



CENTRO DE INVESTIGACIONES
DE TRABAJO SOCIAL

ISSN 2244-808X
DL pp 201002Z43506

PERSPECTIVA INTERACCIÓN Y

Revista de Trabajo Social

Vol. 15 No. 3
Julio – Diciembre
2025

Universidad del Zulia

Facultad de Ciencias Jurídicas y Políticas
Centro de Investigaciones en Trabajo Social

INTERACCIÓN Y PERSPECTIVA

Revista de Trabajo Social

ISSN 2244-808X ~ Dep. Legal pp 201002Z43506

DOI: <https://doi.org/10.5281/zenodo.16916444>

Vol. 15 (3): 1031 - 1048 pp, 2025

ARTÍCULO DE INVESTIGACIÓN

Rehabilitación social y resocialización de los privados de libertad en Ucrania*

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Resumen. Este artículo científico está dedicado a las características de la rehabilitación social y la resocialización de las personas excarceladas en Ucrania. El logro del objetivo de la investigación fue facilitado por el uso de métodos filosóficos (dialéctico, hermenéutico, axiológico), científico general (terminológico, sistemático, modelado) y jurídico especial (legal-formal, jurídico-comparado y sociológico-jurídico). Los autores también utilizaron un método estadístico, un método de encuesta y un método de observación para confirmar las tesis y conclusiones individuales de este estudio. Se describen las siguientes etapas de resocialización del condenado: en lugares de privación

* This scientific article arises from a larger research project, funded by the State Tax University Ukraine, entitled "Parameters of Criminal Policy in the World, from the Perspective of Critical Criminology and Social Work".

de libertad; durante la preparación del condenado para su salida de prisión; después de salir de prisión. Sobre la base de una avanzada experiencia extranjera, se argumenta que el trabajo socioeducativo y psicológico con los reclusos debe ser complejo, individual y prácticamente dirigido al trabajo productivo, la formación, el autodesarrollo, la corrección de estados mentales negativos, etc. Se llegó a la conclusión sobre la necesidad a nivel estatal: intensificar la cooperación de las instituciones penitenciarias con los centros estatales de empleo; organizar la formación de reclusos en lugares de privación de libertad; desarrollar mecanismos para estimular a los empleadores; involucrar a los medios de comunicación en el cambio de actitud hacia los presos, etc.

Palabras clave: rehabilitación social, resocialización, sociedad, presos, lugares de cumplimiento de condena, adaptación, empleo.

Social rehabilitation and resocialization of convicts in Ukraine

Abstract. The scientific article is devoted to the features of social rehabilitation and resocialization of persons released from places of deprivation of liberty in Ukraine. The achievement of the research goal was facilitated by the use of philosophical (dialectical, hermeneutic, axiological), general scientific (terminological, systemic, modeling) and special-legal methods (formal-legal, comparative-legal and legal-sociological). Also, to confirm individual theses and conclusions of this study, the authors used the statistical method, the survey method, and the observation method. The following stages of the convict's resocialization are outlined: in places of deprivation of liberty; during the preparation of the convict for release from places of deprivation of liberty; after release from places of deprivation of liberty. Based on advanced foreign experience, arguments are given that socio-educational and psychological work with convicts should be comprehensive, individual and practically aimed at productive work, training, self-development, correction of negative mental states, etc. The conclusion was made about the need at the state level to: intensify cooperation between penitentiary institutions and state employment centers; organize training for convicts in places of deprivation of liberty; develop mechanisms to stimulate employers; involve the media in changing attitudes towards convicts, etc.

Keywords: social rehabilitation, resocialization, society, convicts, places of serving sentences, adaptation, employment.

INTRODUCTION

One of the fundamental criteria that testifies to the civilization and level of legal culture of any state is the state of observance and protection of the rights of its citizens, including convicted persons, as well as effective social adaptation and resocialization of former criminals. It is the resocialization of a person released from prison that is designed to ensure the restoration and further development of his socially useful connections, relations with society, the formation of a harmonious personality capable of objectively assessing himself and the world around him, and respecting universal and national values (Barash, 2016). Effective social rehabilitation of persons who have committed criminal offenses is one of the key aspects of these challenges.

In conditions of forced isolation from society, significant changes occur in the personality of the convict, as a result of which the values that ensure individual, extra-social existence acquire the greatest significance for him, and the values that reflect the social essence of man are relegated to the background. Therefore, social adaptation and resocialization of persons who have served their sentences in penal institutions is today an urgent and acute problem both for Ukraine and for the entire modern society, which requires substantiated scientific research and innovative approaches.

In connection with the general democratic changes and the process of humanization of global society, the specified article has a special practical significance, which determines the general positive dynamics of the activity of the entire penal system of Ukraine and foreign countries, their interpenetration and joint development.

The criminal and executive law of Ukraine is still undergoing stages of its development with the reorientation of the main emphasis from the punishment of offenders to their social adaptation and resocialization. This topic acquires particular importance in the context of European integration processes, observance of human rights in the context of international principles and borrowing advanced foreign experience for the effective regulation of these specific social relations.

The purpose of the article is a comprehensive analysis of the problems of social adaptation and resocialization of convicts, which involves solving the following tasks: clarifying the essence and content of resocialization; analyzing problems related to the resocialization and social adaptation of persons released from places of deprivation of liberty; clarifying the possibilities of implementing and supporting various processes of life of convicts in society; outlining the prospects for social adaptation and resocialization of convicts in Ukraine, taking into account effective international practices.

MATERIALS AND METHODS

This study used a comprehensive and structured approach to analyze the features of social rehabilitation and resocialization of persons released from prisons in Ukraine. The methods included a detailed review of the world scientific literature on the researched issues and regulatory legal acts of Ukraine, comparative analysis, analysis of survey data and their extended statistical processing.

Selection of bibliographic material on the topic

A search was carried out in databases of articles related to: the essence and content of resocialization (VK), foreign experience of resocialization and social adaptation of convicts (MK), prospects for social adaptation and resocialization of convicts in Ukraine (AD and IK). The search for bibliographic material was carried out in the electronic databases Google Academic, Dialnet Plus, Social Science Research Network, Scopus, Web of Science, Directory of Open Access Journals. The vast majority of the scientific works used, except for some conceptual ones, date back to the 21st century; a significant part of them are scientific articles published after 2020. For this purpose, the following keywords were used: “penalty places”, “law-abiding behavior”, “resocialization”, “social adaptation”, “social and educational work”, “employment”.

Consultations on laws regulating this issue

The process of selecting regulatory legal acts of Ukraine that regulate the application of social rehabilitation and resocialization programs for persons released from places of deprivation of liberty

was carried out independently by two authors (AD and IK). In controversial cases, the author (OK) was involved in their analysis, interpretation and compliance with modern trends in the field under study. As a result, the selected regulatory legal documents were analyzed and summarized.

Survey preparation

To conduct a (VK) survey of 65 employees of penal institutions (social and psychological service), in particular 5 correctional colonies (minimum security level with general conditions of detention – 2; medium security level – 2; maximum security level – 1), the following open questions were proposed:

- 1) Taking into account what features of the offender is the key to the effectiveness of resocialization and social adaptation?
- 2) How many convicts attended vocational training classes, received primary or secondary education in places of deprivation of liberty, had the opportunity to attend sports and cultural events?
- 3) Name the main means of promoting resocialization and social adaptation of convicts.
- 4) Indicate the key elements of the mechanism of supervised probation.

The survey data of persons (obtained by MK) released from places of imprisonment for committing mercenary, domestic, sexual and other general criminal crimes made it possible to clarify the motivational factors of resocialization and social adaptation.

Ethical considerations

Ethical approval of the study was obtained from the Audit Board of the State Penitentiary Service of Ukraine. Respondents were informed about the purpose of the study, their rights and confidentiality of the data. Measures were taken to ensure the anonymity and confidentiality of participants throughout the entire research process.

Characteristics of foreign casuistry

The arguments of individual ideas and conclusions that form the basis of the international experience of resocialization and social adaptation of convicts are based on the theoretical developments of leading European and Latin American scientists. Given the impossibility of conducting our own empirical research on foreign experience in this area, the relevant statements are mainly descriptive in nature, not key and categorical.

DISCUSSION OF CONCLUSIONS

The final analysis of all critical judgments, intermediate conclusions, and empirical data results was carried out with the participation of the entire team of authors under the leadership of the OK. At the same time, the categorical conclusions, which mainly concern the resocialization of convicts in Ukraine, are based on the coincidence of the scientific positions of all authors of this study, which are confirmed by the survey results.

Analysis of recent research

The above-mentioned issues are of great importance for ensuring a balance between punishment and rehabilitation of individuals in society. Convicts become the object of attention of scientists, lawyers, sociologists and psychologists due to the need to develop effective approaches to their social rehabilitation (Bocheliuk, 2023).

Various aspects of the problem of resocialization of convicts are the subject of research in a number of works by Ukrainian sociologists, criminologists, psychologists, representatives of other fields and sciences. These include, in particular, V. Borisov, V. Batyrgareeva, V. Golina, O. Dzhuzha, E. Moiseyev, V. Nalyvayko, O. Nezhyvets, V. Panasevich, I. Yakovets.

Scientific works by foreign scientists are devoted to certain issues related to the above-mentioned issues. Among the main ones, it is worth mentioning studies related to the emphasis on the disciplinary impact on convicts (Lei, 1984; Bastos, 1997; Laville & Dionne, 1999; Ribeiro & Cruz, 2002; Lima, 2007; Costa & Bratkowski, 2007; Goulart, 2009), the economic and social consequences of prisoner labor (Browne, 2007; Zatz, 2008; Goldberg & Linda, 2009; Fletcher, 2011; Lebaron, 2012). It should be noted that the relevant studies do not fully cover therapeutic and resocialization factors. The process of social rehabilitation and resocialization of persons released from prison, in our opinion, should be based not so much on the eradication of negative character traits of a former convict, but on the formation of positive qualities in him.

Among scientific works at the international level, we consider those works that are based on individual and social aspects of resocialization and social adaptation and, directly or indirectly, relate to the issues of motivation, reward, social duty, material satisfaction, reward, and improving the quality of life to be worthy of special attention (Isaksen, 2000; Coutinho, 2009; Rosso et al., 2010; Andrade et al., 2012; Rodrigues & Barrichello, 2015; Ortega Monge, 2019; Palacin Guido & Álvarez, 2023).

Paying tribute to the scientific works of the above and other scientists, we note that at the current stage of scientific development, the issue of resocialization and social adaptation of convicts, certain aspects of the attitude of the state to society and its influence on the resocialization process requires additional study in terms of studying world experience in this area and determining the prospects for its application in Ukraine and other developing countries.

RESULTS AND DISCUSSION

The essence and content of resocialization

Resocialization belongs to the social concepts used in almost all social sciences. It is directly related to the category of “socialization”, as evidenced by a detailed analysis and grammatical interpretation of the above concepts. Taking into account the prefix “re-” makes it possible to define resocialization as “restoration or repetition of an action”, “counteraction” to the asocial degradation of the individual”.

In Part 2 of Article 6 of the Criminal Code of Ukraine, the concept of “resocialization” is defined as “the conscious restoration of a convict in the social status of a full member of society; his return to an independent, generally accepted socio-normative life in society”. The Law calls the correction of the convict a necessary condition for resocialization. Means of correction and resocial-

ization of convicts are applied taking into account the type of punishment, the personality of the criminal, the nature, degree of social danger and motives of the committed criminal offense and the behavior of the convict while serving the sentence (Criminal and Executive Code of Ukraine, 2003).

At the same time, given this legal formulation, many questions regarding its content and essence remain unclear, in particular regarding the level of imperativeness of resocialization: is it a right or an obligation for the convict; whether the state must necessarily take measures for the resocialization of certain categories of persons; whether resocialization is an integral part of the process of serving the sentence. It is quite natural that due to such legislative lack of specificity, a single comprehensive vision of the criminal-legal content of resocialization has not yet been formed among scientists.

In particular, V. Synyov and V. Kryvusha calls the process of resocialization a single process of restoring and developing socially useful connections and relationships, both during the period of serving a sentence and after release, and the further adaptation of the convict to independent life in freedom (Synyov & Kryvusha, 2000). L. Zhuk and O. Nezhyvets interpret resocialization as a complex socio-legal category that covers various aspects of renewing social ties both in penal institutions and after release from places of deprivation of liberty, when a person undergoes social adaptation, solves housing problems, gets a job, needs medical and psychological assistance, financial and state support (Zhuk & Nezhyvets, 2013). O. Tsarkova defined it as the re-acquisition of the culture of human relations, the acceptance of certain social norms, roles and functions, the acquisition of skills and abilities necessary for their successful implementation (Tsarkova, 2012). E. Barash emphasizes that this is a long-term process, the basis of which is a complex set of psychological, pedagogical, economic, medical, legal and organizational measures aimed at forming in each convict the ability and readiness to be included in the normal conditions of life of society after serving his sentence (Barash, 2016).

Resocialization refers to the process of resocializing, re-engineering, or readapting an individual to adhere to a new set of appropriate attitudes, values, and behaviors in society. Often occurring in total institutions, resocialization involves the deconstruction and rebuilding of an individual's identity (or identities) (Carter & Naseif, 2020).

Taking into account the above definitions, the resocialization of persons released from places of deprivation of liberty is a complex process of restoring, preserving and developing socially useful connections and relationships of the convict during the period of serving his sentence and at the first stage of his life after release. In the criminal law context, resocialization should be considered a multi-stage and long-term process of returning the convict to a generally accepted way of life in society with the restoration and / or establishment of lost socially useful connections and relationships, legal status, existing during, after and during a certain initial period after serving the sentence.

Some scientists have made proposals for amendments to the criminal law of Ukraine in terms of defining the concept and essence of resocialization, indicating the degree of state participation in the process of resocialization, as well as the features of its implementation at different stages - during the entire period of serving the sentence, immediately after its serving, as well as at the initial stage of the convict's return to society (Barash, 2016). In our opinion, the introduction of relevant amendments to the legislation is not capable of significantly improving the state of affairs in the specified area. In this case, a comprehensive nationwide approach to resolving issues of socio-educational and rehabilitation impact on convicts is needed.

It has been repeatedly noted in the special literature that the process of returning to law-abiding life is quite complicated. Isolation from society, especially for long periods, causes the loss of socially useful connections, deprives independence in solving most everyday issues. While in places of deprivation of liberty, a person often acquires new skills of criminal life for him. In addition, during the serving of the sentence, individual existing personality deformations may deepen, which significantly complicates the resocialization and social adaptation of convicts. 45% of the surveyed employees of penitentiary institutions also indicated the deepening of individual personality deformations.

The above emphasizes the importance of effective social adaptation and resocialization of those persons who have been sentenced to real terms of imprisonment or those who have just been released after serving them.

During the execution of sentences, the state, represented by authorized bodies, must simultaneously provide assistance to persons released from places of deprivation of liberty in choosing a socially useful or socially acceptable direction of life in order to prevent the recurrence of criminal acts. Therefore, an important role in the process of resocialization is played by properly organized preventive work among convicted persons - both at the stage of serving their sentence and immediately after their release from places of deprivation of liberty. Prevention in this context should be considered a set of measures aimed at timely identification and elimination of negative factors that have arisen or may potentially arise and cause the repeated commission of intentional crimes by persons sentenced to long terms of imprisonment.

This is an individual level of crime prevention, since other levels - general and special-criminological - have a completely different content, purpose and sphere of influence. The individual level of crime prevention involves a targeted impact on a certain circle of persons if the following grounds are present: the real behavior of a person, in which a potentially socially dangerous act is hidden (the main focus of such a person is antisocial behavior); the presence of a certain level of quantitative and qualitative indicators, which indicates a high degree of criminogenicity of a person and allows him to be distinguished from those from whom it is more likely that a crime will be committed in the near future (Barash, 2016).

From the analysis of scientific literature, legislative sources and penitentiary practice, we can conclude that individual prevention is a set of measures such as: the process of explaining the need for convicts to adhere to the normatively established lifestyle in society (individual conversations, collective conversations in small groups, lectures on legal topics, their further discussion, etc.); organization of measures to ensure a positive direction in the lives of persons who have committed crimes and served their sentences (organization of meetings with former convicts, who, with their example of successful resocialization, can form the appropriate motivation for the relevant target audience); creation of conditions for the normal development of the personality of a former convict (in particular, obtaining at least the minimum necessary level of education to stimulate participation in public and cultural life, further effective employment); social protection of previously convicted persons (assistance in employment, improvement of living conditions, establishment of useful connections with public charitable organizations, provision of free medical care, etc.).

Resocialization is a social concept that means “renewal or repetition of actions that counteract the social degradation of the individual”. In the system of means of correction and resocialization of convicted persons regulated by the penal legislation of Ukraine, an important place belongs to

social and educational work. Such work is aimed at forming and consolidating in convicted persons the desire to engage in socially useful activities, a conscientious attitude to work, compliance with the requirements of laws and other rules of conduct accepted in society, and raising their general educational and cultural levels. Therefore, in our opinion and the conviction of 88% of the surveyed employees of penitentiary institutions, it is important to take into account the features of resocialization when planning social and educational work.

We consider the position of O. Nezhyvets, which identifies the following main stages of resocialization of convicts: passing a guilty verdict and imposing a sentence on the convict; adaptation of the convict to the conditions of serving the sentence; correction; preparation of the convict for release from places of deprivation of liberty; social adaptation to the conditions of life in freedom” (Nezhyvets, 2005). It is better to talk about the periods of the penitentiary cycle of the convict’s life, during each of which such persons are forced to adapt to new living conditions: during the first three periods – to go through “desocialization”, and only after that (during the fourth and fifth periods) to get the opportunity for resocialization. As noted by O. Melnychenko and S. Dypko, there is a pattern: the more destructive the desocialization was, the more difficult the resocialization will be (Melnychenko & Dypko, 2011).

Conducting an analysis of the socio-legal nature of resocialization in accordance with the statements of scientists and practitioners who have studied the legal, pedagogical and social aspects of this process, in our opinion, the following classification of the stages of resocialization of a convict would be more accurate: resocialization in places of deprivation of liberty; resocialization during the preparation of a convict for release from a penal institution; resocialization after release from places of deprivation of liberty.

One of the means of correction and resocialization of convicts is social and educational work, however, the Criminal Code of Ukraine defines this means only for convicts sentenced to imprisonment. But in this case, the specified means is effective for convicts serving sentences not related to imprisonment, since social and educational work in relation to this category of convicts can be carried out in various forms: moral and legal education by conducting certain lectures, conversations, which will contribute to the further gradual adaptation of such convicts.

A.V. Skits indicates that the issue of determining the tasks of social and educational work becomes particularly relevant due to the fact that the concept of “social and educational work” is complex and combines two areas – educational and social work, which, of course, have their own significant features and differences (Skits, 2011).

Instead, L. Zavatska claims that social and educational work consists of the following components: educational work as a system of pedagogically justified measures aimed at correcting the behavior of convicts in order to achieve positive intellectual, spiritual and physical changes in their personality and eliminate personal deformations; social work as a specific type of complex activity to provide social assistance, aimed at ensuring a person’s comprehensive life activity, recreating a full-fledged human personality, forming and preserving useful skills, and restoring and developing social ties; psychological work as the professional activity of psychologists to provide convicts with psychological assistance in preventing psychotraumatic effects on the personality, developing and implementing, together with the staff of penal institutions, individual programs of psychocorrectional and pedagogical influence on convicts (Zavatska, 2008).

In our opinion and in the opinion of 85% of the surveyed employees of penitentiary institutions, the key to the effectiveness of resocialization and social adaptation is taking into account the criminological characteristics of the criminal's personality. It is necessary to differentiate work with different categories of convicts, in particular, to take into account their age, psychological and socio-biological characteristics.

International experience of resocialization and social adaptation of convicted persons

In the context of the problem under study, the experience of social adaptation and resocialization in Latin American countries deserves attention. In short, resocialization in Chilean legislation fosters respect for criminal law, a break from criminal behavior, and inmate awareness and responsibility through prison treatment. However, the reality of Chilean prisons goes beyond the aspirations of the law. The implementation of resocialization programs in these prisons is incipient, representing a challenge to the social order and the legal status of their residents, who, year after year, show increasing signs of vulnerability.

The main factor behind this is prison overcrowding, a widespread phenomenon that prevents effective security in prisons and sufficient access to basic services (Verdejo Verdejo, 2023). The Chilean prison system faces complex challenges, evidenced by a steady increase in violations of fundamental rights and precarious living conditions in prison facilities. This ultimately contributes to the failure of rehabilitation efforts, which in turn is reflected in higher rates of criminal recidivism (Sanhueza Olivares & Pérez, 2018).

As Macana Gutiérrez and Tamayo Arboleda (2023) rightly point out, effective social adaptation is unlikely in Colombia due to the wretchedness of prisons, which force the prisoner to endure, resist, or die. The prisoner must create a unique mode of resistance, find some meaning for prison suffering, a unique way of studying, working, having fun, accessing opportunities and services, among other things.

In the Argentine legal system, the main purpose of prison confinement is the proper resocialization of the inmate, but it also pursues other goals, such as having a deterrent and retributive effect (Arocena, 2024). In the Argentine resocialization process, the positive reception of the inmate is emphasized. The individual must ask themselves about their life, about "what they want to do with it; what they can do; what tools they have, from confinement, so that when they are released, they can lead a life without committing crimes" (Palacin Guido & Álvarez, 2024).

Resocialization in the Peruvian legal system, despite being regulated at the constitutional, legal and sub-legal levels and recognized as an objective of the penitentiary regime and punishment, demonstrates undeniable shortcomings that are far from practical results. On the other hand, the Constitutional Court, the highest interpreter of the political constitution of Peru, has received broad support on all issues of resocialization. It has even linked it to the protection of human dignity in a constitutional and social state of law. However, the Peruvian prison reality shows that these rules and protections judicial practice usually do not translate into effective guarantees of protection (Vasquez, 2024).

We also consider it advisable to refer to the positive experience of European countries on issues of social adaptation and resocialization of convicts.

Resocialization, in general, means work first of all. "Occupational therapy" in Germany is not forced labor without the right to choose, but part of rehabilitation. Prisons in Germany have a nar-

row specialization in issues of labor rehabilitation of convicts. Usually, German convicts work for specific private firms that have concluded a contract with them, receive a working profession and an appropriate salary.

At the same time, the resocialization of German prisoners is not limited to the confines of penitentiary institutions. German legal practice demonstrates that this process is constantly in flux and depends on social impulses. In recent years, such an impulse has been the activation of the institute of volunteer mentors, who are often involved in working with minors and young prisoners. Mentors are usually middle-aged and older people who are respected in society and realize the importance of this type of activity. A special form of volunteer work in German penitentiary institutions is the activity of prison councils (Gefängnisbeiräte). The councils have certain control functions and can consider prisoners' complaints within the framework of public supervision.

In this case, special attention is paid to increasing the motivation of prisoners to achieve the necessary level of resocialization. Taking into account this aspect, the term "aktivierender Strafvollzug" (activating system of execution of punishment) often used in the German correctional system becomes quite understandable, in which the word "activating" carries an important semantic load, that is, a complex activity that encourages active actions and is aimed at returning a person to society. One of the most effective areas within the framework of this activity is penitentiary socio-therapeutic work, to which German specialists include: phased integration of prisoners into society with the simultaneous settlement of financial, family or other conflicts, obtaining or completing secondary education, developing skills and abilities for professional activity, etc.; measures aimed at counteracting the negative consequences of being in prison, such as the breakdown of relations with loved ones and relatives, loss of a job or place of study; conducting trainings aimed at suppressing aggressiveness, negative emotions, fear; application of appropriate psychotherapeutic measures (Brühwiler, 2021).

Also, the social services of German correctional institutions attach great importance to establishing active interaction with public organizations. Authoritative people of the city (doctors, teachers) are members of the board of trustees, independent of the prison administration, which has the right of access to all spheres of life in the prison. The main task of the board of trustees of a correctional institution is to approximate the situation in prison to life in freedom.

The experience of the United Kingdom in implementing measures for the social adaptation and resocialization of convicts is noteworthy. Such a system provides for an extensive system of control over this process, which ensures coordination, a high level of transparency and openness. The corresponding measures are of a comprehensive nature and are actively implemented by other branches of government, in addition to the executive; a separate and quite significant role in monitoring the implementation of the specified policy is assigned to public organizations (Muravyov, 2017).

According to Article 2, Chapter 1 of the Imprisonment Act of Finland, the purpose of serving a sentence in the form of deprivation of liberty is to increase the prisoner's readiness for a life without crime by promoting the prisoner's ability to manage his or her life and facilitating his or her reintegration into society, as well as preventing the commission of crimes while serving the sentence (Imprisonment Act 767/2005). It is obvious that it is precisely resocialization and reintegration into society that is successfully achieved in this country, where the conditions in prisons actively contribute to this. In particular, each convict has his or her own "future advisor" who prepares an individual rehabilitation plan, which includes training or work, treatment, psychological and spiritual cor-

rection. More than half of prisoners attend vocational training classes; approximately 20% receive primary or secondary education in places of deprivation of liberty. They are provided with access to libraries and mass media. In open-type prisons, convicts are allowed to visit swimming pools, sports and cultural events. About 40% of prisoners are provided with daily wage work. Traditional prison industries are woodworking, metalworking and agriculture.

In closed prisons, prisoners do not work for hire, but are involved in work for educational purposes, receiving financial assistance for this. Prisons organize versatile education in cooperation with educational institutions. Prisoners are offered vocational, orientation, general education, university and polytechnic education, available in the form of distance learning. Education outside the prison with a study permit is usually possible in open prisons (Information on the enforcement of sentences in Finland, 2018).

The main tool for resocialization in French correctional institutions is to ensure that prisoners receive vocational education with the aim of their further employment (Sleptsov, 2009). Schooling is mandatory up to the age of 16. Every year, up to 28,000 prisoners undergo training courses, of which 800 or more people receive full-time higher education in various higher education institutions in the country; in addition, up to 3,000 people study in absentia (World Prison Brief, 2022). In Norway, 20% of prisoners study under the program of higher education institutions. In particular, lectures and various forms of independent work are provided, which guarantees full employment of prisoners. In Switzerland, in order to increase the chances of a convict on the labor market after release, small production enterprises are created in correctional institutions, which are partially exempt from taxes. The resocialization stage in many countries is provided by the probation service, which can implement one of two models: prosocial, when the employee mainly performs the function of a social worker, interacts with the convict's family, the convict himself (Germany, France, the Netherlands); supervision, in which an employee monitors the released (conditionally convicted) and ensures that the supervised person behaves in accordance with the conditions of release (sentence) (Great Britain, USA) (Romanov & Zhuvak, 2021).

The information presented in this section allows us to summarize that in penitentiary systems around the world, the main means of promoting the resocialization and social adaptation of convicts are considered to be general and vocational training, psychological support programs, as well as productive work. At the same time, in most countries, the emphasis is on social work with convicts, who should return to society without problems and not be a burden to their relatives, community, and state. It is precisely such problems that persons released from prisons in Ukraine often face: 37% felt that they were a burden to the community, the state; 26% had difficulties in relationships with relatives and loved ones.

Prospects for social adaptation and resocialization of convicts in Ukraine

Currently, in Ukraine, the process of social adaptation and resocialization of released persons is very difficult, since this process requires financial support from the state, but the envisaged measures do not always have time to change in accordance with the needs of society. The implementation of this concept is also complicated by the fact that Ukraine is in a state of war.

It should be noted that in Ukraine, the legal regulation of the application of social rehabilitation programs is at the stage of its formation. In accordance with clause 5, paragraph 4 of the Penitentiary System Reform Strategy for the period until 2026, in the coming years it is planned

to improve the methods and tools of social rehabilitation of convicts (Penitentiary System Reform Strategy for the period until 2026). The document indicates that one of the tasks for the implementation of this strategic goal is to introduce criminogenic risk assessment and individual planning in the activities of bodies and institutions for the execution of sentences; development and implementation of correctional programs, including taking into account the dependencies of convicts; improvement of the system of psychological assistance to convicts and persons taken into custody (Order of the Cabinet of Ministers of Ukraine No. 1153-r, 2022).

In addition to general correctional programs, an individual program of social and educational work is drawn up for each convict. Thus, in accordance with Art. 95 of the Criminal Executive Code of Ukraine, based on the results of a medical examination, primary psychodiagnostics and psychological and pedagogical study and on the basis of criminological, criminal and legal characteristics, an individual program of social and educational work is drawn up for each convict, which is approved by the head of the colony. A special individual program is drawn up for each convict, which provides for measures of an individual educational, psychotherapeutic, psychocorrectional nature (Part 3 of Art. 97) (Criminal Executive Code, 2023).

Such programs include typical programs of differentiated educational influence. In accordance with the order of the Ministry of Justice of Ukraine dated 16.05.2016 No. 1418/5 "On approval of the provisions on programs of differentiated educational influence on convicts", 11 such programs are used in Ukraine (Order of the Ministry of Justice of Ukraine No. 1418/5, 2016). The implementation of the program provisions is carried out on the basis of the department of the social and psychological service within the framework of social and educational work in accordance with Art. Art. 123, 124 of the Criminal Enforcement Code of Ukraine.

In general, programs of differentiated educational influence are divided by their focus into general educational and correctional. Programs of general educational influence cover the topics of education (including vocational (vocational and technical)), legal education, spiritual revival, creativity, physical education and sports, preparation for release, etc. Instead, the purpose of implementing correctional programs is to minimize the criminogenic needs of convicts identified on the basis of an assessment of the risk of committing a repeated criminal offense, correct negative behavioral manifestations and form in convicts the skills necessary for successful resocialization, prevent them from committing repeated criminal offenses, as well as prepare them for an independent, generally accepted socio-normative life in society (Order of the Ministry of Justice of Ukraine No. 1418/5, 2016).

Also, in accordance with clauses 1-2 of 2 of the Order of the Ministry of Justice of Ukraine dated January 29, 2019 No. 272/5 "On Approval of the Procedure for Supervision and Conducting Social and Educational Work with Convicted Persons to Punishments Not Related to Deprivation of Liberty" during supervision and conducting social and educational work, the probation authority: conducts preventive and educational conversations with the convicted person, draws up an individual work plan with convicted persons taking into account risk assessment; applies a differentiated approach when providing advisory, psychological and other types of assistance to convicted persons; promotes employment, involvement in training, participation in educational activities and socially useful activities of convicted persons (Order No. 272/5, 2019).

An important element of the mechanism of supervised probation is the application of a set of measures for the implementation of probation programs (Korenyuk, 2018), the importance of

which was indicated by 74% of the surveyed employees of penal institutions. In order to implement this direction, Ukraine cooperates with the mission of advisors in the field of security and law of Norway. The NORLAU project has been launched, the purpose of which is to create a full-scale probation system in Ukraine, develop and test standard programs based on the positive experience of countries such as Latvia, Lithuania, Sweden, etc. (Chernyshov, 2019; Bocheliuk, 2023).

Ukraine has also begun to use the unique Scandinavian experience of involving a wide range of people in the discussion of correctional policy. The concept of a “full member of society” implies the ability of a person to enjoy all human and civil rights and bear appropriate responsibilities. One of the most important issues is the realization by those released from places of deprivation of liberty of their constitutional right to work, which is considered one of the main ones in the implementation of social rehabilitation programs. In this context, we consider the experience of countries such as Germany, Norway, Finland, and the United Kingdom, highlighted above, to be positive.

At the legislative level, the state establishes guarantees of assistance to persons released from prison in their employment. In particular, the Law of Ukraine “On Employment of the Population” includes persons released after serving a sentence or compulsory treatment as categories of citizens who have additional guarantees in promoting employment. The law specified that liability arises for an unjustified refusal to employ such persons in the amount of twice the minimum wage established at the time the violation was detected (Law of Ukraine “On Employment of the Population”, 2013). At the same time, the legislation does not provide for the employer’s liability for failure to provide employment to the specified category of citizens through a quota, and, as before, establishes liability only for the refusal to employ citizens who have additional guarantees in promoting employment.

In our opinion, a mechanism should be developed to compensate employers who can employ “former prisoners” for the costs of paying the labor of this category of citizens in proportion to the time worked, which is recorded in the monthly working time sheet, but not more than the norm established by the legislation of Ukraine. Therefore, measures should be established at the legislative level to encourage employers to employ this category of persons.

In this context, it is important to clarify the desire of convicted persons and former prisoners to assimilate into society, to be useful to society and to have the opportunity to coexist with other members of it with dignity.

According to the survey, the vast majority (92%) of persons who committed criminal offenses for profit understand and are aware of the social danger of such an act; among them, 66% expressed their readiness for community service. In contrast, persons who committed domestic crimes, crimes against life, health and sexual freedom and inviolability, etc., often (43%) did not admit their guilt and were mostly not motivated to do community service (57%) even when work activity provided an opportunity to be released from prison early.

In Ukraine, as in many Latin American countries, the regulatory and legal regulation of the process of social adaptation and resocialization of convicts is at the stage of its formation. One of the main problems for these countries, as well as for other developing countries, is the lack of a comprehensive approach to the rehabilitation of convicts, which does not take into account the individual needs, characteristics of convicts, as well as the criminal offenses they commit.

Despite the fairly active use of correctional, probation programs, programs of general educational and differentiated educational influence, their effectiveness in Ukraine remains insufficient.

A significant number of convicts cannot receive the necessary set of measures that would take into account their individual needs and characteristics.

The example of countries with a developed system of penal policy has proven that social, educational and psychological work with convicts should be comprehensive and have a real practical focus on productive work (with the possibility of conditional early release from places of deprivation of liberty), training, self-development, correction of negative mental states of the convict, etc. The state must ensure the development of social institutions, the basis of whose activities will be assistance in the resocialization of those released from places of deprivation of liberty. In penal institutions, all conditions must be created for conducting educational work and for convicts to gain real experience of socially approved behavior.

CONCLUSION

Based on the results of the analysis of the problems studied in the scientific article, we can draw the following conclusions.

In modern society, where the role of law and order is recognized as key to ensuring harmonious functioning, the process of correction and resocialization of convicts is of extremely important importance. Society must build not only a responsible and fair criminal justice system, but also provide opportunities for individuals to return to self-directed law-abiding behavior.

Resocialization of convicted persons is a complex process of restoring, preserving and developing socially useful connections and relationships of a convicted person during the period of serving his sentence and at the first stage of his life after release. This is a multi-stage and long-term process of returning a convicted person to a generally accepted way of life in society with the restoration and / or establishment of lost socially useful connections and relationships, legal status, existing during, after and during a certain initial period after serving his sentence. The stages of resocialization of a convicted person include: resocialization in places of deprivation of liberty; resocialization during the preparation of a convicted person for release from a penal institution; resocialization after release from places of deprivation of liberty.

The implementation of measures for the social adaptation and resocialization of convicts requires compliance with international standards for the treatment of convicts and those released from places of deprivation of liberty, as well as possession of knowledge and practical skills in such areas and branches as criminology, pedagogy, psychology, in particular penitentiary, criminal and penal law, social and educational work.

From the analysis of penal principles of social adaptation and resocialization of convicts in a number of foreign countries, it is seen that in such countries as Germany, the USA, Great Britain, Norway, Finland, France, the main means of promoting the resocialization of criminals are considered to be industrial labor, general educational and vocational training, and psychological support programs. In particular, the practice of involving the public, employers, and religious organizations in the process of rehabilitation of convicts is inherent in Germany and Great Britain. In Norway and Finland, the emphasis is on the principles of humanity, respect for human dignity and minimizing the isolation of convicts from society.

Based on the experience of such countries as Switzerland, Norway, Sweden and the Netherlands, it has been established that social adaptation and resocialization of convicts serving sentences

not related to deprivation of liberty can be carried out separately from correction, since the effectiveness of the result of this process is possible only with a mutual combination of these categories. The list of means of correction and resocialization for such persons has certain features related to the specifics of serving sentences, which should be taken into account when enshrining them in regulatory legal acts.

In Ukraine, as in some countries of Latin America, the regulatory and legal regulation of the process of social adaptation and resocialization of convicts is at the stage of its formation and is characterized by the lack of a comprehensive approach to the rehabilitation of convicts, and correctional and probation programs are limited to education or professional training, without taking into account the individual needs and characteristics of each convict. The methods reflected in the relevant correctional programs should cover all needs that arise in the process of resocialization and social rehabilitation of convicts, be sufficiently specific and take into account the individual characteristics and needs of certain categories of persons. Ensuring an individual approach to each convict will contribute to reducing the level of recidivism and ensuring effective work on the social rehabilitation of convicts.

Having analyzed the penal-executive principles of social adaptation and resocialization of convicts in a number of foreign countries, we came to the conclusion that in Ukraine and other developing countries, a set of measures should be taken at the state level, in particular: intensification of cooperation between penal institutions and state employment centers in terms of determining demand on the labor market; organization of training of convicts taking into account their skills and abilities on the basis of penal institutions; mechanisms for stimulating employers to hire persons who have been released from places of imprisonment should be developed and established; by state order, active work should be carried out by the mass media to change attitudes towards persons released from places of imprisonment, to prove that these people have already been punished by the state for what they have committed and society should help them return to a full-fledged, generally acceptable life in society.

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