

ARSEN BALAFENDIEV

Candidate of Legal Sciences, Associate
Professor of the Department of Criminal
Law of the Kazan Federal University

NAIL KHABIBULLIN

Deputy Dean for Educational Activities,
Senior Lecturer of the Department of
Criminal Law of the Faculty of Law of the
Kazan Federal University

MUKHAMMAD DZHAMI RAMADAN

Degree Candidate of Legal Sciences of the
Department of Criminal Law of the Kazan
Federal University

**THE CRITERIA OF INDIVIDUALIZATION OF PUNISHMENT:
CONSIDERATION IN EXEMPTION FROM CRIMINAL LIABILITY
AND PUNISHMENT AND APPLICATION OF OTHER MEASURES
OF CRIMINAL-LEGAL INFLUENCE**

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***Abstract.** Criminal law as a whole, as a specific type and instrument of social regulation can be properly effective not only if its provisions are optimally regulated, but also if the latter correspond to its essence, considered both in terms of legal formulas, requirements of legislative technique, proper systematization and well-thought-out structure, and social phenomena and processes. This component is identified by doctrine and allows monitoring how successfully it is realized in the norms and prescriptions of the law. Individualization of punishment in criminal law is presented as a necessary stage in the process of its selection and appointment, at the same time it serves as a manifestation of an important function, consisting in the establishment and restoration of justice in social relations. Meanwhile, in recent times, more and more often specialists are becoming a question about the expediency of developing such a toolkit for all measures of criminal law influence*

without exception, because the rule of systematic dictates uniformity in their application; and the lack of unity of views among scientists in the interpretation of the socio-legal essence of various institutes of criminal law causes a wide dispersion of positions on various issues in law enforcement practice. Although it can be argued that the above-mentioned criteria at the time of preparation of this article are well enough worked out in terms of systematization of legislative material, legal technique of prescriptions (character and optimality of wording), and the degree of differentiated influence on the type and amount of punishment in strict correlation with the character and degree of public danger of certain objective circumstances, both related to the criminal act and the personality of the perpetrator; but whether they are applicable to other measures of criminal-legal character. The analysis of the problem from the stated perspective leads to the conclusion about a common basis, a fundamental prerequisite, on the basis of which all criminal-legal constructions are formed without exception — in the socio-legal aspect it is a noticeable reduction of public danger, and in the legal aspect — a set of legal provisions, appropriately enshrined in the law, acting as a basis for appropriate decisions and providing legal consequences of actions that demonstrate such a reduction or complete loss. At the same time, a number of criminal-legal measures as a key parameter contain other social and private-legal needs, for the satisfaction of which they are enshrined in the law — while the focus on public danger does not lose its significance in this case, but turns out to be only one of the important social characteristics. As a result of the present study, proposals on optimization of some provisions of the Criminal Code of the Russian Federation are formulated: the authors come to the conclusion about the expediency of exclusion of the sign of voluntaries in Article 75 of the Criminal Code of the Russian Federation, a different interpretation of the ratio and significance of various forms of manifestation of active repentance, changes in the wording of Articles 64 and 75 of the Criminal Code of the Russian Federation, legislative consolidation of broader formulations covering the whole variety of positive post-criminal behavior.

Keywords: *criminal punishment, criteria of individualization, legal character, criminal-legal impact, measure of criminal-legal impact, mitigation of punishment, exemption from punishment, exemption from criminal liability.*

Legislative differentiation and individualization, related to the sphere of law enforcement, are rightly fundamental in their importance in terms of the tasks defined for those or other institutions of the law, which represent the legal tools and objectives — not only of classical criminal liability, but also of all other measures of criminal law influence. The long evolution of criminal law has led to a number of difficult requirements, compliance with which is able to ensure

and affirm justice as the ultimate benchmark of any social regulator. The doctrine systematizing them, first, singled out in separate groups those that have to do with the personality of the perpetrator, separating them from another group — reflecting the features of the committed act; and the circumstances of the objective plan, — thus underlining the special character of the opposite, subjective. Of course, in general, their classification and subsequent systematization are much more detailed, but there is no need for a detailed study of this aspect of the problem within the context of this research.

However, the latter becomes highly relevant in connection with the ongoing discussion on measures of criminal-legal influence — as a clearly defined trend, one can note the recognition by many authors as such not only those that have traditionally been covered by the content of classical criminal responsibility, but also exemption from it, release from punishment, conditional conviction and other measures of criminal-legal character, and even voluntary renunciation and circumstances precluding the criminality of the action. The problem of improving these institutions continues to be among the important, priority ones for the legislator, for practice, and, accordingly, for science. Currently, there is an active discussion not only about the essence of the mentioned and some other criminal legal institutions and their optimal regulation, but also about the social purpose and tasks they are aimed at solving, respectively — and their effectiveness. It should be noted that even in the terminological aspect this issue has not found an acceptable solution, not to mention the essential aspect — the form, content, social and legal character and influence on the regulation of individual provisions or criminal legal institutions. Some authors consider not only acceptable, but also correct the use of the nomination “measures of criminal-legal character”, combining all the above-mentioned, others, on the contrary, consider more appropriate the category of “impact”, combining the entire named totality with the phrase combination “measures of criminal-legal impact”¹. Taking into account that, according to the rules that guide the basic sphere for these relations — philosophy — the name must be directly connected with the content, we believe that reasoning about terms is impossible without expressing one’s position about the essence; in this connection it should be underlined that the given legislative formulations do not coincide not only in scope and content, but also in meaning — the first one implies a purely legal plane (the character of these measures), the second one — both social, and criminal-legal, and penal-executive, and in some cases criminal-procedural.

¹ Chuchaev A. I., Firsova A. P. *Ugolovno-pravovoe vozdeystvie: ponyatie, obekt, mekhanizm, klassifikatsiya: monografiya* [The criminal-legal influence: concept, object, mechanism, classification: a monograph]. — Moskva: Prospekt, 2015. P. 27.

The use of all the listed criminal-legal measures, since it is regulated in one way or another in the Criminal Code of the Russian Federation, should be conditioned by some legislative prescriptions and regulations — based on their social purpose, legal content, procedure, and grounds for their use. At the same time, it is obvious that both from the position of a common for all, optimally thought-out approach and on its basis of systematization of the grounds for the use of all criminal law measures, and from the point of view of formal logic, the grounds for application, criteria of individualization and provisions on differentiation and unification of all the mentioned measures should be uniformly regulated. The answer to this question can be obtained by the researcher, taking into account their character and studying the legislative material presented in the Criminal Code of the Russian Federation.

The fact that in the criminal legislation the purposes of punishment and criteria allowing its individualization are fixed, is traditional, habitual, which is associated with the recognition of it (punishment) as the only criminal-legal form of state influence practically at all stages of development of this sector of law. Whether criminal responsibility is exhausted only by punishment or it is possible to talk about the presence within its framework of other forms of influence that are not punishment — such a discussion, which was very active in the doctrine, ended with the adoption of the current Criminal Code of the Russian Federation — due to the fact that the legislator reduced the list of punishments and transferred some of them to the category of other measures of criminal-legal character; the latter, not being punishment, significantly expanded the scope of criminal responsibility. At the same time, it would be a mistake to claim that these measures were previously unknown to domestic criminal legislation — in the process of drafting the current code, they were only systematized differently, and in more detail.

Nevertheless, the literature underlines that the criteria in question, as well as the objectives and grounds, have generally always been regulated in relation to the penal system¹. At the same time, it is also noted that the lack of guidelines deprives other measures of proper productivity (effectiveness)².

The criteria individualizing responsibility/punishment are enshrined in Articles 60, 61, 62, 63 of the Criminal Code of the Russian Federation and some others. Some of them relate to the committed act, others — characterize the

¹ *Sundurov F.R.* Nakazanie i alternativnye mery v ugovnom prave [Punishment and alternative measures in criminal law] / F.R. Sundurov. — Kazan: Kazanskiy gosudarstvennyy universitet im. V.I. Ulyanova-Lenina, 2005. P. 71.

² *Balafendiev A.M., Kalimullina Ya.L.* Osvobozhdenie ot ugovnoy otvetstvennosti v svyazi s deyatelnym raskayaniem [Exemption from criminal liability in connection with effective remorse] / A.M. Balafendiev, Ya.L. Kalimullina. — Kazan: Izd-vo Kazan. un-ta, 2017. P. 52, 138.

personality of the perpetrator. Given that the legislator has generalized all the circumstances that in one way or another reflect the social danger (of the crime and the personality of the perpetrator), we can come to the conclusion about their commonality with the criteria on the basis of which the law differentiates responsibility — not only in the Articles of the Special Part of the Criminal Code of the Russian Federation, but also in the General Part — in the regulation of parole from punishment, exemption from criminal responsibility, etc., as well as in the articles of the Criminal Code of the Russian Federation.

In the view of the issues under consideration, those that underlie the mentioned differentiation and those that relate to the criminal act are of no interest, since they have already formed the basis of the relevant legislative decisions. Consequently, we can only talk about those criteria that relate to the personality and characterize its social danger (increase/decrease, loss) and, in some cases, its dynamics in general.

In connection with the obvious unity of the character of other measures of criminal-legal character with punishment, since all of them are closed on punishment as the main measure of criminal-legal character and serve as an auxiliary tool, are applied as a supplement to punishment and are oriented to achieve the same goals that are defined for punishment, there is no doubt about the above-mentioned criteria — all of them also act as individualizing means — exactly to the same extent as for punishment, remaining within the framework of criminal responsibility.

As for the measures of influence applied outside criminal responsibility, the situation is somewhat different. It is not necessary to speak about coercive measures of medical character due to their specificity, as well as about coercive measures of educational influence applied in the case of exemption from punishment, as well as in general about the institution of exemption from punishment — these provisions of the law do not imply going beyond the limits of criminal responsibility — only those that are deprived of punitive, repressive charge remain outside its framework¹. These include exemption from criminal liability, voluntary renunciation and circumstances precluding the criminality of the act. The latter, due to their specificity, cannot be considered together with all the above-mentioned — they assume a positive social orientation and do not bear harm to society, entailing the application of criminal law measures; they are recognized by the legislator as non-criminal with all the similarity to the acts prohibited by the criminal law. The other two have their own peculiarities of regulation, act as measures of criminal-legal

¹ *Ramazanov E.R. Utrata litsom obshchestvennoy opasnosti kak osnovanie osvobozhdeniya ot ugolovnoy otvetstvennosti: Dis. ... kand. yurid. nauk [The loss of public danger by a person as a ground for exemption from criminal liability: dissertation of candidate of legal sciences]. — Kazan, 2022. Pp. 25–26.*

influence, are deprived of the features inherent in criminal liability and possess by their nature an essential, significant in criminal-legal terms peculiarity — voluntary refusal to cease criminal actions and is not associated with a change (reduction) of public danger, and exemption from criminal liability contains different, sometimes opposite in its socio-legal essence provisions and should be considered in more detail and not as a criminal offense.

Voluntary refusal is also considered by some authors by its legal essence as a type of release from criminal responsibility¹. Despite the small number of scientists justifying this position, it is this position, as it seems to us, most correctly reflects the character of voluntary refusal.

The characteristic features of the criminal law branch include its retrospective orientation and regulation of social relations exclusively in the negative aspect (legal consequences of a crime in the form of criminal liability), at the same time it contains norms that essentially consist in the call for the transfer of the legal relationship that arose in connection with the commission of a crime to another plane, the continuation of these relations between subjects positively. From these positions, the “block” of legal provisions regulating *exemption* from criminal liability in connection with active repentance (the other legal consequences of active repentance, for example, provided for in Articles 61, 62 or 64, are of a somewhat different plan), reveals a genetic unity with the essence of voluntary refusal — the same socio-legal charge is embedded in the legislative provisions on exemption from criminal liability in connection with active repentance and refusal to hold a person criminally liable in connection with the pre-crime offense.

Their unity lies in the social content reflected in both institutions². The law contains a prescription not to bring a person to criminal responsibility in the case of voluntary refusal, takes criminal law as a regulator of social relations into the background (or rather, the negative component of the criminal law). Society dictates that social relations should be formed positively, building up, strengthening, and not depleting the potential inherent in them by their nature. Such relations are the guarantee of stability of the social organism as a whole. Accordingly, the interaction of subjects positively is a fundamentally important task, which is ensured by social norms (including legal ones); the embodiment of which are the two mentioned criminal-legal institutions — they are focused on the stimulation of positive behavior

¹ *Kruglikov L. L., Vasilyevskiy A. V. Differentsiatsiya otvetstvennosti v ugovnom prave* [The differentiation of responsibility in criminal law] / L. L. Kruglikov, A. V. Vasilyevskiy. — SPb.: Yuridicheskiy tsentr Press, 2003. P. 197; *Ugovnoe pravo Rossii. Obshchaya i Osobennaya chast: uchebnik* [The Criminal Law of Russia. General and Special Parts: textbook] / pod red. V. P. Revina. — M.: Yuridicheskaya literatura, 2001. P. 54.

² *Tarkhanov I. A. Pooshchrenie pozitivnogo povedeniya v ugovnom prave* [Encouragement of positive behavior in criminal law]. Kazan: Izd-vo Kazanskogo un-ta, 2001. P. 119, p. 192.

(the only difference is in the stages: in one case — in the process of committing a crime, in the other — immediately after its commission).

There is often an opinion that voluntary refusal excludes criminal liability¹, although rarely any of these researchers believe that voluntary refusal is close to the circumstances precluding the criminality of an act, provided for in Chapter 8 of the Criminal Code of the Russian Federation. It is obvious that the institute of circumstances precluding criminal liability is not inherently related to voluntary refusal. All these circumstances are not recognized by law as a crime, i.e., they are varieties of lawful behavior. They are socially useful or at least neutral, initially non-criminal. When characterizing a voluntary refusal, the phrase “excludes criminal liability”, as we understand, means only a pre-determined in the law refusal to bring a person to criminal responsibility, if he at any time during the commission of a crime voluntarily and finally refuses to commit it further. This is exactly what the law contains: in case of voluntary refusal a person, according to Part 2 of Article 31 of the Criminal Code of the Russian Federation, is not criminally liable, except in cases when the committed actions actually contain a different corpus delicti (Part 3 of Article 31 of the Criminal Code of the Russian Federation).

Some authors still write that the basis for *not bringing* to criminal responsibility in the case of voluntary refusal is the absence of corpus delicti in the behavior of a person who voluntarily refused to complete (commit) a crime². Objecting, let us pay attention — in all cases of incomplete criminal activity there are no *all* signs of corpus delicti. And in the case of preparation for a crime, the person does not even begin to commit a crime — in his actions there are no signs of corpus delicti at all. Nevertheless, if there is an unfinished crime, the person who committed it is subject to criminal liability. Consideration of the issue of inconsistency of the provisions of Chapter 6 of the Criminal Code of the Russian Federation (when there are no all signs of corpus delicti of a crime) with the prescriptions of Article 8, which establishes a single and only basis for bringing to criminal responsibility — the commission of an act containing *all* signs of corpus delicti of a crime, is beyond the scope of this paper. But voluntary refusal, and there is no doubt about it, is a kind of incomplete crime, a person in case of voluntary refusal is not subject to liability at all not because what he has committed is not a crime. Therefore, it follows that

¹ See, e.g.: Uголовное право Rossii. Chasti Obshchaya i Osobennaya: 8-e izd., pererab. i dop. [The Criminal Law of Russia. Parts General and Particular: 8th edition, revision and additions] / Pod red. A.I. Raroga. — M.: Prospekt, 2016. P. 248; Uголовное право Rossiyskoy Federatsii. Obshchaya chast. Konspekt lektsiy [The Criminal Law of Russia. Parts General and Particular: 8th edition, revision and additions] / Pod red. L.V. Inogamovoy-Khegay. — M.: INFRA-M, 2002. P. 92.

² See: Rossiyskoe uголовное право. Obshchaya chast [Russian criminal law. General part] / Pod red. V.N. Kudryavtseva, A.V. Naumova. — M.: Yurist, 1997. 202.

the institution of exemption from criminal responsibility in general is characterized by norms-incentives designed to stimulate the transfer of behavioral guidelines and socio-psychological attitudes of persons who find themselves in the field of criminal-legal influence in a positive, useful for society direction. Consequently, no matter what kind of release is considered, such a component can be seen in the essence of each of them.

Meanwhile, public danger — its loss/significant reduction — as a legal feature is enshrined in Article 75 of the Criminal Code of the Russian Federation, which precedes all types of release; in this case, the criteria of individualization, it would seem, should be taken into account, they allow establishing a change in the public danger of the perpetrator. However, the indication of its loss, as follows from the literal interpretation of this norm, is not enshrined as a feature of the “corpus delicti of release”, i.e., one of the conditions, but as a ground for release. It should be taken into account that it is not in formal-legal terms, but in material (socio-legal) terms.

However, practice follows a different way — court rulings on exemption from criminal liability often contain indications that the perpetrator has ceased to be socially dangerous, while rulings denying exemption almost always contain references to the social danger (both of the deed and the person who committed the crime). This approach was formed as a result of the official position of the Plenum of the Supreme Court of the Russian Federation, indicating in Resolution No. 19 of 27.06.2013 (as amended on 29.11.2016) that public danger refers to the circumstances to be established. The Plenum, while elaborating a legal position, left without attention the fact that public danger is already taken into account by the legislator in the regulation of the institution in question (in this case — the issue of its loss or significant reduction), which confirms the specificity of the disposition of the specified norm; moreover, it should be taken into account that the signs of criminal-legal constructions cannot be amorphous, abstract, they have a concrete character and are properly clearly expressed, the same circumstance is a category of sociology and for the law is excessively evaluative.

Moreover, the socio-legal character of the institution in question does not imply the impact of the classical plan — dispositive in character, the norms contain above all other incentives or threats a *call* to change the format of relations with the state with appropriate legal consequences, which implies the possibility to refuse and demand the continuation of the legal relationship in the usual manner — the completion of the preliminary investigation and the transfer of the case to court with the intention to achieve release on rehabilitative grounds (acquittal on acquittal). Release in connection with reconciliation with the victim is designed primarily to solve the problem of early restoration of the harm caused by the crime and positive relations in the collective, traditional — within a settlement, where

many generations have formed a common history, etc.¹, i.e., for the proper release on rehabilitative grounds. In other words, for the proper safeguarding of private interests. Amnesties are often used to solve very specific social and state problems — for the purpose of national reconciliation, to relieve overloaded with tension places of imprisonment, as well as public-incentive, associated with anniversaries, holidays, and so on². Actually, the same regularities are observed in terms of satisfaction of public interests — for example, exemption from criminal liability on the special ground provided for in Article 275 of the Criminal Code of the Russian Federation is not associated with the reduction of public danger of the perpetrator (or loss), it is designed to prevent further damage to the defense capability of the state. There are many such examples, but the above examples, relating to different spheres of legal relations, demonstrate that narrow in orientation imperative prescriptions of the legislator, regulating issues of responsibility, are focused on public danger (its change, dynamics), while other measures of influence are designed for a wider range of social relations and fulfill different social tasks. This means that with regard to them, science has to develop, and the legislator — to fix in the Criminal Code of the Russian Federation a system of objectives, taking into account their social purpose, grounds for application and peculiarities of regulation on the basis of a correct interpretation of their legal character and proper, deeply thought-out systematization in the law.

References

Balafendiev A. M. Sotsialno-pravovoe naznachenie instituta amnistii [Social and legal purpose of the institution of amnesty] // *Vestnik ekonomiki, prava i sotsiologii* [Herald of Economics, Law and Sociology]. — 2012. — № 1. — Pp. 168–172. (In Russian)

Balafendiev A. M., Kalimullina Ya. L. Osvobozhdenie ot ugovnoy otvetstvennosti v svyazi s deyatelnym raskayaniem [Exemption from criminal liability in connection with effective remorse] / A. M. Balafendiev, Ya. L. Kalimullina. — Kazan: Izd-vo Kazan. un-ta, 2017. — 138 p. (In Russian)

¹ *Doroshkov V. V.* Chastnoe obvinenie. Pravovaya teoriya i sudebnaya praktika [Private prosecution. Legal theory and judicial practice]. — M.: NORMA, 2000. P. 33–35 et al.

² *Grishko A. Ya.* Amnistiya i pomilovanie: monografiya [Amnesty and pardon: a monograph]. — Ryazan: Akademiya prava i upravleniya Federalnoy sluzhby ispolneniya nakazaniy, 2006. P. 21, 22; *Sverchkov V. V.* Osvobozhdenie ot ugovnoy otvetstvennosti, prekrashchenie ugovnogo dela (presledovaniya), otkaz v ego vzbuzhdenii. Problemy teorii i praktiki [Exemption from criminal liability, termination of criminal case (prosecution), refusal to initiate it. Problems of theory and practice]. — SPb.: Yurid. tsentr Press, 2008. P. 250, 258; *Balafendiev A. M.* Sotsialno-pravovoe naznachenie instituta amnistii [Social and legal purpose of the institution of amnesty] // *Vestnik ekonomiki, prava i sotsiologii* [Herald of Economics, Law and Sociology]. — 2012. — № 1. — Pp. 169–170.

Chuchaev A. I., Firsova A. P. Ugolovno-pravovoe vozdeystvie: ponyatie, obekt, mekhanizm, klassifikatsiya: monografiya [The criminal-legal influence: concept, object, mechanism, classification: a monograph]. — Moskva: Prospekt, 2015. — 320 p. (In Russian)

Doroshkov V. V. Chastnoe obvinenie. Pravovaya teoriya i sudebnaya praktika [Private prosecution. Legal theory and judicial practice]. — M.: NORMA, 2000. 144 p. (In Russian)

Grishko A. Ya. Amnistiya i pomilovanie: monografiya [Amnesty and pardon: a monograph]. — Ryazan: Akademiya prava i upravleniya Federalnoy sluzhby ispolneniya nakazaniy, 2006. 199 p. (In Russian)

Kruglikov L. L., Vasilyevskiy A. V. Differentsiatsiya otvetstvennosti v ugolovnom prave [The differentiation of responsibility in criminal law] / L. L. Kruglikov, Vasilyevskiy A. V. — SPb.: Yuridicheskiy tsentr Press, 2003. — 238 p. (In Russian)

Ramazanov E. R. Utrata litsom obshchestvennoy opasnosti kak osnovanie osvobozhdeniya ot ugolovnoy otvetstvennosti: Dis. ... kand. yurid. nauk [The loss of public danger by a person as a ground for exemption from criminal liability: dissertation of candidate of legal sciences]. — Kazan, 2022. — 247 p. (In Russian)

Rossiyskoe ugolovnoe pravo. Obshchaya chast [Russian criminal law. General part] / Pod red. V. N. Kudryavtseva, A. V. Naumova. — M.: Yurist, 1997. — 454 p. (In Russian)

Sundurov F. R. Nakazanie i alternativnye mery v ugolovnom prave [Punishment and alternative measures in criminal law] / F. R. Sundurov. — Kazan: Kazanskiy gosudarstvennyy universitet im. V. I. Ulyanova-Lenina, 2005. — 300 p. (In Russian)

Sverchkov V. V. Osvobozhdenie ot ugolovnoy otvetstvennosti, prekrashchenie ugolovnogo dela (presledovaniya), otkaz v ego vzbuzhdenii. Problemy teorii i praktiki [Exemption from criminal liability, termination of criminal case (prosecution), refusal to initiate it. Problems of theory and practice]. — SPb.: Yurid. tsentr Press, 2008. — 586 p. (In Russian)

Tarkhanov I. A. Pooshchrenie pozitivnogo povedeniya v ugolovnom prave [Encouragement of positive behavior in criminal law]. Kazan: Izd-vo Kazanskogo un-ta, 2001. — 330 p. (In Russian)

Ugolovnoe pravo Rossii. Chasti Obshchaya i Osobennaya: 8-e izd., pererab. i dop. [The Criminal Law of Russia. Parts General and Particular: 8th edition, revision and additions] / Pod red. A. I. Raroga. — M.: Prospekt, 2016. — 784 p. (In Russian)

Ugolovnoe pravo Rossii. Obshchaya i Osobennaya chasti: uchebnik [The Criminal Law of Russia. General and Special Parts: textbook] / pod red. V. P. Revina. — M.: Yuridicheskaya literatura, 2001. — 816 p. (In Russian)

Ugolovnoe pravo Rossiyskoy Federatsii. Obshchaya chast. Konspekt lektsiy [The Criminal Law of Russia. Parts General and Particular: 8th edition, revision and additions] / Pod red. L. V. Inogamovoy-Khegay. — M.: INFRA-M, 2002. — 558 p. (In Russian)

Information about the authors

Arsen Balafendiev (Kazan, Russia) — Candidate of Legal Sciences, Associate Professor of the Department of Criminal Law of the Kazan Federal University (18 Kremlevskaya St., Kazan, 420008, Russia; e-mail: Kard.111@inbox.ru).

Nail Khabibullin (Kazan, Russia) — Deputy Dean for Educational Activities, Senior Lecturer of the Department of Criminal Law of the Faculty of Law of the Kazan Federal University (18 Kremlevskaya St., Kazan, 420008, Russia; e-mail: Nail.kpfu@gmail.com).

Mukhammad Dzhami Ramadan (Kazan, Russia) — Degree Candidate of Legal Sciences of the Department of Criminal Law of the Kazan Federal University (18 Kremlevskaya St., Kazan, 420008, Russia; e-mail: Kafedra.ksu@yandex.ru).

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