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Socio-psychological issues of resocialization of convicts to imprisonment: Domestic and international experience

Abstract: Currently the recidivism rate in Ukraine. This indicates failure to achieve the goal of punishment – correction of the convict. The purpose of the article is to research the problems of resocialization of convicts, taking into consideration the psychological characteristics of the person serving the sentence. The subject of research: the subject of research is the resocialization of convicts. The following scientific methods were used to study the international experience of resocialization of convicts, to prove the hypotheses, to formulate conclusions: dialectical method, monographic method, logical method, comparative method, generalization method, system and structural method. The results of the research: it was found out that serving a certain term of imprisonment or life imprisonment affects convicts and leads to a change in their psychology in completely different ways. It is proved that the process of resocialization should be set up during the selection of convict's type and size of punishment (taking into account the circumstances of the case, the perpetrator personality and criminogenic risks that may contribute to recidivism), continue during punishment (using training, work and communication, and providing psychological support to overcome possible psychological crises) and finish after the release from penitentiary institutions (with control over the released, employment assistance or the provision of temporary residence).

Keywords: *Resocialization, Imprisonment, Recidivism, Psychological features of convicts, Punishment*

INTRODUCTION

Any act of human behavior has its consequences. Thus, the committing of a criminal offense becomes the next conviction of an individual. All criminal penalties cause one kind or another of convict's rights or freedoms restrictions. Accordingly, the more severe the punishment, the greater is an individual's restrictions. Imprisonment, either for a fixed term or for life, lies in isolating a convict from society. The Criminal Code of Ukraine declares that the penalty is aimed not only at the punishment but also at correcting convicts, as well as preventing committing new criminal offenses by both convicts and other persons (Criminal Code of Ukraine, 2001). Criminal law policy is a direction of combating crime and is based on the application of the law on criminal liability. It is based on

laws and other important decisions of State and public authorities. The ratio of the concepts of general, special and specific is the ratio of "legal policy", "policy in the area of crime" and "criminal policy" (Vorobey et al., 2021). Since the prevention of crime in general, and recidivism in particular, including the means of criminal legislation, is a priority of state policy, the issue of the effectiveness of punishment as a preventive measure is extremely vital (Pankratova, 2021).

This study is based on the use of the method of system analysis, which was used to study international experience on the social preconditions for successful resocialization of persons sentenced to imprisonment, taking into consideration the psychological characteristics of such persons. The authors used the formal-logical method in interpreting the concepts of resocialization and

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socialization. In addition, the dialectical method allowed to comprehend the problems of research, its methodological bases, to structure researches, to carry out step-by-step knowledge of the object of study. For our research, we also used the monographic method in the process of considering the works of Ukrainian and foreign scientists who carried out the study of the research question. Applying the modeling method, an optimal model of a multi-stage process of correction of a convict and his resocialization was developed.

The problem of resocialization of convicts has been the subject of research in a number of works (Banguero Melo et al., 2019; Ospina-Gómez and Bedoya-Gallego, 2019; Johnson et al., 2021). At the same time, at the current stage, the development of criminological science concerning the resocialization of convicts remains insufficiently researched. It is due to the fact, that the scientific research is dominated by the research on narrow issues related to the resocialization of certain categories of convicts, or limited to a hardly generalized approach to defining the legal meaning of the term “resocialization”. However, in our opinion, the solution to the problems of the re-socialization process primarily should seek in the personality of the convict.

Currently, the recidivism rate in Ukraine, that is the committing of a new intentional criminal offense by a person accused of an intentional criminal offense, is quite high – over 80% (Alexandrov and Shevchenko, 2015). This indicates a failure to achieve the goal of punishment – correction of the convict. According to official statistics from the Ministry of Justice of Ukraine, an average of about 14.000 convicts released each year. With this in view, the issue of criminological foundations of resocialization of convicts becomes especially relevant. The primary task facing state bodies and public organizations is to prevent them from committing new offences.

Researching the issue of resocialization, scientists put different meanings into this concept. Thus, according to L.A. Zhuk and O.M. Nezhyvets (2013), resocialization should be defined as a complex of socio-legal category that covers various aspects of the renewal of social ties both in penitentiaries and after release from prison, when a person undergoes social adaptation, solves housing problems, gets a job, needs medical and psychological assistance, financial and state support. V.S. Nalyvayko (2000) notes that the resocialization of persons released from prisons “is a complex process of restoration, preservation and development of socially useful ties and relations of the convict during his sentence and at the first stage of his life after release”. E.Yu. Barash (2016) suggests that resocialization in the criminal law context should be considered as a multi-stage and long process of returning the convict to a generally accepted way of life with the restoration and / or restoration of socially lost useful ties and relations, legal status available during, immediately after and still after a certain initial period after serving the sentence. Resocialization refers to social concepts that are used in almost all social sciences. It is directly related to the category of “socialization” indicated

by a detailed analysis and grammatical interpretation of these concepts. Yu. V. Zhuleva (2000) emphasizing the importance of taking into consideration the meaning of the prefix “re-”, which allows to define resocialization as “restoration or repetition of action”, “counteraction” to antisocial degradation of personality.

The study of the issues of crime is closely connected to the analysis of the identity of modern criminals, as well as the causes and conditions that led to the committing of crimes (Carson, 2019; Liu and Bachman, 2021; Woodyatt et al., 2022). These researchers clarified the causes and conditions of crime, identified the legal and psychological features of criminal behavior and the general principles of their correction of convicts. Scientists have proved that the significance of studying the problems of resocialization in penitentiary institutions and the further adaptation of the released in society is due to the growing number of social problems associated with the maladaptive behavior of such persons (Burneo-Garcés et al., 2021; Liu, 2021). Living in a closed environment complicates for the released persons the formation of the skills necessary for the effective functioning in society, such persons need to adopt and implement special social programs to prepare for independent living after imprisonment release. Properly organized work with convicts at the resocialization stage helps to prevent conflict situations in penitentiary institutions and leads to the prevention of criminal offenses after release.

The purpose of this article is to investigate the problems of resocialization of convicts, taking into consideration the psychological characteristics of the person serving the sentence and the social preconditions of this process.

INVESTIGATION OF THE MOST EFFECTIVE SOLUTIONS FOR THE PROCESS OF RE-EDUCATION OF CONVICTS IN PENITENTIARY INSTITUTIONS

The problem of re-committing a crime after or during serving a sentence in prison can be considered from different perspectives. Given that committing a criminal offense is a conscious act of human behavior, a subjective manifestation, we will consider this problem from a psychological point of view. The need to appeal to psychology, its methods, achievements arises when a particular science, related to psychology or closely related to it, is included in the solution of practical problems. This also applies to criminology, especially when it comes to the identity of the offender, the conditions of its formation and correction. For properly understand the complex relationships of people, their experiences and actions, in confusing situations reflecting in criminal cases, the laws of mental life must be realized (Testoni et al., 2021). According to some researchers, the process of resocialization implemented through primary socialization (Baranov, 2006). Scientists A.F. Stepanyuk and V.M. Trubnikov (1992) distinguish two stages of resocialization – penitentiary and post-penitentiary. Each

stage is characterized by features, but in some way they are interrelated. Let's consider each stage separately. Serving the sentence in a prison influences human psychology. General conditions in prisons affect convicts differently and change their psychology in different ways. The cognition of the peculiarities of the psychology of convicts is a necessary and important prerequisite for the proper organization of the relationship with them to achieve the goals of re-education (Testoni et al., 2021).

Corrective (penitentiary – from lat-penitentiaries – correct, penitent) psychology studies the psychological basics of resocialization – the restoration of previously violated personality traits necessary for its full life in society. Penitentiary psychology examines the problems of the effectiveness of punishment, the dynamics of the convict's personality in the process of execution, the formation of its behavioral characteristics in different conditions of a camp and prison regime, the values, prejudice and stereotypes of small groups in social isolation, conformity of the current correctional legislation to the assignments of correction and re-education of convicts (Arnau et al., 2020).

According to E.Yu. Barash (2016) the process of resocialization of persons released from prisons should be based not so much on the eradication of negative traits of the former convict, but on the formation of their positive qualities. The question arises – why it is not always possible to correct a convict? Criminal has been leading criminal activity has peculiar habits and skills developing for a long period of time, that is the peculiar criminal stereotype has evolved. A person gets used to the lack of permanent housing, stops working independently and loses his work skills, but acquires criminal ones and then considers each situation only from one side, in particular as committing a crime. Imprisonment has a negative effect on the mental state of those serving sentences. As a result of a long-term isolation of the individual from society, the states of expectation, hope or hopelessness, sadness, boredom and apathy, frustration and despair have appeared. According to Z.F. Dilna and N.I. Ustrytska (2020) together with the acquisition of a person's procedural status of a convict, as well as in accordance to the implementation of his sentence, such a person begins to feel the psychological and moral burden of such conviction, alienation from society, etc.

Serving the sentence in places imprisonment to some extent is reflected in the mental state of a person. It is connected with the breaking of the existing stereotype of life, dramatic for most convicts deterioration of living conditions, interruption or reduction of the quality of emotionally significant social ties, imposing on the convict additional, previously uncharacteristic, responsibilities. Practice shows that the mental state of the convict undergoes significant changes under the influence of the very fact of imprisonment. At the same time, the mental states of convicts, as a rule, are not the same. Imprisonment is perceived and experienced differently by convicts sentenced for the first time and by convicts sentenced a few times, by young and old, by single and married, by

women and men, by those, sentenced to short and long terms, etc.

Thus, C. Beccaria (1995), an Italian educator and humanist, considered that imprisonment is not inferior in its pain to the death penalty: "The miserable individual sees that his suffering has no end, that imprisonment is just the beginning. Our spirit is able to endure heavier but fleeting torment rather than long and endless one". Reducing the level of mental activation leads to the destruction of the mechanisms of volitional regulation of behavior, so hostility and aggression become less predictable, in the end, it can be directed at a completely strange object.

The situation of imprisonment is stressful for convicts due to the large number of difficulties they face, which, in turn, require adaptation to new conditions. The mechanism of adaptation of convicts to the conditions of a penitentiary institution is coping behavior, as coping is an individual way of interacting with the situation in accordance with its importance in human life and its psychological capabilities (Alexandrov and Shevchenko, 2015). Coping behavior is a reaction to a stressful situation, as a convict applies certain coping strategies in order to overcome stress. The choice of strategies is influenced by both the personal characteristics of the person and the context of the most complicated situations.

Peculiarities of the psychology of convicts appear in a certain complex of mental states that are developed in places of imprisonment. The most typical of them are: the state of expectation of change (review of the case, release); state of impatience. Both conditions can be characterized by increased tension, which often leads to sudden disruptions in behavior. A state of hopelessness, doom, which entails apathy, passivity in all actions, manifestations can also be developed.

Imprisonment often exacerbates depression in cases where it has been before. The depressed state is the result of complete disbelief in one's own strength, disbelief in the possibility of leading a normal life again. By the time they arrived at the labor colony, some convicts had already developed a state of depression from realizing their guilt before society and the family. These convicts do not violate the regime, even if possible comply with the norm and all the requirements of instructors. However, constant depression does not contribute to the creation of a full-fledged personality and must be removed. The individual must actively, creatively react and relate to work as well as to the educational impact. Depression could be removed in the process of educational work. For this purpose, it is necessary to find out and eliminate its reasons, create conditions for switching purposeful attention to other processes and objects which are not connected with those processes and objects that have created depressed state of the convict. Active activity should be stimulating with the aim to eliminate the consequences of the crime committed by the convicts as well as their self-education should be stimulated.

Changes in mental states are associated with certain periods of imprisonment. That is why we outline the main

periods associated with changes in the mental state of a convict.

1. The period of adaptation, getting used to new living conditions, which lasts the first three or four months, and sometimes more. During this period the restriction of needs, change of a habitual stereotype is especially hardly felt. There is always a narrowing of the ability to meet existing needs, which causes a state of increased irritability. However, for some individuals, on the contrary, it is expressed in a state of depression.
2. Specific psychological states caused by the fact of imprisonment are especially fully manifested in the first stage of serving a sentence and are caused by the process of breaking the previously formed stereotype of life, which always takes place under the influence of the penitentiary regime. Convicts are forced to change the usual way of life. Breaking of the old dynamic stereotypes leads to a variety of negative emotions, increased excitability, depression. This happens as long as the convict develops the qualities necessary for new living conditions. Increased excitability can be the cause of various disruptions, sharp violations of the regime, etc. Patience and tact of the instructors are especially necessary in this first stage of serving a sentence. The psychology of a convict in the initial stage of staying in penitentiary institutions is often characterized by the lack of a clear vision of life in the long run. This leads to a decrease in vital activity, to the appearance of irritability in relation to emerging situations.
3. The period of emergence, development of interests in the new conditions of life. This period is associated with the emergence and development of positive emotions, evocative states that increase the mental activity of the convict. The interests that cause such conditions can be different from the creation of a micro group, participation in the life of other convicts, work performed, cultural leisure, education, to meetings with relatives. The emergence of a new range of interests, expanding the structure of social roles contribute to the changing the psychology of convicts.
4. The period of combination of external influence with self-education. The process of re-education is inconceivable without the appearance of such a period. It is characterized by the emergence of goals in life, the development of ways to achieve them. In the psychology of convicts to a greater extent manifests remorse in the crime, his experience in combination with the desire to compensate for the damage. This period is characterized by a reassessment of lives values, which is associated with a certain set of mental states connected with the change in attitudes, mindset and often outlook.
5. The period preceding the release of a prisoner. The expectation of release is often very difficult, it is associated with experiencing difficulties that are going to wait him in the new environment (relationships in the family, at work, etc.). For this reason, there is a possibility of the development of mental states of depression, irritability, etc.

A complex of negative mental states may periodically evolve for convicts in connection with the presence of a constant internal struggle of motives, incentives, interests. The change of stereotype, structure, needs, interests constantly passes through the mental activity of convicts, causes a contradictory attitude, often affects his mental states. Being in a penitentiary institution, the presence of a regime, a change of stereotype, a sharp restriction and a change of needs greatly aggravate the feelings of convicts, and these experiences have different directions. Some convicts are dominated by the category of the past, others by the category of the future, and still others by the category of the present. The first group is under the influence of memories of the past way of life, idealizes it, gets used to it for a longer time and adapts to the present way of life. It is much easier for convicts, who are dominated by second and third type of memories, concerning their adaptivity to the regime and living conditions in correctional facilities. When the category of the future begins to dominate, when they mentally build their lives after serving their sentences, the regime's difficulties are much easier to overcome because they are considered as temporary and for them this period of life is only a transition to what they expect in the future. As a rule, in the conditions of imprisonment and as a result of deprivation of many benefits, which are enjoyed daily and unnoticed by all citizens, there is a significant rethinking of convicts of many past relationships and interests. They begin to appreciate differently those relationships and benefits that previously they did not notice and they even caused some irritation. Thus, for the process of re-education of convicts in penitentiary institutions the most effective solutions are training, work and communication. However, they must be combined with the regime as well as a special organization of the penitentiary institution, which creates the specifics of all activities with the purpose of the correction and re-education of convicts. The strategic task of the penitentiary institution is to detach a criminal from the conditions of his criminalization, to destroy his criminal connections and attitudes. However, this problem is extremely difficult to solve. The negative impact of the criminalized environment here, as a rule, is not overcome, but receives some additional incentives, including uncontrolled leisure, the dominance of criminal ideology, coercion of the environment to antisocial behavior, etc. Criminal customs and traditions in most cases prevail over the requirements of the administration. The vast majority of the administration does not think about work motivation. According to M.I. Yenikeev (1996), "our prison has become an" academy "of crime".

THE ACTIVITY OF PUBLIC ORGANIZATIONS DURING THE PROCESS OF CORRECTION AND RE-SOCIALIZATION OF CONVICTS

One of the problems of the functioning of the penitentiary institutions is the system of primary classification of convicts. This system is traditionally based on

formal criteria and depends on the type of crime committed. However, the fact that the “danger” of convicts is determined not only by the type of the crime committed but also on the basis of other criminal factors (criminal thinking, support of criminal traditions, age, other personal characteristics, including psychological).

For solving this and similar problems related to the execution of sentences, the draft Law of Ukraine No. 5359 “On Amendments to Certain Legislative Acts Concerning the Development of the Probation System, Increasing Alternatives to Imprisonment and Creating Conditions for Reducing Recidivism” (2021) was suggested. The purpose of the bill is to individualize the system of punishments and expand the list of types of punishments alternative to imprisonment, that will help to reduce the number of people in prisons, ensure the correction of offenders without isolation from society and save the budget as well as introduce a system of risk assessment of breach of duties within a precautionary measure or parole, which is based on the use of machine learning and algorithms for automated conclusions (prognosis), based on the results of processing of large structured data sets.

In order to plan and carry out social and educational work with convicts, to make a decision on their parole, the draft law introduces an assessment of criminogenic risks of committing a new criminal offense. Assessing the criminogenic risks of committing a new criminal offense is an effective tool used in various variants in all developed countries and allows to identify the main factors in a person’s life that contribute to the committing of crimes and to build work with convicts to overcome such factors. Nowadays there are a number of tools for assessing such risks. Their effectiveness in predicting the probability of future committing of a new crime by convicts has been scientifically proven. Ukraine has now started piloting its own tool for assessing the criminogenic risks of committing a new criminal offense in penitentiary institutions, taking into account the already existing positive experience of using such a tool by probation authorities.

It is expected that all convicts will have a specific sentence plan aimed correcting them by working on the risks leading to committing crimes. The implementation of such a plan will serve as a clear criterion for the success of serving a sentence and a basis for deciding on parole of convicts. This will make the early release of convicts safer for society. In addition to the difficulties faced by a convict in penitentiary institutions, there are other difficulties after release. This stage of resocialization, that is the restoration of previously violated personality features is complicated by the negative impact of the failed process of education in penitentiaries. In the case of a failed correction process while serving a sentence, we are dealing with the so-called double degradation of the individual – the one that caused the formation of the offender’s personality and manifested itself in the commission of a criminal offense, and repeated / intensified degradation in prisons. This stage of resocialization is no less important than the previous one. Criminological research shows that a significant group of recidivists commit new crimes in the first days or

months after release from closed penitentiary institutions after serving a sentence of imprisonment. It could be admitted that a large number of them at the end of the sentence has already formed an intention to continue criminal activity based on a strong anti-social orientation, significant shortcomings of post-penitentiary support of such persons and provision their social adaptation (Golina et al., 2017). In the context of the research, the experience of resocialization of convicts in some foreign countries, in particular France, Germany, the USA, Great Britain and the Netherlands, is considered to be actual. In these countries the state actively participates in resocialization, finances these processes and promotes public involvement in resocialization and rehabilitation of convicts. For example, in the US, state of Illinois, a crime reduction law was passed in 2009, which provided additional budget funds for counties that had lower rates of recidivism among former prisoners.

In Great Britain, along with the state ones, there is a developed network of non-governmental structures, which are controlled by the state and aim to develop specific rehabilitation programs, implement them, provide social assistance, involve on a voluntary basis the necessary specialists to provide various assistance to convicts. France provides a penitentiary policy within the concept of “new social protection”, which aims the correction of socially dangerous persons and their resocialization. The main tool for re-socialization in French penitentiaries is to ensure the receipt of vocational education by convicts for the purpose of their further employment (Sleptsov, 2009). In the Netherlands, the system of private execution of the convicts’ sentencing and social rehabilitation of criminals is rather popular. They try to bring the lifestyle in places of imprisonment as close as possible to the usual home conditions, which directly slows down the process of de-socialization of convicts (Barash, 2016).

The activity of public organizations in Ukraine in the process of correction of convicts is quite developed. The public in the fight against penitentiary recidivism carries out its activities in certain forms. Under such forms, implementation of tasks to protect the interests and rights of convicts in all ways permitted by law is considered. For example, the charitable organization FREE ZONE (2021), founded by the representatives of the community of convicts and released, is an official partner of the Ministry of Justice of Ukraine in the implemented reforms of the penitentiary system. Since 2018, the organization has represented the interests of such people in the National Council for Combating Tuberculosis and HIV / AIDS. The goal of FREE ZONE is to ensure that people in prisons have access to quality and timely medical care and necessary services at the level of the world’s best standards and practices. This organization also provides employment for released persons and their escort home. During the previous two years, FREE ZONE together with the Probation Center and the Department for the Execution of Criminal Punishments implement penitentiary probation: it prepared convicts for release, accompanied them

after release. In 2020, this organization began piloting the Program for preparation for release of convicts.

Another form of public participation in the process of correction and re-socialization of convicts is the performance of religious organizations and religious rites by representatives of religious organizations. The effectiveness of public action in combating penitentiary recidivism largely depends on a rational and timely combination of its various forms. The latter are aimed to ensure compliance the established rules of conduct in penitentiary institutions and the formation of a personality, serving a sentence, law-abiding behavior. Despite the very strong theoretical development of various forms of public influence on convicts in order to prevent the development of repeating features of criminalization of the individual, it should be noted a wide range of difficulties of a purely practical basis associated with the implementation of existing developments. The maximum realization of the public criminal-preventive potential in combating penitentiary recidivism is possible only on the basis of complexity, subordination to a single strategy on a balanced ideological basis, which provides by the reformatting of the penitentiary system on the basis of openness, service, primacy of the prevention of repressions (Golina et al., 2017).

It is effective to create centers for social adaptation for released persons, that is a special social institution, which activities are aimed the gradual return of persons, who have served a sentence of restraint of liberty or imprisonment for a specified period as well as released from further serving of these types of punishment on the basis provided by law, to an independent generally accepted social and normative life in society by providing them with social services and help in obtaining other assistance taking into account their individual needs. Achieving the above goals became possible by the establishment of probation service in Ukraine, which is a center of concentration of the public with wide legal and social authorities (Probation service..., 2021). Among the areas of work should be outlined providing to persons released from prisons, various types of psychological, drug treatment, pedagogical, legal and material assistance, which help returning persons to a full life (Bogatyreva, 2013). The public probation service is becoming more and more relevant in modern conditions, it is determined by the significant potential to prevent post-penitentiary recidivism, economic expediency for society and moral value, which allows to achieve the goal of criminal policy by the most human means. The purpose of public involvement in the work of the probation service lies in correcting the persons released from prisons as a result of minimizing post-penitentiary recidivism from their part.

CONCLUSIONS

Reducing the level of recidivism is possible provided that the goals of punishment are achieved through a conscious and effective process of re-socialization of convicts. This process is complex and multi-staged. It

must begin at the time of choosing the type and period of punishment (taking into account the circumstances of the case, the personality of accused and criminogenic risks that may contribute to the recidivism), continue during the sentencing (applying training, work and communication and providing psychological support to overcome possible psychological crises) and finish after release from penitentiary institutions (with control over the released, assistance in employment or providing temporary residence). All these stages are complementary and only if they are consistently observed and implemented the process of resocialization of convicts is successful.

The assignment of state bodies lies in both legislative establishing of the rights of convicts and controlling their observance as well as creating conditions under which a change in society's attitude towards people who are released from penitentiary institutions will be achieved.

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