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WORK AS A PSYCHOLOGICAL AND LEGAL TOOL FOR THE RE-SOCIALIZATION OF CONVICTS

Abstract. *The relevance of the study is determined by the lack of a unified approach in science to the involvement of convicts in labor in prisons, as well as by legislative inconsistencies in the issue of re-education of convicts through occupational therapy. The Universal Declaration of Human Rights regards work as a right that requires consent. Ukrainian legislation also establishes the right to free choice of work and freedom of labor, which, at the same time, does not take into account the legal status of special subjects, such as convicts. The Constitution prohibits the use of forced labor. The International Covenant on Civil and Political Rights has a different legal position, stipulating that military and alternative service, as well as work performed by a person under a court order, cannot be considered forced labor. Legal guarantees for the realization of the right to work are regulated by labor, criminal, and administrative legislation, etc. In particular, the principles of engagement in labor are enshrined in the Constitution of Ukraine and protected by the relevant provisions of the Criminal Executive Code (CEC) of Ukraine, the Labor Code (LC) of Ukraine, other laws and regulations on labor protection and remuneration, such as the Minimum Standard Rules for the Treatment of Prisoners, the Instruction on Working Conditions and Remuneration of Persons Sentenced to Restraint or Imprisonment, etc. To better understand the importance of work as a socio-psychological factor of resocialization in penitentiary institutions, we conducted a study by interviewing and questioning persons serving sentences in prisons. To analyze the work done, we used the method of experiment, statistical method, method of synthesis and analysis, dialectical method, method of abstraction, questionnaire method, observation method, and interview method. The study was conducted in 2021 on the basis of the State Institution "Kyiv Pre-trial Detention Center". As a result of the study, 50 convicts were interviewed (which we consider to be 100 %) and conclusions were drawn based on the statistical method and the method of mathematical proportion.*

Keywords: *labor rights; work of convicts; psychology of work; penitentiary system; resocialization of convicts; social and legal aspect of work; psychological portrait of a criminal.*

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Introduction

The analysis of recent studies on the implementation of state policy in the penitentiary sphere reveals a number of acute problems regarding the resocialization of convicts, reducing the number of crimes and their recurrence, prevention of illegal acts, the need to improve criminal executive legislation and change stereotypes of attitudes towards work. Today, the issue of resocialization of convicts requires detailed attention of specialists, taking into account the processes of development of criminal executive law and European integration, adoption of basic international standards, observance of human rights in the context of international principles for effective recovery of society.

The problem of observance of the rights and freedoms of persons deprived of their liberty in the process of execution of court sentences has been studied by many scholars. Among them are I. Bohatyrev, a prominent Ukrainian criminologist, a specialist in the field of criminal and penal law, L. Gintsburg, a specialist in the field of labor relations of the Soviet era, O. Dzhezha, who researched the paradigm of the national science of criminology, prevention and correctional and labor law, O. Kolb, V. Konopelskyi, O. Lysodid, H. Radov, N. Riabikh, V. Syniov, A. Stepaniuk, V. Trubnikov, I. Tyutyugin, S. Khalimon, Y. Shynkariov, I. Yakovets – researchers of the role of executive institutions as a preventive measure in the field of crime.

In addition, the issue of the socio-psychological role of labor for the development and social adaptation of the individual was dealt with by such scientists as R. Garofalo, C. Lombroso, V. Sukhomlynsky, K. Ushynsky, M. Fitsula, E. Ferri, V. Shepitko.

The theory of crime and punishment by Mandeville B. and Becker G., which showed the socio-economic determinants of crime, was also considered.

The purpose of the study: to reveal the psychological and legal nature of work as a tool for resocialization of convicts and to argue for the need for a differentiated approach to it, taking into account the socio-psychological characteristics of convicts. To make this approach a legal basis for understanding that a person, his or her life, health, honor, dignity and inviolability are the highest social value when such a person does not pose a threat to society and the ideas of humanity as a result of persistent psychopathy. To prove that the work of convicts is a mandatory element of resocialization, which must be enshrined in law and has no alternatives.

Materials and methods

Resocialization in Latin means the re-adaptation of a person to new social conditions.

In the legal context, resocialization is the conscious restoration of a convicted person to the social status of a full member of society – it's a necessary condition for resocialization is the correction of convicts¹. The effect of resocialization is visible when a convict experiences positive changes in his or her personality and is aware of them.

Can be distinguished two stages of resocialization: penitentiary and post-penitentiary. The penitentiary stage includes the adaptation of the convict to the conditions of serving the sentence, the establishment of everyday life and relationships within the correctional institution, the post-penitentiary period includes the support of the convicted person after his release from the places of serving the sentence.

According to the legislation of Ukraine, work is one of the main means of correction and resocialization and the most effective², as experience and practice show, mechanism for the resocialization of convicts, correction of their behavior to prepare them for re-adaptation.

A large number of current legal acts establish, regulate and guarantee the right of convicts to work, however, the lack of their unification, a single conceptual understanding and lack of systematization lead to legal conflicts and contradictory worldviews. As a result, the basic international standards of human rights observance are distorted, which provide that the specified

category of persons should have the opportunity to find employment of their own choice, if this is compatible with their professional status, physical and mental abilities and the requirements of the management of correctional institutions³.

In this context, restrictions on employment are reduced to the free choice of the type of work by convicts, which is provided for by the Constitution of Ukraine and modern international standards.

Article 118 of the Code of Criminal Procedure of Ukraine contains a provision according to which convicts should be involved in socially useful work where the administration of the institution in which the convict is serving his sentence is determined⁴, which contradicts the provisions of the Code of Criminal Procedure. In our opinion, this legal conflict requires legislative clarification and delimitation, taking into account the specifics of such social relations. Based on an experiment, we want to prove why the legal construction of the article of the Code of Labor Laws cannot be directly applied to such a category of persons as convicts. And why is it worth determining the priority of codified acts in order to avoid different interpretations. Since socio-economic rights, which include the right to work, should be limited, which, in principle, is the purpose of punishment. At the same time, it is necessary to consolidate the detailing of the right to work with an emphasis on the choice of the type of labor activity, which in the case of re-education is an obligatory element of the prevention of offenses, which is confirmed by specific scientific works of well-known psychologists, criminologists, teachers and economists.

It is precisely because of the above-mentioned inconsistency that the involvement of convicts in labor is a very debatable issue. In scientific and professional circles, the dilemma is still being discussed: is it possible to force convicts to work, or should labor activity in the specified institutions be purely voluntary, regardless of the severity of the crime?

Since independence, the issue of reforming criminal-executive legislation has become relevant, because this sphere of public relations ensures the stability of the state system and guarantees legality. Outdated administrative and command methods of organizing the execution of sentences, which were based on maintaining a strict regime for serving sentences, were increasingly becoming irrelevant and did not contribute to the establishment of legality and law and order. The first stage of updating the system of correctional labor policy was the adoption of the Concept on the main directions

¹ Criminal and Executive Code of Ukraine No. 1129-IV. (July, 2003). Retrieved from <https://zakon.rada.gov.ua/laws/show/1129-15#Text>

² There itself.

³ Standard Minimum Rules for the Treatment of Prisoners. (August, 1955). Retrieved from http://zakon2.rada.gov.ua/laws/show/995_212

⁴ Criminal and Executive Code of Ukraine No. 1129-IV. (July, 2003). Retrieved from <https://zakon.rada.gov.ua/laws/show/1129-15#Text>

of reforming the penal system of Ukraine in 1991¹. It was based on the Declaration on State Sovereignty of Ukraine, the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations, the Universal Declaration of Human Rights, and other international documents and agreements to which Ukraine joined. This created objective prerequisites for further reforming the Ukrainian penitentiary system. Scholars-legislators formulated a definition of this system in the first text of the Law of Ukraine "On the Penitentiary System of Ukraine" (Radov, 1997). The emphasis from administrative-command methods shifted to the re-education and reintegration of the convict's personality and his further rehabilitation in society. In our opinion, it was then that the doctrinal distortion in the psychological and legal understanding of labor began, both for the development of a person and for the upbringing of moral and ethical qualities in him, which, of course, was transferred to penitentiary policy. The task of modern scientists is to correctly and effectively select and use the tools of resocialization. And in this sense, labor cannot be considered as punishment, but unequivocally – as a necessary and most accessible method of re-education of a person.

The general principles of involving convicts in labor are spelled out in the Declaration of Human Rights², which proclaims the exclusive right of a particular person to dispose of his own abilities in the implementation of labor activity. The Constitution prohibits the use of forced labor. The opposite legal position is present in the definition of the International Covenant on Civil and Political Rights³, which provides that military and alternative service, as well as work performed by a person by decision of judicial bodies, cannot be considered forced labor.

According to the main by-law, the Instructions on Working Conditions and Wages of Persons Sentenced to Restriction or Deprivation of Liberty, the main principles of convicts' labor are: 1) convicts' labor is organized in compliance with the rules of labor protection, safety and industrial sanitation established by labor legislation; 2) the use of convicts' labor in positions associated with material responsibility is prohibited; 3) convicts do not have the right to stop work in order to resolve labor and other conflicts.

In 2020, amendments were made to the said Instruction, which fixed the novel, where convicts to restriction of liberty are involved in socially useful paid labor under a fixed-term employment contract, as a rule, in the production of correctional centers,

as well as on a contractual basis at enterprises, institutions or organizations of all forms of ownership, provided that proper supervision of their behavior is ensured. It must be said that before the penitentiary reform of 2015-2019, there was a norm in the penal legislation according to which work in places of deprivation of liberty was an obligation, not a right of convicts. Convicts had to work in workplaces determined by the administration of penitentiary institutions. In some countries, this procedure is still maintained (Sahaidak, 2023). In Ukraine, after the reform of the penitentiary system, the problem of involving convicts in work arose, since the law enshrined the right to work for them, and did not define it as a mandatory tool.

Since the desire to work, the development of internal motivation for work in convicts is one of the main markers of effective resocialization, we examined the works of famous scientists regarding the role of labor education in the formation of their personality.

The role of work for the psychological development of the individual is difficult to overestimate. After all, it is well known that the main factors in the development of the individual are heredity, environment and upbringing.

The process of upbringing in science means a system of educational measures aimed at the formation of a comprehensively and harmoniously developed personality. Its content consists of such interrelated areas as mental, moral, labor, physical and aesthetic (Fitsula, 2002).

An important component of the educational process is the process of involving the individual in various pedagogically organized types of socially useful work in order to transfer to him a certain production experience, develop in him creative practical thinking, diligence and consciousness (Fitsula, 2002).

Work is of extremely important importance for moral education. The teacher K. Ushinsky said: "The material fruits of labor constitute human achievement; but only the internal, spiritual, life-giving power of labor is the source of human dignity, and at the same time morality and happiness" (Ushynskiy, 1952).

A person is happy only when he can apply his skills and abilities to the development and needs of society, receiving moral and material reward for this. Only work is that instrument of personality education that makes a person a full-fledged member of society with adequate self-esteem and high moral principles.

As American researcher and sociologist Harry Braverman said in his work "Labor and Monopoly Capital", there is one indisputable generalization from which we can begin: namely, that humanity is a species of animals that work. Our interaction with nature is not limited to gathering and seeking shelter in the crevices that nature has given us ready-made. No, humanity takes the materials that nature has

¹ Resolution of the Cabinet of Ministers of Ukraine No. 88 "Concept on Main directions of reform of the penal system in Ukraine". (July, 1991). *Law of Ukraine*, 5, 148.

² Universal Declaration of Human Rights (December, 1948). *Official Gazette of Ukraine*, 93, 3103.

³ International Covenant on Civil and Political Rights. (December, 1966). Retrieved from http://zakon4.rada.gov.ua/laws/show/995_043

given us and transforms them into objects that are more useful to us. Humanity works to live, to provide itself with the means of life. Therefore, although people often have reason to complain about work as a limitation imposed on their species, no one has ever doubted that work as a species characteristic is as natural to human life as grazing and hunting are to other species (Braverman, 1974).

The outstanding teacher and psychologist V. Sukhomlynsky (1969) believed that an important element of a person's spiritual life is the attitude towards work. After all, diligence as an important moral trait of a person is brought up not only in the process of work, but also in the process of a person's life - intellectual, emotional and strong-willed. The scientist proved that the combination of physical and mental labor is a decisive means of educating diligence in lazy children, whose parents never forced them to work. The teacher also emphasized the need to combine work tasks with the creation of beauty, a sense of beauty. In the work "I Give My Heart to Children" he emphasized that the joy of work is difficult to compare with other joys. The joy of work is the beauty of being, knowing which, a child realizes his own dignity, feels pride in the fact that difficulties have been overcome. (Sukhomlynskyi, 1969). This is what happens to a person who is serving a sentence in places of deprivation of liberty or restriction of liberty. She can restore her social significance, reputation and dignity only through her work, which is useful to society.

Summarizing the above, we can conclude that both physical and intellectual work have a positive effect on the physical and intellectual development of the individual.

If we look through the prism of criminal psychology, then work and motivation for it are significant factors in the perspective of the resocialization of prisoners (Shepitko, 2021; Katsavets, 2022). The desire of prisoners to work, their ability to perform work tasks and be members of the work team, in our opinion, is related to the patterns of the emergence and formation of antisocial attitudes, motives for committing crimes and the choice of a person of the corresponding illegal behavior and the choice of role status in a criminal group.

Important in this context are the results of the work of Cesare Lombroso (2016), who first gave an expanded classification of the personality traits of a criminal, where he emphasized that a person who has problems with the Law and is prone to illegal behavior, often avoids work and parasitizes others, may shift responsibility to others and have other psychopathic disorders. The scientist directly linked the unwillingness to work with deviant behavior (Lombroso, 2016; Brookes, 2023). The researcher considered lying, weak character, irritability, vanity, megalomania and a condescending attitude towards other people, but at the same time – cowardice, as

additional characteristics of individuals capable of committing crimes.

In this logical connection, the works of Lombroso's followers – E. Ferri, R. Garofalo (Shepitko, 2014; Shepitko, 2021), which complement the psychological portrait of the criminal and provide an understanding of the prospects for the re-education of the person who committed the crime, predicting his repeated re-socialization.

If today the slogan of researchers of criminal law and criminology is humanism and the vector of re-education, then E. Ferri advocated, first of all, for the effectiveness of methods of influencing crime, and the main idea he considered not the re-education of criminals, but the protection of society from such individuals. E. Ferri empirically proved that crime is a combination of three natural factors: anthropological, physical and social. It is worth adding psychological factors as part of the social component. The scientist argued that by changing social factors through education, it is possible to influence the behavior of the criminal.

E. Ferri's views can be partially used in today's realities. For example, that the criminal, as a result of his organic and psychological abnormalities, hereditary and acquired, constitutes a separate social class, a special kind of person; statistics prove that the emergence, increase, decrease and disappearance of crimes depend on other reasons, not related to sanctions for crimes; experimental psychology has proven that free will is a subjective illusion.

These ideas of E. Ferri were revolutionary at the time and returned the science of criminal law to the plane of the main means of protecting society from inadequate actions of individuals with developed psychopathies. In this regard, it would be valuable to reconsider the concepts of "honor" and "dignity" in national legislation, since the state guarantees the protection of honor and dignity to members of society who do not pose a mortal threat to this society (this would be logical in the case of incurable psychopathologies that lead a person to commit relapses of particularly serious crimes). Anticipating criticism of his ideas, the scientist formulated the following concept of his theory: he argued that it is necessary to distinguish between so-called, random criminals, motivated to commit a crime by socio-economic conditions of existence, and psychopaths, for whom committing a crime is a special kind of passion that they cannot master and that cannot be corrected. That is, drawing an analogy with modern realities, we can say that for persons who have committed crimes against property (if only this is not a consequence of illness) and under the influence of certain socio-domestic motives, means of re-education (probation) can be effective. And, conversely, for convicts who have committed repeated crimes against life, health, and the will of a person as a result of psychopathological changes in the personality, re-education measures

are ineffective. Given the certain fatality of committing a crime by such persons, the scientist emphasizes that the release of such a convict will be a new impetus to committing crimes, since as a result of psychopathy he cannot correct himself as a result of social changes or the use of psychotherapy (Ferri, 1905).

Of particular interest in the study of the psychological and legal aspect of labor is its economic side. We considered the problem of the labor economy of convicts through the works of B. Mandeville (1974) and G. Becker (1968), who in the 20th century expanded the subject of research in economic science by formulating the "theory of crime and punishment". Thus was born a scientific school that examined the impact of punishment on criminogenicity in the state and for the first time developed financial analytics on the feasibility of keeping criminals at the expense of taxpayers and the impact of their work on economic indicators in the penitentiary sector and the state as a whole. Economists and criminologists came to a common opinion that there is a fundamental principle of committing crimes, which consists in optimizing the behavior of the criminal (or law enforcement officer) and is universal in nature.

The scientist expressed the relationship between profitability and criminal activity in the form of the formula: $EU = (1 - p) \times U(Y) + p \times U(Y - f) = U(Y - p \times f)$, where EU is the expected utility of the crime or offense, P is the probability of punishment, Y is the income from the crime, U is the utility function of the criminal, f is the severity of the punishment for committing the crime.

This formula provides an understanding of preventive measures aimed at reducing or preventing crimes. According to this formula: the lighter the punishment and the less likely it is to be served (for example, replacing imprisonment with conditional serving of the sentence), the more likely the offender is to commit a crime. Our study provides 100 % confirmation of this proportion in the case of applying probation measures to the criminal instead of applying organizational and financial sanctions or imprisonment to him.

The nature of the crime is complex and multifaceted, and we will not be able to fully explore the legal aspects of the resocialization of convicts through involvement in labor activity if we do not reveal the psychological roots of the behavior of convicts in places of deprivation of liberty, therefore, it can be predicted in advance that not all convicts serving their sentences will have potentially equal opportunities for resocialization, or, to put it more precisely, not in all cases resocialization through the involvement of the subject in labor will be effective. Motivation for work and the desire to carry out socially useful activities are indisputable markers of the future effective resocialization of a person and his prospects for reintegration into society.

To more fully understand the role of labor activity in penitentiary institutions as a tool for resocialization, we conducted a real experiment by surveying and interviewing persons serving sentences in places of deprivation of liberty.

The content of the study consisted of interviewing and testing convicts on their attitude to work in places of deprivation of liberty, understanding the importance of work while serving a sentence, the desired amount of salary, possible motives for work in the context of self-worth and, accordingly, outlining the prospects for resocialization in freedom. The questionnaire included both general questions that determine the social status, age, education, marital status of the convict and the reason for serving a sentence (article of the Criminal Code of Ukraine) and special questions that reveal the psychological attitude of the convict to work, reveal his motivation to work in a pre-trial detention center, provide an opportunity to connect problematic aspects in the work of convicts, as well as improve working conditions and organize the right direction of correctional work, understanding the prospects for the resocialization of convicts through work, developing appropriate psycho-correctional programs, and predicting effective social adaptation of this category of persons.

According to the data of an individual survey of convicts, it was found that convicts serving sentences are involved in paid work to ensure the economic maintenance of the penitentiary institution, namely construction work, repair, plumbing, cleaning and maintenance of premises, cooking, etc.

Of 100 % of those surveyed, 60.7 % are serving sentences for a mercenary crime (robbery, theft), and 39.3 % – for crimes against the life and health of a person, as well as sexual freedom and inviolability. The maximum severity of the crimes committed by the surveyed persons is medium severity.

As a result of processing the questionnaire data and based on a personal survey, we found out that all persons who committed a mercenary crime understand and realize the social danger of such an act and do not justify their actions.

As for persons who committed crimes against life, health and sexual freedom and inviolability, the statistics were as follows: 23 % of the convicted did not admit their guilt and believed that they had been convicted unfairly. This category of respondents was also not motivated to work. In the questionnaires, the persons mentioned noted that work in a penitentiary institution did not bring them satisfaction and, if work did not provide an opportunity to be released from prison early, they would not have expressed a desire for socially useful work. A particularly negative attitude towards work was expressed by 2 individuals (male and female), both of whom were held liable for committing a crime against human life (clause 3 of article 276 and clause 2 of article 121, respectively), who can be characterized as leading a parasitic and

irresponsible lifestyle and, prior to conviction, did not express a desire to work, were categorically against performing work tasks in the punishment zone, believed that work humiliated them, that they were not born for work, had inflated self-esteem compared to other convicts, as they expressed the opinion that their work was inadequately paid, that they were unfairly serving their sentences, had noticeable psychopathic accentuations of character, which were expressed in lies, aggressiveness, blaming others for their problems, lack of remorse for what they had committed, and a condescending attitude towards other people as well as existing social institutions. It is worth noting that these 2 individuals did not choose any direction of retraining proposed by the questionnaire. The characteristic personality traits of criminals that we identified found their scientific confirmation in the theory of Cesare Lombroso, who emphasized that a person prone to crimes avoids work, parasitizes others, may lead a homeless lifestyle, has weak remorse and weak self-criticism. As the scientist believed, many of such criminals are characterized by lying, weak character, irritability, vanity, megalomania and a condescending attitude towards other people, cowardice. Such people, as a rule, are not tormented by remorse about the crime committed (which we confirmed as a result of testing), they are incapable of remorse, prone to revenge (Lombroso, 2016). Such a psycho-social portrait of a person who has committed a crime and is serving a sentence suggests that the application of psycho-correctional programs and educational measures to the aforementioned subjects will be ineffective and economically unjustified, unless we are talking about a minor who can still change his negative attitude towards others and get out of a state of conflict with the Law, since this is due to the peculiarities of age-related psychology. However, it should always be remembered that the prevention (prevention) of criminal behavior is more effective than its correction and re-education.

Taking into account the results of the survey and the study of the legislative principles of involving convicts, it has been empirically proven that the work of convicts should be an obligation, not a right, since it performs a psycho-correctional and educational function and is also a way of effectively using the term of serving a sentence. The labor activity of convicts does not contradict the Constitution of Ukraine (Part 3, Article 43), which prohibits the use of only forced labor, and the labor of convicts by its nature and essence does not fall under the definition of forced labor¹. The provision of Part 3, Article 6 of the Criminal Procedure Code of Ukraine, which states that work and training are the main means of correction and resocialization of the convict's personality, correlates with this thesis. It

must be said that out of 100% of the convicts surveyed, 92 % spoke positively about their labor activity and expressed the opinion that they worked, even if they did not receive payment for their work. It is noteworthy that 88 % of respondents were satisfied with the level of their salary and did not want to increase it. This may indicate a fairly high level of moral and psychological satisfaction that work in places of deprivation of liberty provides, as well as a direct connection between a positive assessment of labor activity and the desire to work with the adequacy of the convict and the effectiveness of his further resocialization and reintegration into society. Based on the results of the tests and the survey, it can be concluded that the most motivating factor for convicts to work is that it is an element of employment that distracts from the idea of serving a sentence, the possibility of parole is also a strong motivation and, accordingly, a positive characteristic for the institution's administration. More than 50 % of respondents noted that they were used to working from a young age and do not imagine how it is possible to live and not work. As they noted, they received their work experience and attitude to it from their parents' upbringing. 38 % of respondents noted that work brings them moral satisfaction and helps maintain authority in the team, which ensures self-respect.

More than 50 % of respondents would like to learn new professional skills in places of deprivation of liberty and obtain professional retraining. The most in demand among the surveyed convicts were knowledge and skills in the following areas in priority: repair and construction of housing, knowledge of foreign languages, IT – the field, organizing entrepreneurship, studying psychology and increasing the level of legal knowledge. This is a good indicator of future effective resocialization and the state should develop an appropriate policy that will make it possible to implement this.

The educational role of labor activity in the resocialization of convicts is also highly appreciated in neighboring foreign countries, such as Azerbaijan, Armenia, the Kyrgyz Republic, Poland, Turkey (Krestovska, 2021).

The experience of the Republic of Poland in resocialization and the application of probation measures to minor convicts may be useful for the Ukrainian penitentiary system. It has certain features. Among the various tools used in the neighboring country, we also find employment, work activities and an individual socio-psychological approach to the personality of a minor offender. There is a special Family Court, which can apply various educational measures of influence on a minor: reprimand; compensation for damage through work for the benefit of the victim or the community; apology to the victim; obtaining education or employment; abstention from visiting certain places; abstention from drinking alcohol; establishment of control by parents or guardians;

¹ Constitution of Ukraine No. 254k/96-VR. (June, 1996). Retrieved from <http://zakon.rada.gov.ua/laws/show/254k/96-bp#Text>

ensuring control by youth organizations or other public organizations, labor collectives or an individual; conditional sentence; visiting a curatorial center, as well as cooperation with public organizations involved in working with minors, by applying educational, therapeutic and educational measures to them; participation in educational work with youth of the sociotherapy center; placement in an educational youth center; placement in a correctional institution; application of other measures stipulated by the Law and the Family Code. Psychological examination and further support of the minor in case of his/her referral to a correctional institution or educational institution is a necessary measure. The minor is assigned a curator, who is a court employee who prepares a report on the child's personality and the situation in the family. The curator visits the family, school, and place of work of the child, regularly provides reports to the judge (once every two weeks). Together with the official curator, the minor may be assigned a volunteer curator, who receives a symbolic payment for his/her services and compensation for travel. Curators coordinate between the family, school, police, and health care institutions. Such a system proves to be quite effective and economical and could be used in our country instead of the cumbersome and economically expensive probation service, the effectiveness of which in terms of supporting juvenile offenders is rather questionable. In addition, Poland clearly distinguishes between educational and correctional institutions for juveniles, since the former are subordinate to the Ministry of Education, and the latter to the Ministry of Justice. A youth educational center, as educational institutions for juvenile offenders (hereinafter referred to as the IEC) are called, is intended for socially maladjusted juveniles (minors in a state of demoralization) who need assistance in social rehabilitation and obtaining education, and a youth sociotherapy center is for socially maladjusted juveniles with intellectual disabilities. IECs can be established by the state, local governments, and private individuals. Pupils are required to study according to school or gymnasium programs in classes with no more than 12 people. In addition, they are provided with various electives with the opportunity to acquire self-service skills (in particular, cooking) and satisfy creative or sports needs. The education system is built on Christian values. Educators and teachers try to create a homely atmosphere. Educators work in shifts, so that the group never leaves the educator's control. Each group has its own psychologist. A significant advantage of the IEC is that it provides support for graduates. In particular, within the framework of the program for the integration and resocialization of minors, work is carried out in three stages: 1) Foundation. In the IEC and its school, minors receive primary education; 2) Independence. Graduates who asked to remain at the IEC after

graduating from primary school continue their studies in general state schools.

3) Study apartment. IEC students who have graduated from high school receive temporary social housing and assistance in finding employment, planning their budget, and making plans for their future lives in general (Krestovska, 2021).

Results

According to the results of the study and based on the analysis of national and international experience of resocialization of convicts, the following conclusions were made:

To consolidate at the legislative level, in the text of the Criminal Executive Code of Ukraine, a differentiated approach to the resocialization of different categories of convicts. Such an approach should become the basis for understanding that a person, his life, health, honor, dignity and inviolability are the highest social value when such a person does not pose a constant threat to society and the ideas of humanity as a result of accentuations of character according to the psychopathic type.

As a result of the change in the paradigm of punishment and re-education of criminals, the work of convicts should be recognized at the legislative level as an obligation, not a right, since at the penitentiary stage of resocialization, work is an indispensable and basic tool for education, psycho-correction, future social adaptation of the individual, and is also an element of human employment in a limited space for several years, which, moreover, has no alternatives, as evidenced by the conclusions of scientific research in the field of psychology and pedagogy. Mandatory employment of convicts should provide for a possible choice of a profile of labor activity and be paid. Only in the event of the convict's refusal of all proposed types of work – to provide the legislative right of the administration to involve convicts in work institutions determined by the administration with appropriate legislative registration and payment. When introducing the obligation to work in places of serving a sentence, it is necessary to establish a legal mechanism for involving convicts in labor activity, observing the fundamental rights and freedoms of man and citizen. The issue of building an effective system of labor involvement should also include the creation by the institution's administration of an appropriate number of jobs, production workload, cooperation with economic entities on contractual terms, transparency in the payment of wages to convicts, and the creation of appropriate working conditions.

It is worth noting the weak effectiveness of the probation system in the process of preventing illegal behavior, which is confirmed by the 100 % recurrence of crimes in our electorate after the imposition of a suspended sentence. It should be noted the lack of effective psychocorrectional programs in the process of resocialization of conditionally convicted persons and insufficient cooperation of probation agencies with institutions

serving sentences. Based on the fact that, according to our experiment, in 100 % of cases of recidivism of crimes against property, a conditional conviction took place, which was monitored by probation agencies, we can conclude that psychocorrectional programs and socio-educational measures of the probation system do not eliminate the possibility of re-committing a crime and require proper refinement. Instead, it would be more effective to actually serve the sentence with the use of occupational therapy and reeducation mechanisms for further reintegration into society, following the example of Poland (Gizicki, & Warminska, 2024; Suduł, 2022).

It is necessary to create "schools for convicts" in interdepartmental cooperation, especially in the case of convicts who are minors. These can be both schools for teaching basic everyday skills and schools for acquiring professional skills by convicts. The creation of such schools at the penitentiary and post-penitentiary stages is an important step in implementing an effective correctional labor policy of the state. They are necessary and must be effective, since their work will be aimed at social, psychological and economic preparation for the release of convicts, which is especially relevant in the situation with juvenile offenders, who sometimes do not have elementary social and everyday survival skills. Considering that Ukraine ranks 54th in the world among 135 countries in terms of crime rate¹, as well as based on the results of a survey of convicts, it is necessary to update the Regulations on the Program of Differentiated Educational Influence on Convicts, which is currently more declarative in nature and requires real, rather than paper, implementation with the involvement of public organizations². Considering work as a mandatory socio-psychological educational tool for influencing a person in order to correct his deviant behavior and get out of a state of conflict with the Law, based on the results of the survey, crime statistics in Ukraine and scientific research by criminologists (Lombroso, 2016; Ferri, 1905), we came to the conclusion that all convicts can be conditionally divided into two large groups. The first group - individuals who have a positive attitude towards work, do not avoid it, are motivated to benefit society, feel satisfaction from the results of their work and are aware of its high socio-psychological value. Such individuals are capable of resocialization, are amenable to

psychocorrection programs and can become full members of society.

The second group, which is characterized by persistent deviant behavior, psychopathic accentuations of character, avoids work, has weak motivation to work, does not feel remorse and remorse for what has been done, considers itself innocent and has infantile personality manifestations, which may indicate that this group of convicts will not be subject to effective psychocorrection and will not be able to be resocialized, is prone to relapse and increase the harm caused to society and the state. The issue of the appropriateness of probation and resocialization measures requires further multi-faceted analysis and requires a discourse in society on the appropriateness of maintaining a moratorium on the death penalty for certain categories of convicts for especially serious crimes against human life and health.

Conclusion

Having studied the motivation for work and the psychosocial impact of work on the personality, we found that it plays an almost decisive role in the effective resocialization of convicts and should be more widely studied in order to ensure effective state policy in this area. The highest motivation of convicts is caused by the possibility of conditional early release from prison, the organization of their employment, gratitude and increased authority in their social group, the opportunity to develop and self-realize. In the context of a comprehensive solution to this problem, the experience of Poland we have considered can be taken as a basis.

During the survey, it was found that convicts who have stronger ties with their families, support their children and parents, sending them part of their salary, have greater motivation and aptitude for work, are capable of more effective resocialization, both at the penitentiary level and at the post-penitentiary level. Therefore, the task of the legislator and the administration of correctional institutions should be to develop the personal and social qualities of convicts, to encourage them to form a positive social worldview and social responsibility.

The problem of using labor for the resocialization of minors requires special attention and a special approach. This category is the most vulnerable among other categories of convicts, and therefore requires an individual approach to each minor and additional means and methods of upbringing and re-education. Having studied the experience of the Republic of Poland, we came to the conclusion that labor and employment are popular tools of resocialization that ensure the social adaptation of minors and have a positive psychocorrectional effect on their personality. At the same time, the involvement of such a category of persons in labor should take place in the context of a comprehensive approach that involves an individual-psychological approach and the study of the psycho-emotional characteristics of the minor,

¹ Crime in Ukraine: how the situation changed in 2013-2020. (2021). Site "Word and deed". Retrieved from <https://ru.slovoidilo.ua/2021/01/28/infografika/obshchestvo/prestupnost-ukraine-kak-menyalas-situaciya-2013-2020-godax>

² Order of the Ministry of Justice of Ukraine No. 1418/5 "On approval of the Regulation on the program of differentiated educational influence on convicts "Preparation for release". (May, 2016). Retrieved from <https://zakon.rada.gov.ua/laws/show/z0735-16#Text>

the conditions of his social life, the identification and support of social ties, etc.

At the legislative level, the issue of mandatory involvement of convicts in labor requires clarification and delineation, including at the level of codified

acts, with the involvement and implementation of best international practices, as well as based on the use of traditional pedagogical and psychological experience.

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ПРАЦЯ ЯК ПСИХОЛОГІЧНИЙ І ПРАВОВИЙ МЕХАНІЗМ РЕСОЦІАЛІЗАЦІЇ ЗАСУДЖЕНИХ

Анотація. Актуальність дослідження зумовлена відсутністю в українській науці єдиного підходу щодо залучення засуджених до праці в місцях позбавлення волі, необхідністю вивчення цього психологічного аспекту, а також законодавчими неузгодженостями в питанні перевиховання засуджених за допомогою трудотерапії. Загальна декларація прав людини розглядає працю як право, що вимагає згоди. Українське законодавство також закріплює право на вільний вибір роботи та свободу праці, яке водночас не враховує правовий статус спеціальних суб'єктів, таких як засуджені. Конституція забороняє використання примусової праці. Міжнародний пакт про громадянські та політичні права має іншу правову позицію, яка передбачає, що військову й альтернативну служби, а також робота,

яку виконує особа за рішенням суду, не можна вважати примусовою працею. Правові гарантії реалізації права на працю регламентовані трудовим, кримінальним, адміністративним законодавством. Зокрема, принципи залучення до праці закріплено в Конституції України й охороняються відповідними положеннями Кримінально-виконавчого кодексу України, Кодексу законів про працю України, інших законів і нормативних актів з питань охорони й оплати праці, таких як Мінімальні стандартні правила поводження з ув'язненими, Інструкція про умови праці та оплати праці осіб, засуджених до обмеження волі або позбавлення волі, тощо. Для кращого розуміння значення праці як психологічного та правового інструменту ресоціалізації в установах виконання покарань було проведено дослідження шляхом інтерв'ювання та опитування осіб, які мають статус засуджених. Для аналізу здійсненої роботи було використано методи експерименту, статистичний, синтезу й аналізу, діалектичний, абстракції, анкетування, спостереження та інтерв'ю. Дослідження проведено на базі Державної установи «Київський слідчий ізолятор». Висновки сформульовано на основі статистичного методу й методу математичної пропорції.

Ключові слова: трудові права; праця засуджених; психологія праці; пенітенціарна система; ресоціалізація засуджених; соціально-правовий аспект праці; психологія злочинця.