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**ОPTIMIZATION MODEL FOR THE PROCESS OF CRIMINAL PUNISHMENT ENFORCEMENT IN UKRAINE: CONCEPT AND IMPLICATION.**

**Summary.** The article describes main approaches to study of the process of criminal punishment enforcement in Ukraine and provides rationale behind the necessity of the process optimization. It gives general definition for the optimization of criminal punishment enforcement and suggests conducting comprehensive scientific research of the process of criminal punishment enforcement based on the method of designing and building of an optimization model.

**Keywords:** process of criminal punishment enforcement, model, optimization, enforcement activities of criminal punishments

**Formulation of the problem**. Currently, the process of execution of criminal sentences in Ukraine is in a stage of change, inSince experts constantly pay attention to its shortcomings. Ukraine has tried many approaches to improve, upgrade, re-organization, development, efficiency, etc. this direction, but tangible results have not been achieved. In early 2011, were made public the results of the Accounting Chamber of Ukraine audit of the State Penitentiary Service of Ukraine, which points out that numerous attempt to reform the system have given nothing, and the reason lies in the imperfection of the applied methods to solve this problem.All of this points to the need for innovative approaches to enforcement of criminal penalties in Ukraine on the basis of scientifically derived and valid results, conclusions and recommendations. A key aspect is to alter the organization of work on the execution of criminal penalties - or rather, search for the best model of the process of execution of criminal punishment, since any reform, including in this specific field, involves the introduction of the practice of relevant innovations. The term "optimal" (from the Latin «optimus» - best) usually refers to as "the best, most appropriate for specific conditions and objectives". [8] In general, it is commonly used in two senses: 1) the process of selecting the best option possible, and 2) the process of bringing the system in the best (optimal) state [7].Presentation of the basic material. The term "optimization" is widely used in pedagogy, psychology, mathematics, physics and other branches of science. In the penitentiary law this concept has not found a proper application, which, in our opinion, is the omission. As rightly pointed AF Stepaniuc initial concepts penal law designed to reflect the essence of objective performance-serving criminal sentences. [9] The evolution of the penal law, as well as other scientific theories, new concepts emerge and develop under the influence of the revolutionary necessity of resolving contradictions that arise with the time between date knowledge and new data scientific theory and practice. [5] It is fundamental to the theory of penal right to interpret their own ideas not just as a result of the formal definitions of Corrections, and saw these things as tools of theoretical knowledge. Knowledge about the process of execution of criminal penalties are objective and are developing in the direction of more and deeper mapping science penal law penal practice as a legal reality. Methodological basis for optimization of the penal system is a dialectical approach to the evaluation of possible solutions of the problems encountered during the implementation of this process, which provides the best option in the existing conditions. In this case, the evaluation will be subject to an objective determination solutions arising from the analysis of complete and accurate information in the patterns of functioning of the entire system of execution of criminal penalties. In the humanities, especially in teaching, optimization is understood as the introduction of a complex process control measures, the laws of which science has not fully identified, but efficient and effective management of which is urgently needed. Same methods of optimization, in particular II Dyachenko, calls the methods to make a choice the most efficient and optimal structure of the controlled process. [2] TA Ilyin under optimization understands the extent to which the organizational side of the purposes for which it was created. It is emphasized that the optimality achieved under certain conditions, may not be valid under other circumstances. [3] JK Babansky in the most general form of the optimization process realizes such as management, which is based on a full consideration of the laws, principles, modern forms and methods of the process, and the relevant features of the system, its internal and external environment in order to achieve the most effective (in the limit of optimal) operation of the process in terms of specified criteria. [1] It should be noted that the present approach to the understanding of process optimization humanities covered, as a rule, with the position of the control of certain process - or rather, the order of the specific definition of the subject, which in some process controls. In our view, this understanding of process optimization several unreasonably narrowed. In the process of execution of criminal penalties by the large number of actors involved in its organization, optimization should be considered more widely as a focused approach to this process, which covers the principles of the unity of Corrections, emerging legal content, the arsenal used forms and methods, the real capabilities of the state, officials and penal institutions, and all other entities involved in the process. Thus, the optimization of the process of execution of criminal penalties is not any particular method or technique of the relevant authorities, and an integrated approach to the organization of the activity, it is only in the case when the decision takes into account all natural connections between the system components, you can expect that we choose the best option for its existence. If optimization is some kind of measures to improve that to carry on the process of execution of criminal penalties, it will mean the difference of its implementation of this method, which achieves the best results with a minimum expenditure of time, effort and money in the current circumstances. Optimization of the process of execution of criminal penalties in Ukraine should be an activity in which the reduction of the system in the best condition.Penal process is regulated by rules of criminal law enforcement activities of the institutions and bodies to ensure the application of measures of state enforcement and correctional impact on inmates. Penal system in Ukraine is quite extensive and sistoit of body and penal institutions. In accordance with Art. 11 of the Criminal Executive Code of Ukraine (hereinafter - the PEC Ukraine), to the organs of Corrections are the State Prison Service of Ukraine (the central body of executive power in this area), its regional offices and penal inspection. Correctional facilities are detention homes, Prisons and juvenile correctional facilities. In turn, the Prisons are open (detention centers) and closed (prison camps), the latter are minimal(Divided by the minimum security prison with ordinary and special rates of detention), medium (for first offenders and previously served a sentence of citizens) and the maximum level of security (which convicted in cell-type rooms, and in ordinary living quarters). In total today in Ukraine there are 142 colonies, which is about 120 thousand people.Execution of criminal penalties - one of the important activities of the state are complex, multi-component, polystructural, dynamic. In science, the execution of sentences reasonably understood as a complex, internally determinate unity that integrates cognitive capabilities constituent elements as a highly organized and dynamic system as a whole, the relativerelatively independent legal phenomenon as a kind of legal activity, the components of which are not only functionally interact, but also organically linked together by an extensive network of genetic and structural, horizontal and vertical coordination and subordinate, space and time, management, and other operations and relations [ 4]. main feature of this process is its strong dependence on the political, economic and social situation in the country caused by unsustainable development of the sector, the volatility of costs of scarce resources for its normal functioning. The current stage of development of the state and civil society in Ukraine has specific requirements for the Enforcement of criminal penalties arising out of this necessity of systemic crisis in the industry. Optimization is achieved not just through one successful method, it is a conscious, informed choice of one of the many possible options. Any choice, including the choice of methodology implementation of an activity, rather complicated procedure. One thing is clear that the decision must satisfy a number of options: from the political to the psychological, given the variety of relationships that occur in the execution of criminal penalties. But the complexity and volume of the process make it impossible to directly study, which in turn makes it harder theoretical developments and applications of the most appropriate methods of implementation, that is, its optimization. In our view, the only correct way would be to use this method of scientific knowledge, such as modeling, as it is a model, according to the VA Stoff, a form or a means of reflecting reality, once able, if this map is understood in a broad epistemological sense. The model is a middle ground between theory and reality and may be considered in epistemological terms as an image, the way the objective reality (events, parties, relationships). [11] Modeling - a method of learning about the world, which can be attributed to the scientific method, used as the empirical and the theoretical level of knowledge. In the construction and study of models can be used in almost all other methods of learning. The main value of the modeling method for learning process of Corrections is that this method is just used in cases where an immediate study of the object is not possible. [10] Output. To determine the optimal (best) in terms of certain criteria modeled object, or for finding the optimal (best) control mode used by a process optimization models. That optimization models allow to determine the best options of the modeled process of many alternatives [6], provided that the criterion (of criteria) optimization and efficient searching for its extreme value. By simulating the process optimization penal we propose to realize a multidimensional phenomenon appearing as a universal means of knowledge and transformation goals and objectives of this stage of the criminal process and the fact, as an effective way to implement the progressive standards of this activity, which is realized on the basis of feasibility, development, variation, problem providing optimal results with the resources of the state and civil society.

**Literature:**

1. Бабанский Ю.К. Оптимизация процесса обучения (Общедидактический аспект) / Ю.К. Бабанский. – М., 1977. – С. 57.

2. Дяченко И.И. Оптимизация управления учебным познанием : автореф. дис. на соискание ученой степени канд. пед. наук / И.И. Дяченко. – Ленинград, 1970. – С. 12.

3. Ильина Т.А. Структурно-системный подход к организации обучения / Т.А. Ильина. – Вып. I, II, III, 1972. – в. 1, с. 16-17.

4. Карташов В.Н. Юридическая деятельность: понятие, структура, ценность / В.Н. Карташов. – Саратов, 1989. – С. 8.

5. Климов А.Я. Диалектика практики и познания / А.Я. Климов. – М. : Высш. шк., 1991. – С. 134.

6. Моделирование в исследовании [Электронный ресурс]. – Режим доступа : http://examen.od.ua/upravlen/page118.html

7. Молчанюк О.В. Проектування засобів оптимізації процесу навчання з природничих дисциплін у вищих навчальних закладах I-II рівнів акредитації 2005 года : автореф. дис. на соискание ученой степени канд. пед. наук / О.В.Молчанюк. – Луцьк, 2006. – С. 3.

8. Советский энциклопедический словарь / гл. ред. А. М. Прохоров. – М., 1984. – 1600 с.

9. Степанюк А.Ф. Сущность исполнения наказания / А.Ф. Степанюк. – Х., 2000. – С. 134.

10. Украинская советская энциклопедия. – К., 1981. – Т. 6. – С. 530.

11. Штофф В.А. Моделирование и философия / В.А. Штофф. – М., 1966. – С. 20.

**Яковець І.С. Оптимізаційна модель процесу виконання кримінальних покарань в Україні: поняття та значення**

**Анотація.** У даній статті розглядаються основні підходи до дослідження процесу виконання кримінальних покарань в Україні, а також обгрунтовується необхідність оптимізації цього процесу. Дається загальне визначення оптимізації процесу виконання кримінальних покарань. Пропонується заснувати комплексні наукові дослідження процесу виконання кримінальних покарань на методі моделювання та побудови оптимізаційної моделі цього процесу.

**Ключові слова:** процес виконання кримінальних покарань, модель, оптимізація, діяльність з виконання кримінальних покарань.

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