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Criminological Principles of Preventing Professional Deformation among Penitentiary Personnel

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Abstract

The purpose of the research was to know the most significant personal and functional determinants of the professional deformation in the penitentiary staff. The importance of legal and moral awareness for the performance of operational and service activities, correction and resocialization of convicts is substantiated. It has been proved that a professionally deformed employee knows the legal and moral norms, but complies with them subjectively and arbitrarily and justifies his actions with various circumstances related to the specifics of the psychology and behavior of convicts. The methodological basis of the research is presented as comparative-legal and systematic analysis, formal-legal method, method of interpretation, hermeneutic method, as well as methods of analysis and synthesis. The conclusions identify socio-psychological measures aimed at the prevention of professional deformation of prison staff, among which are: improvement of the system of training, education and professional development; formation and maintenance of a sense of security, confidence in the usefulness and fairness of work. In addition, careful selection of personnel should be carried out taking into account the business qualities and especially the moral qualities of employees, etc.

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Keywords: professional deformation; personal determinants; extreme psychological overload: crime prevention.

Principios criminológicos para prevenir la deformación profesional del personal penitenciario

Resumen

El objeto de la investigación fue conocer los determinantes personales y funcionales más significativos de la deformación profesional en el personal del ámbito penitenciario. Se fundamenta la importancia de la conciencia jurídica y moral para el desempeño de las actividades operativas y de servicio, corrección y resocialización de los condenados. Se ha comprobado que un empleado profesionalmente deformado conoce las normas legales y morales, pero las cumple de manera subjetiva y arbitraria y justifica su actuar con diversas circunstancias relacionadas con las especificidades de la psicología y conducta de los condenados. La base metodológica de la investigación se presenta como análisis comparativo-legal y sistemático, método formal-legal, método de interpretación, método hermenéutico, así como métodos de análisis y síntesis. En las conclusiones se identifican medidas sociopsicológicas dirigidas a la prevención de la deformación profesional del personal penitenciario, entre las que se encuentran: mejora del sistema de formación, educación y desarrollo profesional; formación y mantenimiento de un sentido de seguridad, confianza en la utilidad y equidad del trabajo. Además, se debe llevar a cabo una cuidadosa selección de personal teniendo en cuenta las cualidades empresariales y especialmente las cualidades morales de los empleados, etc.

Palabras clave: deformación profesional; determinantes personales; sobrecarga psicológica extrema: prevención del delito.

Introduction

We consider the criminal-executive activity of penitentiary personnel from the point of embodying legal reality, which is saturated with social and psychological phenomena. This includes psychology of communities and groups, and psychology of an individual who lives and acts in a certain group, and the system of his/her relationship with the law. And that is why most of the problems of criminal-executive activity can be solved only in the aggregate of its legal and psychological and pedagogical support.

In the process of professionalization, penitentiary personnel acquire not only specific skills and abilities, but also adopt the values, attitudes, and rules of behavior typical for holders of a certain profession, marking them out of the society into a certain corporate group. Gradually, professional activity more and more absorbs the personality of penitentiary, and therefore, over time, the moment of no return comes, when the individual is no longer able to separate himself/herself from the profession, the view of the world is carried out exclusively through the prism of the profession, and personality's identification himself/herself with the profession becomes one of the most important steps in the process of self-determination of the individual.

1. Literature review

Sokolov Ivan notes that long-term occupation of the same activity can be complicated through excessive development of individual qualities which leads to reassessment of the personal content of the profession; formed are such properties as aggressiveness, suspiciousness, excessive ambition, apathy, indifference to human distress, unreasonable arrogance and admiration for power, misunderstanding of the sense of duty, rigid professional attitudes etc. (Sokolov, 2005).

By the way, another foreign scientist O. M. Stoliarenko adheres to the idea that professional activity is introduced into the system of social and psychological relationships, and the negative product of wrong construction of these relationships by a specific employee may lead to a deviant professional behavior (abuse of power, corruption, etc.) and professional deformation of the personality (Stoliarenko, 1987).

At the same time, when investigating professional deformation among the employees of penitentiary institutions the domestic scientist V. S. Medvedev proves that such deformation is most expressive in reproduction and application of social experience. The first way lies in psychological perception of oneself in other people, with whom personality is connected by the type of his/her activity and other constant relations. The second way concerns personality's reproduction of deformed ideas about the ways and means of performing activities (Medvedev, 1992).

That is why the problem of professional deformation among representatives of penitentiary personnel should be considered in the aggregate of both psychological and legal support, and in connection with this it presupposes three components: specific activity; special type of work; social and psychological character.

Among the most important problems related to professional deformation of penitentiary personnel representatives the following should be highlighted: improper regulatory and legal regulation of legal status and service procedures; overtime psychological stress caused by an increased level of crime in institutions; the negative influence caused by the environment of both those who are serving punishment and other already professionally deformed employees.

Therefore, the purpose of this article is to formulate legal principles of preventing professional deformation among penitentiary personnel (such principles are manifested in the explanation of professional deformation essence, its negative impact on effective functioning of the penitentiary system in general and its personnel in particular), as well as to identify the determinants of this negative phenomenon in order to develop appropriate prevention measures.

2. Materials and methods

The research is based on the work of foreign and Ukrainian researchers on methodological approaches of understanding prevention of professional deformation among penitentiary personnel.

With the help of the epistemological method, the essence of preventing professional deformation among penitentiary personnel was clarified, thanks to the logical-semantic method, the conceptual apparatus was deepened, the essence of the concepts of preventing professional deformation among penitentiary personnel was determined.

In order to get an idea about the extent of professional deformation among penitentiary personnel during the last five years, we analyzed statistics, which is not, unfortunately, based on all canons of statistical generalization, since we were not able to access all blocks of information. However, thanks to the existing data, we managed to analyze some of the modern reasons for manifestation of professional deformation among personnel of penitentiary institutions.

3. Results and discussion

We found that such reasons include the following: unfavorable individual psychological characteristics; conflict situations at work and in the family; improper control over employee's behavior during the performance of operational tasks as well as during off-duty hours; non-implementation of preventive psychological and preventive measures by the management of all levels of the Ministry of Justice of Ukraine (Bohatyrov, 2016).

In 2017, the “Intellect” Scientific School conducted an independent survey of convicts in correctional camps in Kyiv, Odesa, Kherson, Cherkasy, and Chernihiv regions regarding violation of their rights and legitimate interests by penitentiary personnel, including in particular: torture, violence, humiliation of their honor and dignity.

According to respondents the main reasons, are as follows: 1) impunity and, as a result, the permissiveness of penitentiary personnel members who use illegal methods at work (58%); 2) low professional and cultural level of personnel at penitentiary institutions (26%); 3) improper selection of candidates for work with convicts, which results in admitting persons with propensity for violence to personnel members of penitentiary institutions (41 %) (Bohatyrov, 2016).

It is appropriate to note that penitentiary personnel members are forced to constantly communicate with criminals - persons with an antisocial psyche, deformed consciousness and low morals. Thus, in order to predict possible behavior of a certain convict, the employee needs not only to know this convict perfectly, but also to be constantly for a long time in the environment of the criminal element, to feel his/her condition by means of partially recreating his/her life activities.

This process of being used in the role of a convict necessarily leaves an imprint on the employee himself/herself, his/her individual development as a personality. Indeed, most employees of correctional camps (prisons) psychologically almost do not differ from convicts. This phenomenon is mostly observed in prisons away from cultural centers, which is explained by the absence of psychological rest through moral and cultural diversity. Therefore, the long-term poor communication with people from other spheres of the society contributes to personality's obvious signs of professional deformation.

According to the available domestic studies, after summarizing their results, we came to the conclusion that the content of professional deformation of penitentiary personnel can be divided into 2 groups:

1. Personal group, determined by socio-psychological characteristics of penitentiary personnel. By the way, expediency of singling out this group is supported by foreign scientists who believe that the main cause of professional deformation consists in discrepancy between individual psychological characteristics of the personality and the level of requirements set by his/her professional activity, which increases importance of professional psychological selection (Silverman, 1989).
2. Professional group, stipulated by the socio-psychological nature of professional activity, specifics of work performed by personnel at penitentiary institutions, as well as by emotional burnout. This

group is also supported by foreign scientists (Furnham and Miller, 1992). At the same time, the specificity of professional activity is usually understood by scientists as negative features of its content, organization and conditions, as well as repeated repetition of typical official and psychological situations.

We consider it expedient to consider them in detail in order to more widely reveal their essence for a deeper understanding of professional deformation among members of penitentiary personnel.

So, the first group is characterized by normalization of an individual's behavior and determines effectiveness of his/her social identification, self-actualization and activity. That is why, in the context of professional activity among representatives of penitentiary personnel, such basic normative systems of behavior regulation as morality and law acquire significant importance. The phylogenetic integration of these systems is revealed through their functional cognitive-evaluative, normative-regulatory and value-oriented unity.

Compliance with regulations by penitentiary personnel representatives is based not only on the external influence of their performance of official duties, but can also be an internal aspect of their activities. The possibility of internal assimilation of morality and law as imperatives is caused precisely by the fact that they are generally accepted values.

According to the foreign scientist Boiko, it is moral defects and personal disorientation that are a prerequisite for professional deformation. A moral defect is due to inability to supplement work with such moral categories as conscience, virtue, respectableness, honesty, respect for rights and dignity of other persons, and at that formation of emotional burnout is facilitated. Probability of indifference to the subject of activity and apathy to the performed duties is increased (Boiko, 1996).

Moral and legal consciousness is knowledge of moral and legal norms, principles, practice of moral and legal relations. In the sphere of morality, knowledge of norms is mandatory, because only in this case they act as a prerequisite for moral responsibility of an individual both to morality (the society) and to his/her own conscience. Moreover, conscience is an expression, a manifestation of moral and psychological self-regulation, self-determination of individual's behavior (Tylchik *et al.*, 2022).

Therefore, penitentiary personnel representatives in the modern society constantly learn legal and moral norms through socialization, they form an attitude to legal or moral requirements, accept or reject these requirements, passing them through their consciousness, that is, they evaluate the requirements, applying in practice those of them that they consider to be priority in view on their significance. Therefore, the evaluation function is common to all elements of legal and moral systems.

It should be noted that violations of the regulatory and legal regulation of official activities are quite diverse. One of the characteristic violations in daily activities of penitentiary personnel is legal nihilism which is the most dangerous and widespread phenomenon in the legal space. Legal nihilism indicates an extremely negative attitude towards any generally accepted socially important values (Villasmil-Espinoza *et al.*, 2022).

It seems that moral norms play a role which is never less important than that of legal norms in activities of penitentiary personnel. It can even be argued that implementation of legal norms necessarily involves analysis of a legal fact through the corresponding ethical system of the individual's constructs. This is determined by the fact that the law is ethical in its essence, and the content of legal norms due to their universality necessarily implies its ethical and value aspect of interpretation.

From the point of view of positive law, if there is a real threat to life of penitentiary personnel members, they have an opportunity to use special means (rubber truncheons, lachrymatory agents, handcuffs, etc.) against attackers. The ethical content of implementation of this right involves taking measures to avoid use of special means (in the presence of a full legal possibility), which are not provided for by the norms of law, but are provided for by one's own understanding of a certain effectiveness of the situation and the value of someone else's life and health.

Thus, each area of legal practice has specific features of law enforcement and, accordingly, should contain a specific system of ethical norms. We believe that with the help of law and morality, a certain order is maintained among penitentiary personnel members, and the guaranteed safety of both the personnel and the convicts is ensured.

Summarizing the group of personal causes of professional deformation among penitentiary personnel, it should be emphasized that they consist in insufficient education of moral imperatives during personnel training; low legal culture; hypertrophy of official powers; peculiarities of interpretation of the law by employees, given that they mainly deal with violations of laws, various social anomalies and criminals (Matviichuk *et al.*, 2022).

The second group is characterized, first of all, by penitentiary personnel working conditions which are associated with impact of extremely unfavorable factors including excessive tension, stressogenic conditions, extreme conditions and psychological overload. Unfortunately, the listed factors take place among penitentiary personnel continuously and are mainly related to convicts' violation of the established order of serving the sentence.

Their presence among young employees during the period of adaptation to the conditions of service in penitentiary institutions (prisons) significantly affects the state of their physical and mental health.

Although with the increase of the term of service and accumulation of proper experience in relationships with convicts, this influence decreases, but this does not reduce the gradual accumulation of mental tension in the employee's personality structure, which leads at a certain stage to more serious consequences than temporary loss of work capacity. Among them, researchers note significant changes in the nature of professional motivation, the level of work capacity, narrowing of communication ties with others, etc. (Kobrusieva *et al.*, 2021).

Also, mental tension of penitentiary personnel affects the nature of interpersonal relations among members of this personnel, and in general, social and psychological situation in the team. In its turn, an unfavorable, conflict situation leads to an increased stressful effect on employees.

Separately, it is worth paying attention to the problem of emotional burnout of penitentiary personnel members based on the fact that, according to modern ideas, the phenomenon of emotional burnout is typical for persons working in the social sphere, and is produced as a person's reaction to constant stressful stimuli in situation of professional communication.

Burnout is a syndrome, that is, a set of individual symptoms. In addition to emotional disturbances in penitentiary personnel such symptoms mainly include manifestations of decreased self-actualization indicators, which lead to deformation, first of all, of one's own personal and professional significance (Leheza *et al.*, 2022).

And therefore, in a broad sense, emotional burnout appears not only as fatigue from professional communication, but rather as means of protection developed by the respective subject of work, which subjectively allows to maintain the status of "on the other side of the law" in front of a convicted person; not to accept negative reality closely; to maintain one's own positive personal and professional self-esteem; spend one's own resources sparingly, etc. Moreover, the more educated an employee is, the less signs of burnout are present, probably due to the understanding of the illusiveness and falsity of the specified effects, awareness of his/her own responsibility for the events of his/her own life (Halaburda *et al.*, 2021).

Conclusions

Therefore, based on the results of the research of the legal basis for preventing professional deformation among penitentiary personnel, we suggest taking the following measures to prevent this negative phenomenon: improvement of the system of training, education and professional development; formation and maintenance of a sense of security, confidence in usefulness and fairness of one's work; carrying out

a careful selection of personnel taking into account business qualities and especially moral qualities of employees; improving skills of the management team in application of progressive forms and methods of work based on the scientific organization of management; creation of effective organization of work, working hours of employees with the aim of reducing overload, physical and psychological fatigue, as well as improvement of personal qualities of employees, creation of a friendly atmosphere in the team; establishing interaction with public organizations, the population, convicts and prisoners, taking into account the norms and principles of professional ethics, etc.

At the same time, during the research, we established that scientists have not researched such a factor of professional deformation as presence of a young employee (a personality who has not yet had time to professionally deform) in a team of already professionally deformed penitentiary personnel.

In our opinion, it is the specified factor that should be considered as a priority, since in fact it is other employees of the institution who are the source of creating the investigated negative phenomenon, its stimulation and fixation as a personality element of a young employee, in particular, by imposing certain negative traditions and habits (for example, constant use of alcohol after daily duty). We consider this vector of research to be undiscovered and quite promising in the sphere of preventing professional deformation among penitentiary personnel.

Thus, emotional burnout in penitentiary personnel is a form of professional deformation of a subject of professional activity, acquired by this subject as a result of action of protective mechanisms against the psycho-traumatic influence of working conditions at penitentiary institutions of the Ministry of Justice of Ukraine, manifested in a decreased emotional return, in an effort to reduce professional duties that require emotional costs, as well as in the desire to justify such actions by means of devaluing activities and objects of these activities.

Currently, psychological support of service activities performed by penitentiary personnel is becoming more and more topical. The fact is that formation of the criminal-executive system is accompanied by a number of difficulties.

These difficulties include: unstable socio-economic situation in Ukraine, humanization of the penal process, determination of the State Criminal-Executive Service of Ukraine as a separate body of the executive power, the new criminal procedural legislation based on application of international standards, a high criminogenic level, and specific conditions of service of penitentiary personnel. These difficult conditions are a constant source of stressful effects on personnel.

Therefore, any extraordinary events related to the prestige of the criminal-executive system cause a negative resonance in the society, and this ultimately has a negative effect on the authority of the entire system of law enforcement agencies

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