

UDC 343.15

DOI <https://doi.org/10.32782/chern.v3.2025.29>**O. M. Humin***Doctor of Law, Professor,**Head of the Department of International and Criminal Law**Institute for Law, Psychology, and Innovative Education**of Lviv Polytechnic National University**orcid.org/0000-0002-8016-945X*

ETHICAL STANDARDS OF CONDUCT OF EMPLOYEES OF THE STATE CRIMINAL EXECUTIVE SERVICE

The article is devoted to the in-depth study of ethical standards of behavior of employees of the state penal service, which is one of the important requirements of reforming the system of execution of sentences in Ukraine based on international standards and world experience.

It is proved that ensuring compliance with ethical standards of behavior by employees of the state penal service of Ukraine involves: – continuing the implementation of reforms; – improving the current legislation in this area; – updating the ethical norms and standards of activity of employees of the state penal service of Ukraine, in accordance with international standards; – forming a stable moral and ethical climate and interaction between employees of the penal service of Ukraine; – preventing and overcoming professional deformation of employees, etc.; – ensuring unconditional observance of the rights and freedoms of persons serving sentences.

It is noted that it is important to prevent professional deformation of employees of penal institutions. The perception of convicts should not go into the subjective plane and be based on sympathy and antipathy. Demonstrating a dominant position, power, and superiority is a sign of violation of the rules for treating prisoners and disregard for their rights and freedoms.

Attention is drawn to the fact that the Code of Ethics and Official Conduct of the Personnel of the State Penitentiary Service of Ukraine covers a wide range of issues of personal and official relationships. An important aspect is that the personnel of penal institutions must cooperate with the population and public organizations on the issues of resocialization of convicts, the formation of a legitimate value worldview in them. Such an approach allows avoiding absolute isolation from society and allows the convict to rethink his moral attitudes.

It is emphasized that it is important to adhere to the rules of conduct by the personnel of the State Penitentiary Service of Ukraine when performing official duties and operational tasks, namely: unquestionable and unwavering respect for and protection of the rights and freedoms of man and citizen;

preventing manifestations of cruel or humiliating treatment of convicts and citizens, respect for their right to freedom of thought, conscience, self-expression, preservation of health, ownership of property, etc.

Key words: ethical standards, state penitentiary service, moral norms, convicts, professional deformation; rights of convicts.

Гумін О. М. ЕТИЧНІ СТАНДАРТИ ПОВЕДІНКИ СПІВРОБІТНИКІВ ДЕРЖАВНОЇ КРИМІНАЛЬНО-ВИКОНАВЧОЇ СЛУЖБИ

Стаття присвячена поглибленню дослідження етичних стандартів поведінки співробітників державної кримінально-виконавчої служби, що є однією з важливих вимог реформування системи виконання покарань в Україні на основі міжнародних стандартів та світового досвіду.

Доведено, що забезпечення дотримання етичних стандартів поведінки співробітниками державної кримінально-виконавчої служби України передбачає: – продовження впровадження реформ; – удосконалення чинного законодавства у даній сфері; – оновлення етичних норм і стандартів діяльності співробітників державної кримінально-виконавчої служби України, відповідно до міжнародних стандартів; – формування стійкого морально-етичного клімату і взаємодії між співробітниками кримінально-виконавчої служби України; – недопущення і подолання професійної деформації співробітників тощо; – забезпечення безумовного дотримання прав і свобод осіб, що відбувають покарання.

Зазначено, що важливо не допускати професійної деформації працівників установ виконання покарань. Сприйняття засуджених не повинно переходити в суб'єктивну площину і базуватися на симпатії та антипатії. Демонстрування домінуючої позиції, сили, зверхності є ознакою порушення правил поведінки з ув'язненими і нехтування їх правами та свободами.

Акцентовано увагу на тому, що Кодекс етики та службової поведінки персоналу Державної кримінально-виконавчої служби України охоплює широке коло питань особистісних і службових взаємовідносин. Важливим аспектом є те, що персонал установ виконання покарання повинен співпрацювати з населенням і громадськими організаціями з питань ресоціалізації засуджених, формування у них правомірного ціннісного світогляду. Такий підхід дозволяє уникнути абсолютної ізоляції від соціуму і дозволяє засудженому переосмислити свої моральні установки.

Наголошено, що важливо дотримуватися правил поведінки персоналом державної кримінально-виконавчої служби України під час виконання службових обов'язків, оперативно-службових завдань, а саме: безперечної і неухильної поваги та захисту прав і свобод людини і громадянина; недопущення проявів жорстокого або принизливого ставлення до засуджених та громадян, поваги до їх права на свободу думки, совісті, самовираження, збереження здоров'я, володіння майном тощо.

Ключові слова: етичні стандарти, державна кримінально-виконавча служба, норми моралі, засуджені, професійна деформація; права засуджених.

Statement of the problem. Full-fledged regulatory and legal regulation of social relations is not possible without the implementation of ethical norms and moral rules of behavior. In Ukraine, ethical norms are officially approved that regulate the activities of civil servants of all ranks, as well as law enforcement agencies.

The sphere of activity of employees of the state penitentiary service is characterized by special conditions of interpersonal communication. In such conditions, it is important to adhere to moral and ethical norms of interaction, which will allow fully ensuring the rights and freedoms of convicts.

Also, the issue of compliance with moral and ethical standards by employees of penal institutions during cooperation and communication with their colleagues is relevant. Today, it is important to develop ethical norms that would meet the requirements of the time and maximally cover all areas of the functioning of the penitentiary service.

Clear standards focused on social values will contribute to the correction and resocialization of convicts, and will also form the foundations of moral and ethical consciousness.

Analysis of recent research and publications. Certain aspects of this important and voluminous topic were partially considered by well-known legal scholars, whose theoretical and methodological potential became the basis for further research into the problems of compliance with ethical and moral standards in penal institutions, as well as ensuring and implementing the rights and freedoms of persons serving sentences in places of deprivation of liberty.

We can note the works of the following scholars: O. Duka, Yu. Matveeva, O. Konopatska, Yu. Kernyakevych-Tanasiychuk, O. Kolb and others.

Within the framework of the doctrinal understanding of the declared issues, it is advisable to use regulatory legal acts and international standards.

The purpose of the article is to deepen the study of the problems of ethical standards of behavior of employees of the state penal service.

Presentation of the main material. Reforming the penal system in Ukraine involves improving ethical standards of conduct of personnel on duty and off duty.

The main regulatory legal acts regulating the activities, in particular the ethical aspect, of the personnel of the State Penal Service of Ukraine are the Law of Ukraine "On the State Penal Service of Ukraine" and the Code of Ethics and Official Conduct of the Personnel of the State Penal Service of Ukraine.

It should be noted that the Rules of Ethical Conduct of Employees of the Ministry of Justice of Ukraine and its Territorial Bodies state that employees of the Ministry of Justice of Ukraine,

when performing their official duties, are obliged to be guided by the following principles: service to the state and society; priority of interests; subordination; tolerance; decent behavior; integrity; political neutrality; transparency and accountability; conscientiousness [1].

These principles are the basis for the formation of norms of conduct for the personnel of penal institutions.

In particular, the legislation establishes requirements for the personnel of the State Penitentiary Service of Ukraine, namely [2]:

- employees of the State Penitentiary Service of Ukraine are obliged to conscientiously comply with the legislation of Ukraine, act within the framework of professional ethics and show humanity in their attitude towards persons serving sentences or being detained. Any manifestations of cruelty, inhuman treatment or actions that degrade human dignity are incompatible with activities in penal institutions and pre-trial detention centers;

- representatives of the rank and file and management, as well as other employees of the penal service who have committed cruel treatment of prisoners or violated their human dignity, are liable in accordance with the current legislation.

The moral qualities of employees of penal institutions are the basis for the recognition by society of the authority of the service, which today, unfortunately, remains quite low. Often, the staff's neglect of ethical and cultural norms, insufficient morality of employees is the cause of their unsatisfactory work [3, pp. 120–128].

It is important to prevent professional deformation of employees of penal institutions. The perception of convicts should not become subjective and be based on sympathy and antipathy. Demonstrating a dominant position, power, superiority is a sign of violation of the rules of treatment of prisoners and neglect of their rights and freedoms.

The Code of Ethics and Official Conduct of the Personnel of the State Penitentiary Service of Ukraine defines a list of principles and norms of behavior for personnel, namely [4]: moral values, obligations and principles of service in bodies, penal institutions, pre-trial detention centers;

- professional and ethical requirements for official, extra-official and anti-corruption behavior; unity of beliefs and views in the field of professional ethics and official etiquette, oriented towards a professional and ethical standard of behavior;

- regulation of professional and ethical problems of personnel relations that arise in the process of their joint activities; education of a highly moral personality of personnel, which meets ethical norms and principles, universal and professional morality; interaction with public organizations, the population, convicted persons, taking into account

the norms and principles of professional and service ethics.

In our opinion, the Code covers a wide range of issues of personal and service relationships. An important aspect is that the staff of institutions for the execution of punishment must cooperate with the population and public organizations on the issues of resocialization of convicts, the formation of a legitimate value worldview in them. Such an approach allows avoiding absolute isolation from society and allows the convict to rethink his moral attitudes.

We support the opinion that “an employee should not, under any circumstances, betray moral principles that meet the requirements of the state and the expectations of society, their strict adherence is a matter of honor and the duty of everyone. Impeccable fulfillment of moral obligations ensures the right of personnel to public trust, respect, recognition and support of citizens and convicts” [5, pp. 159–169].

Compliance with the norms of conduct established by this Code is the moral obligation of every person from among the personnel of the State Penitentiary Service of Ukraine, regardless of the position held and special rank.

It is important that the personnel are required to familiarize themselves with the requirements of this Code and confirm their intentions to comply with it by their own signature. Signed copies of the Code are attached to the personal files of the personnel of the State Penitentiary Service of Ukraine. Such an approach indicates an understanding of the importance of compliance by the personnel with moral and ethical norms.

The behavior of the personnel of the State Penitentiary Service of Ukraine must always and under any circumstances be impeccable, meet high standards of professionalism and moral and ethical principles.

The norms of professional ethics require the personnel to:

decent, friendly and open, attentive and polite treatment of convicts and the public, evoking in the latter respect for the State Penitentiary Service of Ukraine and readiness for cooperation; constant control of one's own behavior, feelings and emotions, not allowing personal sympathies or antipathies, hostility, bad mood or friendly feelings to influence official decisions, the ability to foresee the consequences of one's actions and actions;

correct treatment of persons taken into custody and convicted regardless of the type of their punishment; respect and attention in relation to those older in age or rank; simplicity and modesty in communicating with colleagues, the ability to sincerely rejoice in the successes of colleagues and contribute to the successful fulfillment of official assignments by them [4].

It is important to observe the rules of conduct of personnel of the State Penitentiary Service of Ukraine during the performance of official duties, operational-service tasks, namely: unquestionable and unwavering respect and protection of the rights and freedoms of man and citizen;

preventing manifestations of cruel or humiliating treatment of convicts and citizens, respect for their right to freedom of thought, conscience, self-expression, preservation of health, ownership of property, etc.

Employees of the State Penitentiary Service of Ukraine are strictly prohibited from: – making hasty decisions or disregarding legal and ethical norms; – carrying out provocative actions aimed at inciting or inciting – directly or indirectly – to commit offenses; – disclosing information about the personal lives of convicts or other persons that became known to them in the course of their official duties; – applying a biased or selective approach in the implementation of legal measures against convicts or persons taken into custody; – showing indifference, inaction or passivity in cases where it is necessary to prevent or stop the commission of an offense by a convict or another citizen.

Special attention must also be paid to preventing manifestations of corruption in accordance with the provisions of the Law of Ukraine “On Prevention of Corruption”. Violation of these norms provides for criminal, administrative and disciplinary liability. Employees of the State Penitentiary Service of Ukraine are obliged to comply with all legally established restrictions and prohibitions stipulated by both anti-corruption legislation and the Law of Ukraine “On the State Penitentiary Service of Ukraine”, as well as to avoid any actions that may arouse suspicion of committing corruption offenses [6].

Effective counteraction to crime requires the development of clear principles, effective mechanisms, as well as a coordinated strategy and tactics, which should be reflected in the relevant state concept. Such a document should perform not only a legal, but also a political function, since the implementation of legal measures largely depends on the use of political instruments [7, p. 11].

We emphasize that today work is underway to update the Code of Ethics for Employees of the State Penitentiary Service of Ukraine. A working meeting dedicated to these issues was held within the framework of the Council of Europe project “Further Support for Penitentiary Reform in Ukraine”.

O. Sandakova notes that the development of the new draft Code involved specialists from the Council of Europe, Ukrainian experts, scientists and representatives of civil society. The aim of this work is to improve ethical aspects and ensure the active implementation of moral norms in the system of

execution of sentences to respect human rights and freedoms [8].

Conclusions. Thus, ensuring compliance with ethical standards of behavior by employees of the State Penitentiary Service of Ukraine involves: – continuing the implementation of reforms; – improving current legislation in this area; – updating ethical norms and standards of activity of employees of the State Penitentiary Service of Ukraine, in accordance with international standards; – forming a stable moral and ethical climate and interaction between employees of the Penitentiary Service of Ukraine; – preventing and overcoming professional deformation of employees, etc.; – ensuring unconditional respect for the rights and freedoms of persons serving sentences.

Bibliography

1. Правила етичної поведінки працівників апарату Міністерства юстиції України та його територіальних органів. URL: <https://zakon.rada.gov.ua/laws/show/z1164-17#Text>
2. Закон України «Про Державну кримінально-виконавчу службу України». *Відомості Верховної Ради України (ВВР)*, 2005, № 30, ст.409). URL: <https://zakon.rada.gov.ua/laws/show/2713-15#Text>
3. Дука О. А. Вимоги до персоналу державної кримінально-виконавчої служби України: професійний та морально-етичний аспекти. *Юридична психологія*. № 1. 2015. С. 120-128.
4. Кодекс етики та службової поведінки персоналу Державної кримінально-виконавчої служби України. URL: https://academysps.edu.ua/wp-content/uploads/2017/02/Materiali-lektsij_Etika-yurista.pdf
5. Матвеева Ю. О., Конопацька О. М. Засади службового етикету в діяльності працівника державної кримінально-виконавчої служби України. *Юридична психологія*. 2016. № 2(19). С. 159-169.
6. Про затвердження Правил внутрішнього розпорядку установ виконання покарань. *Наказ № 2823/5 від 28.08.2018*. URL: <https://zakon.rada.gov.ua/laws/show/z1010-18#Text>
7. Кернякевич-Танасійчук Ю. В. Кримінально-виконавча політика України: монографія. Івано-Франківськ: Прикарпат. нац. ун-т ім. Василя Стефаника, 2019. 336 с.
8. Сандакова О. Новий Кодекс етики для персоналу державної кримінально-виконавчої служби. *Правозахисна асоціація «ФІРАЙТС»*. URL: <https://umdppl.info/news/novyj-kodeks-etyky-dlya-personalu-derzhavnoyi-kryminalno-vykonavchoyi-sluzhby/>