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## CRIMINOLOGICAL CHARACTERISTICS OF PERSONS WHO HAVE COMMITTED CORRUPTION OFFENSES IN THE CRIMINAL-EXECUTIVE SPHERE

The article provides a comprehensive criminological and legal analysis of the current state of corruption prevention and counteraction within the activities of the State Criminal-Executive Service of Ukraine. It is substantiated that corruption offenses in the field of execution of criminal punishments are characterized by a high level of latency, which is primarily caused by the closed nature of penitentiary institutions, rigid hierarchical management structures, the specific scope of officials' discretionary powers, and limited public oversight. It is emphasized that the formal implementation of general anti-corruption mechanisms without due consideration of the specific features of the penitentiary system significantly reduces their practical effectiveness.

The study examines the legal framework governing anti-corruption activities within the State Criminal-Executive Service of Ukraine, including the provisions of the Criminal Code of Ukraine, the Law of Ukraine "On Prevention of Corruption," departmental regulations of the Ministry of Justice of Ukraine, and internal anti-corruption programs of penal institutions. It is established that the existing regulatory framework is fragmented and largely declarative, while its enforcement does not ensure an adequate level of corruption prevention among penitentiary personnel.

Within the criminological dimension of the research, the main groups of factors contributing to corruption in the criminal-executive system are identified, including organizational and managerial, socio-economic, normative, and moral-psychological determinants. Particular attention is paid to the analysis of special criminological measures aimed at counteracting corruption, such as internal control mechanisms, the activities of authorized anti-corruption units, conflict of interest regulation, and lifestyle monitoring of officials.

The author argues that the current anti-corruption policy model in the State Criminal-Executive Service of Ukraine is predominantly focused on responding to already committed corruption offenses, while the preventive potential of criminological measures remains underutilized. In this regard, an original approach to improving the system of corruption prevention and counteraction is proposed, which involves the differentiation of anti-corruption instruments based on the specific nature of penitentiary activities, the strengthening of internal compliance mechanisms, and the introduction of continuous criminological monitoring of corruption risks in the penitentiary sphere.

The article concludes that effective counteraction to corruption within the State Criminal-Executive Service of Ukraine is possible only through an integrated approach combining legal, organizational, and criminological measures aimed not only at holding offenders accountable but also at systematically eliminating the causes and conditions that give rise to corruption offenses.

*Key words:* corruption, State Criminal-Executive Service of Ukraine, corruption prevention, counteraction to corruption, criminology, penitentiary system, official misconduct.

### *Івашко С. В. КРИМІНОЛОГІЧНА ХАРАКТЕРИСТИКА ОСІБ, ЯКІ ВЧИНИЛИ КОРУПЦІЙНІ ПРАВОПОРУШЕННЯ У КРИМІНАЛЬНО-ВИКОНАВЧІЙ СФЕРІ*

У статті здійснено комплексний кримінолого-правовий аналіз сучасного стану запобігання та протидії корупції в діяльності Державної кримінально-виконавчої служби України. Обґрунтовано, що корупційні правопорушення у сфері виконання кримінальних покарань мають підвищений рівень латентності, що зумовлено закритим характером установ виконання покарань, жорсткою ієархічною структурою управління, специфікою службових повноважень персоналу та обмеженим громадським контролем. Наголошено, що формальне запозичення загальнодержавних антикорупційних механізмів без урахування особливостей функціонування пенітенціарної системи істотно знижує їх ефективність.

Проаналізовано нормативно-правові засади антикорупційної діяльності у ДКВС України, зокрема положення Кримінального кодексу України, Закону України «Про запобігання корупції», відомчих актів Міністерства юстиції України та антикорупційних програм органів і установ виконання покарань. Встановлено, що чинне правове регулювання характеризується фрагментарністю та декларативністю, а його практична реалізація не забезпечує належного рівня попередження корупційних проявів серед персоналу ДКВС.

У межах кримінологочного аналізу визначено основні групи чинників, що зумовлюють поширення корупції у кримінально-виконавчій системі, зокрема організаційно-управлінські, соціально-економічні, нормативні та морально-психологічні. Окрему увагу приділено аналізу спеціально-кримінологочних заходів протидії корупції, включно з внутрішнім контролем, діяльністю уповноважених антикорупційних підрозділів, механізмами виявлення конфлікту інтересів та перевірки способу життя посадових осіб.

Доведено, що існуюча модель антикорупційної політики у ДКВС України переважно орієнтована на реагування на вже вчинені корупційні правопорушення, тоді як профілактичний потенціал кримінологочних заходів залишається недостатньо реалізованим. У зв'язку з цим запропоновано авторський підхід до вдосконалення системи запобігання та протидії корупції, який передбачає диференціацію антикорупційних інструментів з урахуванням специфіки кримінально-виконавчої діяльності, посилення внутрішніх комплаенс-механізмів, а також впровадження постійного кримінологочного моніторингу корупційних ризиків у пенітенціарній сфері.

Зроблено висновок, що ефективна протидія корупції в Державній кримінально-виконавчій службі України можлива лише за умови поєднання правових, організаційних та кримінологоческих заходів, спрямованих не лише на притягнення винних до відповідальності, а й на системне усунення умов і причин корупційних правопорушень.

**Ключові слова:** корупція, Державна кримінально-виконавча служба України, запобігання корупції, протидія корупції, кримінологія, пенітенціарна система, службові правопорушення.

**Introduction.** Corruption in the field of execution of criminal punishments constitutes one of the most complex and, at the same time, highly latent forms of crime in contemporary Ukraine. The special status of the State Criminal-Executive Service of Ukraine as an institution implementing state policy in the sphere of execution of punishments predetermines increased requirements for the integrity of its personnel and the effectiveness of mechanisms aimed at preventing corruption offenses. At the same time, practical evidence demonstrates that the penitentiary system remains an area of heightened corruption risks, which negatively affects both the rights of convicted persons and the overall authority of public power.

In scientific literature, it has been repeatedly emphasized that corruption in closed institutions possesses specific criminological characteristics determined by limited public oversight, asymmetry of authoritative powers, and the presence of stable informal practices. In this regard, the State Criminal-Executive Service of Ukraine requires not only general anti-corruption measures but also specially adapted mechanisms of corruption counteraction that take into account the functional and organizational specificity of penitentiary institutions.

The relevance of this issue is further intensified by the fact that the state anti-corruption policy, as enshrined in the Law of Ukraine "On Prevention of Corruption," is predominantly oriented toward universal instruments that are not always effective in the field of execution of criminal punishments. This circumstance necessitates a comprehensive criminological and legal analysis of existing mechanisms for preventing and counteracting corruption within the State Criminal-Executive Service of Ukraine in order to develop scientifically substantiated proposals for their improvement.

At the same time, the application of unified anti-corruption standards without due regard to the specific conditions of penitentiary activity leads to a formalized approach to the implementation of preventive measures. Such an approach significantly reduces their practical effectiveness and fails to address the systemic causes of corruption in the criminal-executive sphere. Consequently, corruption-related offenses continue to reproduce themselves within institutional frameworks characterized by heightened levels of discretion and limited transparency.

Given the above, the need for a criminological and legal reassessment of the existing system of corruption prevention and counteraction in

the State Criminal-Executive Service of Ukraine becomes evident. Such reassessment should be aimed not only at improving legal regulation but also at identifying and eliminating the criminogenic factors that contribute to the persistence of corruption practices in the penitentiary system. This approach enables the formation of a comprehensive model of anti-corruption policy focused on both accountability and effective prevention.

**Research results.** Corruption within the activities of the State Criminal-Executive Service of Ukraine represents a complex socio-legal phenomenon that develops under the conditions of functioning of a specialized state institution characterized by a closed nature of operations. Unlike other spheres of public administration, the criminal-executive system combines elements of state coercion, an increased level of discretionary authority, and continuous interaction between personnel and a socially vulnerable category of individuals—convicted persons. This specificity predetermines the distinctive criminological nature of corruption in the penitentiary sphere.

From a criminological perspective, corruption within the State Criminal-Executive Service cannot be reduced solely to a set of criminally punishable acts provided for by the Criminal Code of Ukraine. It encompasses a broader range of deviant practices associated with the misuse of official authority contrary to the interests of service, including conduct that does not always reach the threshold of criminal liability but nevertheless contributes to the formation of a persistent criminogenic environment. As rightly noted by V. V. Holina, criminological research on corruption should go beyond a purely criminal-law assessment and focus on the analysis of the causes, conditions, and mechanisms of reproduction of corrupt behavior within a specific social environment.

The normative construction of corruption-related criminal offenses in the activities of personnel of the State Criminal-Executive Service primarily includes offenses stipulated in Articles 364, 368, and 369-2 of the Criminal Code of Ukraine. At the same time, official statistical data from law enforcement agencies and judicial practice demonstrate a significant gap between the number of detected offenses and the actual scale of corruption within the criminal-executive system. This situation is largely explained by the high level of latency, which is a characteristic feature of corruption-related crime in closed institutional settings [3, c.131].

The latency of corruption in penitentiary institutions is determined by a number of interrelated factors. First, convicted persons are placed in relationships of factual dependence on institutional personnel, which significantly limits their willingness to report corrupt practices. Second, internal control mechanisms often possess a formalized character and fail to ensure an adequate level of detection of abuses. Third, restricted opportunities for external public oversight contribute to the preservation of informal corrupt practices. In this regard, the position of O. M. Bandurka is well-founded, as he emphasizes that corruption in bodies endowed with extensive authoritative powers tends toward institutionalization and self-reproduction [10, c. 344].

A further criminological peculiarity of corruption within the State Criminal-Executive Service manifests itself in its functional role. In certain cases, corrupt practices perform a so-called "compensatory" function, substituting for deficiencies in official management mechanisms, resource shortages, or gaps in normative regulation. As M. I. Melnyk observes, under such conditions corruption begins to be perceived by participants in legal relations as a habitual or even inevitable element of system functioning, which substantially complicates its eradication through purely repressive measures [16, c. 257].

An important criminological feature of corruption within the criminal-executive service is its systemic nature. Corrupt acts are often committed not in isolation but within the framework of established informal networks among individual employees of penitentiary institutions, and in some instances with the tacit approval or tolerance of management. This indicates the presence of internal criminogenic processes that sustain corrupt practices regardless of the personal characteristics of individual offenders.

From the standpoint of criminological theory, corruption in the State Criminal-Executive Service should be regarded as the result of interaction among organizational-managerial, socio-economic, normative, and moral-psychological factors. Such factors include, *inter alia*, insufficient material support for personnel, staff shortages, excessive professional workload, ambiguity of certain official powers, and a tolerant attitude toward corrupt manifestations within the professional environment. O. M. Lytvynov also draws attention to this issue, emphasizing that effective counteraction to corruption is impossible without systematic influence on the criminogenic conditions that give rise to it [15, c. 201].

Thus, corruption within the State Criminal-Executive Service of Ukraine should be conceptualized not as a collection of isolated criminal acts but as a

complex criminological phenomenon rooted in the specific characteristics of the functioning of the penitentiary system. This approach provides the theoretical foundation for further analysis of legal and criminological mechanisms aimed at preventing and counteracting corruption in this sphere.

The legal regulation of preventing corruption in the activities of personnel of the State Criminal-Executive Service of Ukraine has a specific character determined by the special legal status of this category of public servants and by the conditions under which the penitentiary system operates. Unlike other areas of public service, the activities of personnel in penal institutions take place within a closed institutional environment, are characterized by an increased level of discretionary authority, and involve a persistent asymmetry of power relations between officials and convicted persons. These circumstances give rise to specific corruption risks that are not fully addressed by universal anti-corruption norms [4, c. 21].

Under Ukrainian legislation, personnel of the State Criminal-Executive Service are subject to anti-corruption restrictions and prohibitions established by the Law of Ukraine "On Prevention of Corruption." At the same time, the legal status of employees of penal institutions combines elements of general public service with those of service of a special nature, which objectively entails an expanded scope of authoritative powers. Such a legal configuration significantly increases the level of corruption risks, as personnel are effectively empowered to make decisions that directly affect conditions of detention, access to benefits, privileges, or restrictions imposed on convicted persons [5, c. 1955].

Normative anti-corruption restrictions aimed at minimizing corruption risks in the activities of the State Criminal-Executive Service personnel include, *inter alia*, requirements for preventing and resolving conflicts of interest, prohibitions on receiving undue advantages, bans on the use of official powers for private interests, and instruments of financial control. However, in the context of criminal-executive activities, these mechanisms demonstrate limited effectiveness, as they are primarily oriented toward detecting formal violations rather than eliminating systemic corruption risks.

A particular criminological problem arises from the formalized approach to the application of anti-corruption norms in the activities of personnel of penal institutions. Asset declarations, conflict of interest notifications, and anti-corruption checks often become purely procedural exercises that are not accompanied by a substantive analysis of actual service conditions. As a result, latent corrupt practices related to informal access to resources, relaxation of regime requirements, or the granting of

unlawful advantages to convicted persons remain outside the scope of effective legal control.

The absence of specialized normative instruments for assessing corruption risks in the activities of the State Criminal-Executive Service personnel leads to a situation in which anti-corruption regulation fails to take into account the internal structure of penitentiary institutions, the nature of service interactions, and informal mechanisms of influence. In practice, this means that identical anti-corruption requirements are applied both to employees with minimal discretion and to those who, in fact, control access to key material and non-material resources within places of deprivation of liberty.

Criminological analysis demonstrates that the formalism of normative regulation itself constitutes one of the factors contributing to the reproduction of corruption risks in the activities of the State Criminal-Executive Service personnel. The existence of general prohibitions without clearly defined sector-specific corruption indicators does not ensure a preventive effect; on the contrary, it creates an illusion of effective control. Consequently, legal regulation becomes focused on recording individual violations, while the systemic conditions underlying corrupt behavior remain unchanged.

Thus, the legal regulation of preventing corruption risks in the activities of personnel of the State Criminal-Executive Service of Ukraine is characterized by the dominance of universal anti-corruption mechanisms over specialized legal instruments adapted to the specific nature of penitentiary service. This necessitates a revision of approaches to the legal support of anti-corruption policy within the State Criminal-Executive Service, taking into account the criminological characteristics of corruption risks inherent in the execution of criminal punishments.

Counteracting corruption risks in the activities of personnel of the State Criminal-Executive Service of Ukraine requires the application not only of general anti-corruption instruments but also of special criminologically grounded mechanisms adapted to the specific conditions of the penitentiary system. Unlike normative legal regulation, which is predominantly formalized, criminological mechanisms are aimed at identifying, neutralizing, and preventing the factors that directly contribute to the reproduction of corrupt behavior among personnel of penal institutions.

One of the key special mechanisms for counteracting corruption risks within the State Criminal-Executive Service is the system of internal control and service security. From a criminological perspective, the effectiveness of such control is determined not by the number of formal inspections but by the capacity to timely detect informal cor-

rupt practices that arise in everyday service activities. In practice, however, internal control within many penal institutions tends to focus on recording disciplinary violations, leaving systemic corruption risks related to access to resources, relaxation of regime requirements, or informal arrangements between personnel and convicted persons outside effective scrutiny.

Criminological analysis demonstrates that one of the most vulnerable areas of activity for State Criminal-Executive Service personnel is the exercise of discretionary powers. The ability to make individual decisions regarding conditions of detention, the application of incentives and disciplinary sanctions, access to visits, parcels, or medical care creates a fertile ground for the emergence of corruption risks. In the absence of transparent procedures and effective oversight, such powers are transformed into instruments of corrupt influence, as evidenced by materials from criminal proceedings and disciplinary practice.

Personnel management mechanisms—particularly selection, rotation, and performance evaluation—also play a significant role in counteracting corruption risks. From a criminological standpoint, prolonged tenure of an employee in the same position within a closed institutional environment facilitates the formation of stable informal ties, which may evolve into corrupt practices. At the same time, the lack of systematic rotation and objective criteria for assessing service performance reduces the preventive potential of personnel policy within the State Criminal-Executive Service.

Special attention should be paid to mechanisms for detecting and minimizing latent corruption. The criminological specificity of the penitentiary system lies in the fact that a significant proportion of corrupt practices remain undisclosed due to fear of retaliation, the dependence of convicted persons on personnel, and corporate solidarity among staff members. Under such conditions, traditional reporting channels for corruption prove ineffective, and their formal existence does not ensure the actual inflow of information regarding corruption risks.

From a criminological perspective, the introduction of continuous monitoring of corruption risks in the activities of State Criminal-Executive Service personnel constitutes an effective special mechanism for counteraction. Such monitoring should be based not only on the analysis of statistical indicators but also on the assessment of service processes, working conditions, staff workload, and the nature of interactions between personnel and convicted persons. The absence of systematic criminological monitoring results in anti-corruption measures assuming a reactive rather than preventive character.

The criminological effectiveness of special mechanisms for counteracting corruption risks also largely depends on the level of anti-corruption culture among State Criminal-Executive Service personnel. The formal conduct of trainings and briefings without due consideration of the real conditions of service does not contribute to the formation of stable motivation for lawful behavior. Instead, criminologically grounded anti-corruption training programs should focus on the analysis of typical risk situations encountered by personnel in the course of performing their official duties.

Thus, special mechanisms for counteracting corruption risks in the activities of personnel of the State Criminal-Executive Service of Ukraine should be regarded as a system of interrelated criminological measures aimed primarily at prevention rather than merely at the detection of corruption offenses. Their effectiveness depends on the degree of adaptation to the specific nature of penitentiary service and on the capacity to influence the underlying criminogenic factors of corrupt behavior.

**Conclusions.** The conducted criminological analysis provides grounds to assert that corruption risks in the activities of personnel of the State Criminal-Executive Service of Ukraine are predominantly systemic in nature and are determined not so much by the individual characteristics of particular employees as by a combination of organizational, normative, and socio-psychological conditions inherent in the functioning of the penitentiary system. In this regard, effective counteraction to such risks requires a transition from a formally reactive anti-corruption model to a preventive system of influence grounded in criminological theory.

First, it is expedient to introduce a sector-specific approach to the identification and assessment of corruption risks in the activities of State Criminal-Executive Service personnel. Unlike universal anti-corruption instruments, such an approach should take into account the specific nature of particular positions and functions depending on the scope of discretionary powers, the level of access to material and non-material resources, and the intensity of interaction with convicted persons. Criminologically justified concentration of preventive measures on the most risk-prone segments of service activity would make it possible to enhance the effectiveness of corruption prevention without excessive formalism.

Second, there is a need to reconsider the functional purpose of internal control mechanisms within penal institutions. Internal control should be oriented not merely toward the detection of disciplinary violations, but primarily toward the ear-

ly identification of latent corrupt practices arising in everyday service activities. The introduction of risk-oriented inspections, analysis of atypical managerial decisions and service actions, as well as the establishment of secure internal reporting channels, may significantly strengthen the preventive potential of this mechanism.

Third, an important direction for minimizing corruption risks lies in the improvement of personnel policy within the State Criminal-Executive Service. From a criminological perspective, systematic rotation of personnel occupying positions with an increased level of discretion, combined with transparent criteria for evaluating service performance, is capable of reducing the likelihood of forming stable informal ties of a corrupt nature. At the same time, recruitment and attestation procedures should be supplemented with elements assessing integrity and resilience to corruption pressures.

Fourth, the effectiveness of counteracting corruption risks largely depends on the level of anti-corruption culture among personnel. Formalized training measures limited to familiarization with normative prohibitions do not ensure the formation of intrinsic motivation for lawful behavior. Instead, criminologically oriented training programs should be based on the analysis of typical risk situations inherent in penitentiary service and should promote awareness of personal responsibility for the consequences of tolerating corrupt practices.

Fifth, the proposal to introduce continuous criminological monitoring of corruption risks in the activities of State Criminal-Executive Service personnel appears well-grounded. Such monitoring should combine quantitative and qualitative indicators, including data on disciplinary practice, staff turnover, internal inspections, complaints by convicted persons, and the results of internal control. Its purpose should not be the mere accumulation of statistical information, but the timely identification of negative trends and the adjustment of preventive measures.

In summary, improving the system of counteracting corruption risks in the activities of personnel of the State Criminal-Executive Service of Ukraine is possible only through the formation of an integrated, criminologically oriented model that combines legal regulation, organizational mechanisms, personnel policy, and systematic analysis of criminogenic factors. Priority within such a model should be given not to repressive measures, but to eliminating the conditions and causes that contribute to the reproduction of corrupt behavior in the penitentiary sphere.

### *Bibliography*

1. Конституція України : Закон України від 28 червня 1996 р. № 254к/96-ВР. *Відомості Верховної Ради України*, 1996. № 30. Ст.32.
2. Кримінальний процесуальний кодекс України: Закон України від 13 квітня 2012 р. № 4651-VI. *Відомості Верховної Ради України*, 2013. №9-10, 11-12, 13. Ст. 88.
3. Кримінальний кодекс України : Закон України від 05 квіт. 2001 р. № 2341-ІІІ (зі змін. і допов.). *Відомості Верховної Ради України*. 2001. № 25–26. Ст. 131.
4. Кримінально-виконавчий кодекс України : Закон України від 11 лип. 2003 р. № 1129-ІV (зі змін. і допов.). *Відомості Верховної Ради України*. 2004. № 3–4. Ст. 21.
5. Про запобігання корупції : Закон України від 14 жовт. 2014 р. № 1700-VII (зі змін. і допов.). *Відомості Верховної Ради України*. 2014. № 49. Ст. 2056.
6. Про Державну кримінально-виконавчу службу України : Закон України від 23 черв. 2005 р. № 2713-IV (зі змін. і допов.). *Відомості Верховної Ради України*. 2005. № 30. Ст. 409.
7. Про державну службу : Закон України від 10 груд. 2015 р. № 889-VIII (зі змін. і допов.). *Відомості Верховної Ради України*. 2016. № 4. Ст. 43.
8. Конвенція Організації Об'єднаних Націй проти корупції від 31.10.2003 (ратифікована Законом України від 18.10.2006 № 251-V).
9. Мінімальні стандартні правила поводження з ув'язненими (Правила Нельсона Мандели) : резолюція Генеральної Асамблеї ООН 70/175 від 17.12.2015.
10. Бандурка О. М. Протидія корупційній злочинності : монографія. Харків : Право, 2019. 368 с.
11. Голіна В. В. Кримінологія: Загальна та Особли-ва частини : підручник. Харків : Право, 2017. 512 с.
12. Джужа О. М. Кримінологія : навчальний посібник. Київ : Юрінком Інтер, 2016.
13. Головкін Б. М. Корупція як системна загроза функціонуванню публічної влади. *Право України*. 2018. № 7. С. 98–109.
14. Костенко О. М. Корупція: криміногічний аналіз та шляхи протидії. *Вісник Національної академії правових наук України*. 2019. № 2. С. 45–56.
15. Литвинов О. М. Криміногічні засади запобігання злочинності : монографія. Київ : Юрінком Інтер, 2019. 312 с.
16. Мельник М. І. Корупція: сутність, протидія, відповідальність. Київ : Атіка, 2020. 304 с.
17. Савченко А. В. Корупційні ризики у діяльності органів виконання покарань. *Юридична наука*. 2021. № 4. С. 112–121.
18. Тацій В. Я., Борисов В. І., Тютюгін В. І. Кримінальне право України. Загальна частина : підручник. Харків : Право, 2020. С.45.
19. Хавронюк М. І. Антикорупційне законодавство України: науково-практичний коментар. Київ : Юрінком Інтер, 2018. С.79.
20. Шакун В. І. Злочинність і кримінальна політика : монографія. Київ : Атіка, 2017. С. 27.
21. Rose-Ackerman S., Palifka B. Corruption and Government: Causes, Consequences, and Reform. 2nd ed. Cambridge : Cambridge University Press, 2016. P.18.
22. United Nations Office on Drugs and Crime. Handbook on Anti-Corruption Measures in Prison Services. Vienna, 2017. P. 32.
23. Council of Europe. Corruption in the Prison System: Risks and Countermeasures. Strasbourg, 2018. P. 51.

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