in the totality, - it is noted in paragraph 4, paragraph 60 of the resolution of the Plenum of the Supreme Court of the Russian Federation No. 58 dated 12/22/2015, - the court has assigned different types of additional punishment, then they, with the appropriate sizes and terms, should be indicated in the verdict and when assigning the final punishment for the totality of crimes.

2. The main ones with additional punishments of various types are not subject to addition by bringing to one measure of coercion. This remark is also important due to the fact that in Part 1 of Article 71 of the Criminal Code, among the types of punishments that allow transfer to a stricter one, restriction of freedom is indicated – the only

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type of punishment mentioned in the norm that can be assigned both as the main one and as an additional to forced labor or imprisonment in cases provided for by the relevant articles of the Special Part of the Criminal Code. In paragraph 2 of p. 21 of the Resolution of the Plenum of the Supreme Court of the Russian Federation dated December 22, 2015 No. 58 explicitly explains that "restriction of freedom imposed as an additional punishment is subject to independent execution."

3. The addition of terms (sizes) of the main and additional punishment of the same type is excluded. As both basic and additional types of punishments, three measures of state coercion are applied (Part 2 of Article 44 of the Criminal Code): a fine, deprivation of the right to hold certain positions or engage in certain activities, and restriction of freedom. However, depending on whether these punishments are basic and additional, the legal consequences of evading their serving by convicts, their regime, including the initial moment of serving and the calculation of their terms, differ significantly. So, in paragraph 2 p. 7 Resolution of the Plenum of the Supreme Court of the Russian Federation dated 22.12.2015 No. 58 notes: "Parts 2 and 3 of Article 32 of the Criminal Code provide for a different procedure for the execution of the main punishment and additional punishment in the form of a fine. Proceeding from this, when imposing punishment for a set of crimes, it is not allowed to add up the amounts of the fine imposed as the main and additional types of punishments for different crimes."

4. In addition, the current law does not contain special prescriptions on the procedure for determining the final punishment for a set of crimes and sentences when appointing: a) a real one for the execution of punishment and conditional conviction (Article 73 of the Criminal Code); b) a real one for the execution of punishment and punishment, the execution of which is postponed (Article 82 of the Criminal Code); c) two and more sentences with a suspended sentence; d) sentences with a suspended sentence and with a suspended sentence.

This kind of combination is not unique. They are possible in the cases specified in Part 5 of Article 69, Part 4, 6 of Article 74, Part 6.2 of Article 88 of the Criminal Code. Most of them are taken into account in the explanations of the Plenum of the Supreme Court. So in p 64. The resolution of the Plenum of the Supreme Court of the Russian Federation dated 22.12.2015 No. 58 states: "In the case of a suspended sentence under the second sentence for a crime committed before the proclamation of the first sentence, for which a suspended sentence was also applied, the court in the operative part of the second sentence must indicate the independence of the execution of these sentences, since the probation period established with a suspended sentence is not punishment and can neither be absorbed by a longer probation period, nor partially or completely complex." In paragraph 2 p. 66, it is noted that while maintaining a suspended sentence by virtue of Part 4 of Article 74 of the Criminal Code, the operative part of the sentence indicates that the sentence in terms of a suspended sentence for the first sentence is executed independently, and the appointment of a real punishment for the second sentence is not excluded.

For example, by the Hajiyev garrison military Court, citizen Platin, convicted under Part 3 of Article 158 of the Criminal Code to 2 years of imprisonment on probation for one year, was found guilty of committing a similar crime, for which he was sentenced to 3 years of imprisonment. According to the totality of the sentences, the court accurately determined the final punishment of Patina in the form of 5 years of probation with a probation period of 2 years and 6 months. if the guilty person is sentenced to probation in the last case, then both sentences of probation against him will also be executed independently.

Such independence of execution of sentences for the commission of various and different crimes by the same person was assessed unjustified [18, p. 130], since "a suspended sentence with a longer term absorbs a suspended sentence with a shorter term" [19, p. 14]. According to M.N. Stanovsky, with whom we are in solidarity, there is no conflict in the current situation, and this is explained by the existence in judicial practice of "a special kind of aggregate of crimes" [20, p. 389]. The current position of the legislator on this issue seems

justified. In this case, the statements about the "absorption" of one sentence by another are not entirely correct. In all these cases, sentences are executed independently, in parallel, that is, a kind of "imposition" of sentences occurs, leading, in fact, to the possibility of their absorption, and partial addition (intersection) and full addition. In case of violations of the requirements of a suspended sentence, all appropriate sanctions may be applied to the perpetrator on a general basis – up to the cancellation of the suspended sentence.

5. The addition of the terms (sizes) of the main or additional punishments of the same type is excluded if the characteristics of the repressiveness of the punishments determined by the court are fundamentally different. Thus, the conditionality of repression as its indicator means the possibility of changing the quality, quantity and/or intensity of repression depending on the convicted person's compliance with the regime of serving the appropriate measure, including replacing the prescribed measure of state coercion with a stricter one. There is no universal solution to the issue of the consequences of evasion from serving a sentence in the current legislation. Attention is drawn to the unjustified differentiation of the consequences of malicious evasion from serving a fine. Part 5 of Article 46 of the Criminal Code provides for two options for replacing the fine imposed as the main punishment. The separation of the consequences of non-payment of a fine depending on the method of calculating the fine was subjected to reasonable criticism, since it could not bring uniformity to judicial practice [21, p. 64]. Such different consequences of non-payment of the fine imposed as the main punishment exclude the possibility of adding up the fine imposed on the totality of crimes and sentences, creating unjustified difficulties both in determining the final punishment and in its execution, if the imposed fine was calculated as a multiple or otherwise.

The Plenum of the Supreme Court of the Russian Federation in its Resolution No. 58 dated 22.12.2015 drew attention only to another special case of this kind. In paragraph 2 of paragraph 11, having allowed the possibility of simultaneous appointment for different crimes or for different sentences of deprivation of the right to hold several certain positions and engage in several types of certain activities, "if the prohibitions relate to different positions or fields of activity," the Plenum indicated: at the same time, the terms of such punishments are not subject to addition. Such a solution to the issue is easily explained by the variability of the qualitative indicator of the repressiveness of punishment in the form of deprivation of the right to hold certain positions or engage in certain activities, including various complexes of legal restrictions.

5. Conclusions.

The current rules for adding and determining the final terms of punishment are far from perfect, their application often causes difficulties, many of which are artificial. These rules are desystematized, fragmentary and do not always correspond to the elementary canons of legislative technique, their very presentation in the Criminal Code is rather chaotic. They do not fully take into account the peculiarities of the construction of the punishment system and its shortcomings, general and special rules for the appointment of punishments and other measures of criminal responsibility.

1. 1. Law enforcement is in dire need of scientifically based proportions in the rules of addition of individual punishments, different in appearance, suggesting their "translation" into the most severe. 2. The Criminal Code should fully reflect the rules for the addition of individual punishments and measures of criminal responsibility, assuming their independent execution. 3. The question of the admissibility of the addition of two or more sentences with which the sentence is imposed conditionally has not lost its relevance. 4. Additional punishments have lost the function of auxiliary ones, only complementing the main one. The institution of additional punishments itself currently only allows two or more types of punishments to be imposed simultaneously, which should be reflected in the law, unifying the status of basic and mixed types of punishment, including the consequences of evading their serving, and thereby allowing the possibility of adding basic and additional punishments with identical content. 5. The unification of the consequences of evading the

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payment of a fine (regardless of the method of calculating or imposing the obligation to pay a fine on third parties when assigning it to minors) can also significantly simplify the rules for assigning this punishment for a combination of crimes and sentences.

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