

WPLYW ORGANIZACJI RELIGIJNYCH NA DZIAŁANIA PERSONELU KOLONII W ZAKRESIE STOSOWANIA SIŁY WOBEC SKAZANYCH

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Streszczenie. W artykule ustalono znaczenie działalności organizacji religijnych oraz ich przedstawicieli (księży i kapelanów), mające na celu zapobieganie i niwelowanie liczby przypadków stosowania siły przez personel kolonii karnych oraz przewidzianych prawem środków specjalistycznych wobec skazanych, a także opracowano naukowo uzasadnione rozwiązania poprawy procesu wykonywania kar.

Słowa kluczowe: środki specjalistyczne; personel kolonii; skazany; organizacja religijna; zakres wykonywania kary; zapobieganie przestępstwom; zastosowanie; proces resocjalizacji.

FEATURES OF THE INFLUENCE OF RELIGIOUS ORGANIZATIONS ON THE ACTIVITIES OF WORKERS IN COLONIES ON THE APPLICATION OF FORCES TO THE PERSON

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Abstract. The article clarifies the content of the activities of religious organizations and their representatives (clergy and chaplains) aimed at preventing and reducing the number of cases of use by colony personnel of the convicts of the remedies provided by the law, as well as the scientifically substantiated ways of improving this process in the field of execution of sentences.

Key words: means of curbing; staff of colonies; condemned; religious organization; scope of punishment; crime prevention; application; specifics; correctional-resocialization process.

ОСОБЛИВОСТІ ВПЛИВУ РЕЛІГІЙНИХ ОРГАНІЗАЦІЙ НА ДІЯЛЬНІСТЬ ПЕРСОНАЛУ КОЛОНІЙ ЩОДО ЗАСТОСУВАННЯ СИЛИ ДО ЗАСУДЖЕНИХ

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Анотація. В статті з'ясовано зміст діяльності релігійних організацій та їх представників (священнослужителів і капеланів), спрямованої на запобігання та зниження кількості випадків застосування персоналом колоній до засуджених передбачених законом засобів приборкання, а також розроблені науково обгрунтовані шляхи щодо удосконалення зазначеного процесу в сфері виконання покарань.

Ключові слова: засоби приборкання; персонал колоній; засуджений; релігійна організація; сфера виконання покарань; запобігання злочинам; застосування; особливості; виправно-ресоціалізаційний процес.

Formulation of the problem. In accordance with the requirements of Art. 106 of the Criminal-Executive Code (hereinafter - CEC) of Ukraine, the personnel of the colonies in the cases specified by law have the right to apply to convicts serving sentences in the form of deprivation of liberty, measures of physical influence, special means and weapons. At the same time, as practice shows, the number of such cases per 1,000 convicts annually is the same, which, on the one hand, shows the stereotypical behavior of colony personnel in relation to those who commit disobedience and other illegal acts envisaged by the law, and, on the other hand The sides show the meaningful component of the problem, namely: the psychological unwillingness of the personnel to act in extreme conditions and the low level of moral and volitional qualities of these persons

As established in the course of special scientific research, it is precisely these circumstances that often determine the extraordinary events in the colonies in the form of group disobedience of convicts; actions that disrupt the administration of the colony; attacks on staff; etc. (*The Criminal-Executive Code of Ukraine ... 2003*). for the suppression of which special operations are carried out involving additional forces, including other law enforcement agencies (Article 105 CFC).

Consequently, there is a complex application problem that needs to be solved both at the theoretical and practical levels, taking into account the untapped potential of religious organizations in the field of execution of sentences, including issues related to their influence on the activities of colony personnel in relation to the application force to the prisoners.

It is this fact that caused the choice of the subject of this scientific article, and also defined its main task - to find out the content of the activities of religious organizations and their representatives (clerics and chaplains), aimed at preventing and reducing the number of cases of colony use by personnel of the convicted by the statutory means of harassment , as well as on this basis, develop scientifically grounded ways to improve this process in the field of execution of sentences.

State of research. In science, this problem is not new and is at the center of attention of scientists of different profiles. In particular, the researchers in the field of criminal-executive law of Ukraine, namely: VA Badir, I.G. Bohatyryov, T. A. Denisova, V. Y. Konopelsky, O.G. Kolb, I. M. Kopotun, V. O. Merkulova, M. V. Paliy, M. S. Puzyrov, A. Kh. Stepanyuk, V. M. Trubnikov, I. S. Yakovets and others.

However, at the scientific level, questions concerning the effectiveness of religious organizations' influence on the activities of workers in colonies on the use of force by prisoners have not been adequately investigated, which became crucial in selecting the object and subject of this scientific article.

Statement of the main provisions. As established in the course of this study, the peculiarities of the activities of religious organizations related to ensuring the religious needs of the convicted staff of the Ukrainian SSR are due to the content and influence of this process in a number of circumstances, namely:

1. In accordance with the requirements of Art. 35 of the Constitution of Ukraine, the church and religious organizations in Ukraine are separated from the state. A similar principle is enshrined in Art. 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations". At the same time, it should be noted that according to the requirements of the Law of Ukraine "On the State Criminal Execution Service of Ukraine", "On Probation", the Criminal Code and other normative legal acts that make up the content of the criminal-executive legislation of Ukraine, the staff of the Internal Affairs Committee of Ukraine and bodies and institutions for the enforcement of sentences, the issue of which is in Art. 11 KBK, relate to state bodies and subjects of state activity, and priests (chaplains) - to the church and religious organizations.

From this it can be concluded that, in particular, the introduction of chaplains in state bodies and penitentiary institutions is inadmissible in view of the requirements of both the Constitution of Ukraine and other laws regulating the sphere of religious-legal relations in our state. At the same time, as long as no such decision is made by the Constitutional Court of Ukraine, such categorical conclusion can not be made.

As M.R. Mozharivsky and M.I. Harin rightly pointed out, to date the question remains that it is not imposing a chaplain's position as a direct violation of the law and whether this will lead to church intervention in the activities of the state and the gradual convergence of these institutions? (*Mogarivsky M.R., Kharain M.I., 2017, p. 170*).

Although, there is a different approach among academics. In particular, V. Baluch proposes that the military pastor (as a matter of fact, the chaplain in the field of execution of sentences) should have a military rank of an officer and kept by the state [3, p. 49]. Moreover, this scientist insists that the model of the chaplaincy should be national, Ukrainian, because there can not be a chaplain without the definition of nationality.

It seems that with such a statement the question can not be agreed, if literally interpret the content of Art. 35 of the Constitution of Ukraine, as well as other laws concerning the right of citizens to freedom of conscience and religion. In this context, the position of those researchers who believe that the chaplains should appoint persons who profess different religions, thereby giving the staff of the UPU the right to freedom of religion and freedom to spiritual development (*Mogarivsky M.R., Kharain M.I., 2017, p. 171*).

2. According to the requirements of the current criminal-executive legislation (Article 2 of the Criminal Code), the administration of the colony has no right to express

its attitude to a certain religion or denomination (Part 3 of Article 128 of the Criminal Code), which is a direct violation of Art. 35 of the Constitution of Ukraine and Art. 3 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations", which define the person's right to freedom of conscience and religion.

This conclusion is based on the following arguments. First, according to Art. 35 of the Constitution of Ukraine, the said right includes the freedom to practice any religion or not to profess any, to freely send individually or collectively religious ceremonies and ritual ceremonies, conduct religious activities. Secondly, Art. 3 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" guarantees to every citizen, including the staff of the Internal Affairs Committee of Ukraine, the right to freedom of conscience.

In the theory of law under subjective law, which is one of the constituent contents of any legal relationship, including religious-legal, understand the guaranteed by the rules of law measure of possible behavior of a person (*Petryshin O. V., Pogrebnyak S. P., Smorodinsky V. S., 2014, p. 238*). In this case, as part of subjective law, scholars distinguish the following rights of the person: a) the right to own actions, that is, the ability of the subject to act personally (*Petryshin O. V., Pogrebnyak S. P., Smorodinsky V. S., 2014, p. 239*). It follows from this that during the conduct of worship and religious rites in the colonies, staff of these departments are entitled to participate as members of a religious community or denomination;

b) the right to others' actions, that is, the ability of the subject to demand certain behavior from the obligated person (extortion) (*Petryshin O. V., Pogrebnyak S. P., Smorodinsky V. S., 2014, p.239*). In the sense of the religious activity of the personnel of the UVP, this means that these persons during the conduct of worship, religious rites and pastoral care of prisoners have the right to require the latter to comply with the obligations provided for them by the criminal-executive law (Article 9, Part 3, Article 107, Criminal Code Ukraine), as well as to demand from the clerics (chaplains) to comply with the procedure for the execution and serving of punishment established by law and other normative-legal acts (Part 6 of Article 128, Part 4 of Article 128-1 of the Criminal Code);

c) the right to action of authorized persons, that is, the opportunity to appeal to authorized entities for the use of state coercion in the event of non-fulfillment by the obligated person of his duties (claims) (*Petryshin O. V., Pogrebnyak S.P., Smorodinsky V. S., 2014, p.239*). In particular, as stated in Art. 16 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations", in case of violation of a religious organization that is a legal entity, the provisions of this Law and other legislative acts of Ukraine, its activities may be terminated also by a court decision.

Thirdly, as in Art. 35 of the Constitution of Ukraine, and in Art. 3 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" establishes that the exercise of rights to freedom of thought and religion may be restricted by law only in the interests of protecting public order, health and morals of the population or protecting the rights and freedoms of others, and also in order to ensure the fulfillment of Ukraine's international obligations. Consequently, as defined in Part 3 of Art. 128 KVN restricting the rights of the staff of the UVP to freedom of opinion and religion (in the sense of not revealing their attitude to a particular religion or denomination) is illegal and contrary to the Constitution of Ukraine.

3. The administration has no right to finance or otherwise promote religious organizations and their legal representatives in the conduct of worship, religious rites and pastoral care for prisoners.

This approach is based on the provisions of Art. 35 of the Constitution of Ukraine, according to which the church and religious organizations in Ukraine are separated from the state, and the school is from the church. As for this, it is stated in Art. 5 of the Law of Ukraine, the state does not finance activities of any organizations created on the basis of the attitude towards religion. From this it follows that the administration of the Ministry of Social Affairs, neither from the state budget nor from the so-called special funds, can also finance the activities of religious organizations in the field of execution of sentences.

4. Other circumstances that determine the content of the specifics of the activities of religious organizations regarding the staff of the SCES of Ukraine and the issue of which is conducted in scientific sources. One of these circumstances is one that is connected, in particular, with the types of staff of the SCES which is the subject of religious and educational activities of the clergy (chaplains). In accordance with the requirements of Art. 14 of the Law of Ukraine "On the State Criminal Service of Ukraine", the personnel of the SCSU of Ukraine include: a) persons of ordinary and commanding staff; b) specialists who do not have special knowledge; c) other employees who work under employment contracts (*About the State Criminal Execution Service of Ukraine ... 2005*).

According to some studies, as of August 1, 2016 (the last period of the reform of the SCES on the basis of the resolution of the Cabinet of Ministers of Ukraine dated May 18, 2016, No. 348), the activities of penitentiary bodies and establishments (Article 11 of the CEC of Ukraine) were provided by almost 38 thousand people of the said personnel, namely: 1) senior and middle command personnel - up to 12 thousand people; 2) senior and junior command personnel - more than 17 thousand people; 3) civil servants and other employees who work in the Internal Affairs Department of Ukraine under labor contracts (*Pakhomov I.V., Yatsenko V. I., 2016, p. 103*).

At the same time, the activity of clergy (chaplains) in relation to the specified categories of staff of bodies and penal institutions, according to some scholars (*I.V. Pakhomov, V. I. Yatsenko, 2016, p. 103*) is carried out within the framework of educational work with these persons, which is regulated by the Regulation on the organization of educational and socio-psychological work with the staff of the SCES, which was approved by the order of the Ministry of Internal Affairs of Ukraine dated 07.07.2011 No. 221 (*Regulations on the organization of educational 2011*).

Of course, with such an opinion, it is impossible to agree, outside of the current Ukrainian legislation on matters of religious activity does not allow religious organizations to perform state functions (Article 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"). Moreover, given that the organization of educational and socio-educational work with the staff of the Internal Affairs Committee of Ukraine is personally responsible for the heads of bodies and institutions for the execution of sentences, and proceeding from the content of Art. 31 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" according to which the persons guilty of violating the law on freedom of conscience and religious organizations bear the responsibility established by the legislation of Ukraine, it is hardly possible to assert that at the level of any subordinate normative-legal acts can

regulate the issue of ensuring the right of staff of the Internal Affairs of Ukraine to freedom of conscience and religion.

As it was established in the course of this study, the personnel of the bodies and institutions of the execution of punishments exercised this constitutional right by one person outside the boundaries of activity, including pastoral in the administrative units, which is also due to the direct prohibition of revealing their attitude to a certain religion or denomination in the conduct of worship and religious ceremonies in penitentiary institutions (part 3 of Article 128 of the CEC of Ukraine).

In addition, as shown by the study of the content of the above Regulations, it lacks any norms that would empower the heads of organs and penal institutions to carry out the spiritual (religious) education of the personnel of the staff of the Internal Affairs Department of Ukraine. In particular, the main components of the educational work with the staff of the organs and penal institutions, as follows from the content of this Regulation, are: a) moral and psychological support for official activities; b) ensuring compliance with legal and professional discipline, prevention of violations and extraordinary events; c) information provision; d) cultural and educational and educational work; e) socio-psychological work (*Regulations on the organization of educational ... 2011*).

Undoubtedly, in this case, one can agree with those scholars who believe that the force of movement given by faith serves as a guarantor, in particular, of the combat capability of the army (and the DKVS of Ukraine, in accordance with the current legislation, refers to the paramilitary formations of the state), since not uniform weapons and weapons warrior, and fearlessness, courage, his courage, the spirit of the warrior testifies to the power of the army (*Dontsov D., 1991, art. 140*). As IV Chornaya rightly observed, the church is struggling with sin, improving the person, preparing it for eternity, and the state provides peace and order in the country and cares for the well-being of citizens. State - is a living organism, whose soul is faith and church (*Chorna I. V., 2017, p. 209*).

Of course (and this was confirmed in the course of this study (*Pakhomov I.V., Yatsenko V. I., 2016, pp. 105-108*)) that, within the main areas of educational work with the staff of the Ukrainian SSR, it is possible to engage in this activity in the form of meetings with authorized representatives of religious organizations that are officially registered in our state in accordance with the procedure established by law (Article 14-15 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"). Moreover, as shown by the results of special scientific research, a significant part of the personnel of penitentiary institutions and institutions has: a) the average level of internal and external religiosity (21,4%) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*). This typological group unites those individuals for whom faith is only one of the identities (from the Latin *identicus* are the same (*Bulyko A.N., 2010, p.220*)) (as a rule belonging to a nation), namely: they only sometimes attend worship, seldom accept the sacraments, do not read the spiritual literature, do not know the peculiarities of religion; almost all of them are confessionally determined; b) a high level of external and middle level of internal religiosity (3.6% of all respondents who participated in the survey) (*I.V. Pakhomov, V. I. Yatsenko, 2016, p. 107*). This typological group brings together individuals who have tried to adhere to the values of their religious community, comply with all religious requirements, but their faith is only one of the identities that competes with others in controlling the behavior of a person. They attend worship, take

sacraments, but their external religiosity dominates the inner (*Pakhomov I.V., Yatsenko V. I., 2016, p. 108*); c) the average level of external and low level of internal religiosity (37.4% of the total number of people who participated in the survey (453 respondents) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*).

This typological group unites the representatives of the staff of the Ukrainian SCES, for whom faith is only one of the identities (as a rule, belonging to a nation): they rarely attend worship; almost do not accept the sacraments; do not read the spiritual literature; do not know the features of the doctrine (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*); d) low level of internal and external religiosity (33.6% in the structure of all respondents who participated in the survey) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*). This typological group includes those who hesitate between faith and disbelief; they only occasionally take part in the most important religious rites; from time to time attend religious services in the most important religious holidays; they do not have a clearly defined position regarding their own attitude to both faith and disbelief, but most people tend to the beliefs and behaviors of the external church; e) among the respondents, indifferent to religion was not established (their share in the structure of all respondents was only 1.9%) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 108*). This typological group consists of those representatives of the staff of the Internal Affairs Committee of Ukraine who do not have religious identities and practices, as well as the position of criticism of religious practices and the denial of their expediency, but they do not deny the existence of some religious affirmations, in particular the soul, sin, even a certain transcendental (lat. *transcendens* - one that goes beyond (experience, not recognized) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*) began; e) have a high level of internal and external religiosity (1.1% of all persons who participated in the survey) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 108*). For this group of respondents characterized by a combination of deep inner faith with external features of religiosity (regular attendance of worship, the adoption of the sacraments, the strict implementation of religious dogmas); e) among all respondents 1% are atheists (*Pakhomov I.V., Yatsenko V. I., 2016, p. 108*). The said representatives of the staff of penitentiary bodies and institutions never carry out religious practices, nor do they believe in the existence of God or any other sacred principle (*Pakhomov I.V., Yatsenko V. I., 2016, p. 108*).

Based on the results of the study, it should be noted that a significant number of staff are nevertheless adherents of religious beliefs and are ready to perceive the activities of spiritual upbringing by the relevant religious organizations that are participants in the criminal-executive legal relationship, which should be taken into account when modifying and, in general, improvement of the legal mechanism for the specified research topic.

As established in the course of this scientific search, among other circumstances, which determine the content of the peculiarities of the activities of religious organizations in the field of execution of sentences, a significant place and role plays a role and the role played by the necessity of preventing crimes and offenses committed by the personnel of the SCES of Ukraine. This task is unifying both for religious organizations and for the relevant actors of preventive activities (*Dzhuzha O.M., Vasilevich V.V., Kolb O.G., 2009 p. 63-65*). Such a task and, at the same time, the purpose of punishment are defined in Part 2 of Art. 50 CC and Part 1 of Art. 1 KVN

In its turn, one of the tasks of the Law of Ukraine "On Freedom of Conscience and Religious Organizations", which is enshrined in Art. 1, is the protection of the rights

and legitimate interests of citizens irrespective of their attitude to religion, as well as the guarantee of favorable conditions for the development of public morals, which fully corresponds with the content of the purpose of the criminal-executive legislation of Ukraine (Article 1 of the Criminal Code), according to which its subject is the protection of the interests of the individual, society and the state (part 1 of this article), as well as the prevention of asocial behavior (Part 2 of Article 1 of this Code).

The necessity of more effective fulfillment of the task of ensuring the crimes committed by the personnel of the SCES is evidenced by the results of special scientific research on this issue that covered the period of 2005-2017. Thus, only in 2005 (in the first reporting period after the adoption of the Law of Ukraine " On the State Criminal Execution Service of Ukraine ") with the participation of the abovementioned persons committed 14 crimes, in 2006 - 14, 2007 - 14, 2008 - 14; 2009 - 23; 2010 - 57 (*Dzhuzha O. M., Vasilevich V. V., Gida O. F., 2011, p. 7*). In 2011-2014, the number of such socially dangerous acts exceeded 100 cases annually; in 2015 their number decreased to 100, and in 2016 again increased to 102 crimes. The same trend persisted in 2017 (*Dzhuzha O. M., Vasilevich V. V., Gida O. F., 2011, p. 7*).

In addition, in the context of the increased social danger, cases of committing corruptive offenses by bodies and institutions carrying out punishments are of particular importance, the number of which, in particular, only in 2016, compared with 2005, although it decreased by almost 3 times (according to 42 in 2005 to 16 in 2016) (*Dzhuzha O. M., Vasilevich V. V., Gida O. F., 2011, p. 7*), but indicates a low level of social and educational activities and preventive activities carried out in relation to the said objects of prevention (*Dzhuzha O. M., Vasilevich V. V., Gida O. F., 2011, p. 7*).

Such, in general, are the peculiarities of the activity of religious organizations in relation to the personnel of the SCES of Ukraine, which were formed under the influence of both internal and external circumstances, as well as the requirements set forth in the current legislation of Ukraine, including the criminal executive, on ensuring the religious needs of convicted persons of criminal-executive legal relations. These requirements and, at the same time, the problems that need to be resolved in the sense of improving the legal mechanism on this issue include the following: 1) the colony's staff during worship and religious ceremonies have no right to express their attitude to a particular religion or denomination (Part 3 of the Constitution) 128 KVK); 2) the personnel of these and other PIs have no right to establish any advantages or restrictions of one religion, religion or religious organization (Article 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"); 3) the personnel of the SCVS of Ukraine have no right to engage in charitable and cultural-educational activities on matters of religion, apart from being an exclusive function of religious organizations and their authorized representatives (Article 23 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"); 4) the personnel of the bodies and the UVP have the right to coordinate the activities of the pastoral care of the convicted but not to interfere with the activities of religious organizations that are carried out in the sphere of execution of punishments within the limits of the law (Article 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"); 5) the staff of the Internal Affairs Committee of Ukraine and its governing bodies are not entitled to re-direct or delegate the execution of state functions in the area of execution of sentences for religious organizations that carry out pastoral care of convicts in penitentiary institutions (Article 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations").

According to some studies, as of August 1, 2016 (the last period of the reform of the SCES on the basis of the resolution of the Cabinet of Ministers of Ukraine dated May 18, 2016, No. 348), the activities of penitentiary bodies and establishments (Article 11 of the CEC of Ukraine) were provided by almost 38 thousand people of the said personnel, namely: 1) senior and middle command personnel - up to 12 thousand people; 2) senior and junior command personnel - more than 17 thousand people; 3) civil servants and other employees who work in the Internal Affairs Department of Ukraine under labor contracts (*Pakhomov I.V., Yatsenko V. I., 2016, p. 103*).

At the same time, the activity of clergy (chaplains) in relation to the specified categories of staff of bodies and penal institutions, according to some scholars [6, p. 103] is carried out within the framework of educational work with these persons, which is regulated by the Regulation on the organization of educational and socio-psychological work with the staff of the Internal Affairs Department of Ukraine, which was approved by the order of the Ministry of Internal Affairs of Ukraine dated 07.07.2011 No. 221 (*Regulations on the organization of educational ... 2011 <http://www.kvs.gov.ua/peniten/control/main/uk/index>*).

Of course, with such an opinion, it is impossible to agree, outside of the current Ukrainian legislation on matters of religious activity does not allow religious organizations to perform state functions (Article 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"). Moreover, given that the organization of educational and socio-educational work with the staff of the Internal Affairs Committee of Ukraine is personally responsible for the heads of bodies and institutions for the execution of sentences, and proceeding from the content of Art. 31 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" according to which the persons guilty of violating the law on freedom of conscience and religious organizations bear the responsibility established by the legislation of Ukraine, it is hardly possible to assert that at the level of any subordinate normative-legal acts can regulate the issue of ensuring the right of staff of the SCES to freedom of conscience and religion.

As it was established in the course of this study, the personnel of the bodies and institutions of the execution of punishments exercised this constitutional right by one person outside the boundaries of activity, including pastoral in the administrative units, which is also due to the direct prohibition of revealing their attitude to a certain religion or denomination in the conduct of worship and religious ceremonies in penitentiary institutions (part 3 of Article 128 of the CEC of Ukraine).

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Department of Ukraine. In particular, the main components of the educational work with the staff of the organs and penal institutions, as follows from the content of this Regulation, are: a) moral and psychological support for official activities; b) ensuring compliance with legal and professional discipline, prevention of violations and extraordinary events; c) information provision; d) cultural and educational and educational work; e) socio-psychological work (*Regulations on the organization of educational ... 2011* <http://www.kvs.gov.ua/peniten/control/main/uk/index>). In particular, the main components of the educational work with the staff of the organs and penal institutions, as follows from the content of this Regulation, are: a) moral and psychological support for official activities; b) ensuring compliance with legal and professional discipline, prevention of violations and extraordinary events; c) information provision; d) cultural and educational and educational work; e) socio-psychological work (*Regulations on the organization of educational ... 2011* <http://www.kvs.gov.ua/peniten/control/main/uk/index>).

Undoubtedly, in this case, one can agree with those scholars who believe that the force of movement given by faith serves as a guarantor, in particular, of the combat capability of the army (and the SCES of Ukraine, in accordance with the current legislation, refers to the paramilitary formations of the state), since not uniform weapons and weapons warrior, and fearlessness, courage, his courage, the spirit of a warrior testifies to the power of the army (*Dontsov D., 1991, art. 140*). As I.V. Chornaya rightly observed, the church is struggling with sin, improving the person, preparing it for eternity, and the state provides peace and order in the country and cares for the well-being of citizens. State - is a living organism, whose soul is faith and church (*Chorna I. V., 2017, p. 209*).

Of course (and this was confirmed in the course of this study (*Pakhomov I.V., Yatsenko V. I., 2016, pp. 105-108*) that within the main areas of educational work with the staff of the SCF of Ukraine can be involved in this activity in the form of meetings with authorized representatives of religious organizations that are officially registered in our state in accordance with the procedure established by law (Article 14-15 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"). Moreover, as shown by the results of special scientific research, a significant part of the personnel of penal institutions and institutions has: a) the average level of internal and external religiosity (21,4%) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*). This typological group unites those individuals for whom faith is only one of the identities (from the Latin *identicus* are the same (*Bulyko A.N., 2010, p.220*) (as a rule belonging to a nation), namely: they only sometimes attend worship, seldom accept the sacraments, do not read the spiritual literature, do not know the peculiarities of religion; almost all of them are confessionally determined; b) a high level of external and middle level of internal religiosity (3.6% of all respondents who participated in the survey) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*). This typological group brings together individuals who have sought to adhere to the values of their religious community, comply with all religious requirements, but their faith is only one of the identities that competes with others in controlling the behavior of a person. They attend worship, take sacraments, but their external religiosity dominates the inner (*Pakhomov I.V., Yatsenko V. I., 2016, p.108*); c) the average level of external and low level of internal religiosity (37.4% of the total number of people who participated in the survey (453 respondents) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*). This typological group brings together

the representatives of the staff of the SCFU of Ukraine, for whose faith is only one of the identities (as a rule, belonging to a nation): they rarely attend worship, almost do not accept the sacraments, do not read the spiritual literature, do not know the features of the doctrine (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*), d) low level of internal and external religiosity (33.6% in the structure of all respondents, who participated in the survey) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*). This typological group includes those who hesitate between faith and disbelief; they only occasionally take part in the most important religious rites; from time to time attend religious services in the most important religious holidays; they do not have a clearly defined position regarding their own attitude to both faith and disbelief, but most people tend to the beliefs and behaviors of the external church; e) among the respondents, indifferent to religion was not established (their share in the structure of all respondents was only 1.9%) (*I.V. Pakhomov, V. I. Yatsenko, 2016, p. 108*). This typological group consists of those representatives of the staff of the Internal Affairs Committee of Ukraine who do not have religious identities and practices, as well as the position of criticism of religious practices and the denial of their expediency, but they do not deny the existence of some religious affirmations, in particular the soul, sin, even a certain transcendental (lat. *transcendens* - one that goes beyond (experience, not recognized) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 107*) began; e) have a high level of internal and external religiosity (1.1% of all persons who participated in the survey) (*Pakhomov I.V., Yatsenko V. I., 2016, p. 108*). For this group of respondents characterized by a combination of deep inner faith with external features of religiosity (regular attendance of worship, the adoption of the sacraments, the strict implementation of religious dogmas); e) among all respondents 1% are atheists (*Pakhomov I.V., Yatsenko V. I., 2016, p. 108*). The said representatives of the staff of penitentiary bodies and institutions never carry out religious practices, nor do they believe in the existence of God or any other sacred principle (*Pakhomov I.V., Yatsenko V. I., 2016, p. 108*).

Based on the results of the study, it should be noted that a significant number of staff are nevertheless adherents of religious beliefs and are ready to perceive the activities of spiritual upbringing by the relevant religious organizations that are participants in the criminal-executive legal relationship, which should be taken into account when modifying and, in general, improvement of the legal mechanism for the specified research topic.

As established in the course of this scientific search, among other circumstances, which determine the content of the peculiarities of the activities of religious organizations in the field of execution of sentences, a significant place and role plays a role and the role played by the necessity of preventing crimes and offenses committed by the personnel of the SCES of Ukraine. This task is unifying both for religious organizations and for the relevant actors of preventive activities (*Dzhuzha O.M., Vasilevich V.V., Kolb O.G., 2009, p. 63-65*). Such a task and, at the same time, the purpose of punishment are defined in Part 2 of Art. 50 CC and Part 1 of Art. 1 KVN.

In its turn, one of the tasks of the Law of Ukraine "On Freedom of Conscience and Religious Organizations", which is enshrined in Art. 1, is the protection of the rights and legitimate interests of citizens irrespective of their attitude to religion, as well as the guarantee of favorable conditions for the development of public morals, which fully corresponds with the content of the purpose of the criminal-executive legislation of Ukraine (Article 1 of the Criminal Code), according to which its subject is the protection

of the interests of the individual, society and the state (part 1 of this article), as well as the prevention of asocial behavior (Part 2 of Article 2 of this Code).

The necessity of more effective fulfillment of the task of ensuring the crimes committed by the personnel of the Internal Affairs Committee of Ukraine is evidenced by the results of special scientific research on this issue that covered the period of 2005-2017. Thus, only in 2005 (in the first reporting period after the adoption of the Law of Ukraine " On the State Criminal Execution Service of Ukraine ") with the participation of the abovementioned persons committed 14 crimes, in 2006 - 14, 2007 - 14, 2008 - 14; 2009 - 23; 2010 - 57 (*Dzhuzha O. M., Vasilevich V. V., Gida O. F., 2011, p. 7*). In 2011-2014, the number of such socially dangerous acts exceeded 100 cases annually; in 2015 their number decreased to 100, and in 2016 again increased to 102 crimes. The same trend persisted in 2017 (*Dzhuzha O. M., Vasilevich V. V., Gida O. F., 2011, p. 7*).

In addition, in the context of the increased social danger, cases of committing corruptive offenses committed by the personnel of agencies and institutions of punishment are of particular importance, the number of which, in particular, only in 2016, compared with 2005, although it decreased by almost 3 times (according to 42 2005 to 16 in 2016) (*Dzhuzha O. M., Vasilevich V. V., Gida O. F., 2011, p. 7*), but indicates a low level of social and educational activities and preventive activities carried out in relation to the said objects of prevention (*Dzhuzha O. M., Vasilevich V. V., Gida O.F., 2011, p. 7*).

In general, are the peculiarities of the activity of religious organizations in relation to the personnel of the SCES of Ukraine, which were formed under the influence of both internal and external circumstances, as well as the requirements set forth in the current legislation of Ukraine, including the criminal executive, on ensuring the religious needs of convicted persons of criminal-executive legal relations. These requirements and, at the same time, the problems that need to be resolved in the sense of improving the legal mechanism on this issue include the following: 1) the colony's staff during worship and religious ceremonies have no right to express their attitude to a particular religion or denomination (Part 3 of the Constitution) 128 KVK); 2) the personnel of these and other PIs have no right to establish any advantages or restrictions of one religion, religion or religious organization (Article 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"); 3) the personnel of the SCVS of Ukraine have no right to engage in charitable and cultural-educational activities on matters of religion, apart from being an exclusive function of religious organizations and their authorized representatives (Article 23 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"); 4) the personnel of the bodies and the UVP have the right to coordinate the activities of the pastoral care of the convicted but not to interfere with the activities of religious organizations that are carried out in the sphere of execution of punishments within the limits of the law (Article 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"); 5) the staff of the Internal Affairs Committee of Ukraine and its governing bodies are not entitled to re-direct or delegate the execution of state functions in the area of execution of sentences for religious organizations that carry out pastoral care of convicts in penitentiary institutions (Article 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations").

The need to amend the current criminal-enforcement legislation of Ukraine regarding the legal guarantees of ensuring the religious needs of convicted prisoners in the PIs is evident, confirming both the results of this study and other scientific investigations.

As A. A. Bezverkha quite rightly remarked on this, the religious influence on the convicts was considered crucial for the organization of the whole procedure for the execution of criminal punishment and the achievement of its purpose since the launch of research on the issue of this punishment, since the purpose of this punishment, which is to ensure public safety and the restoration of the social guarantee of an offense can only be achieved if the restoration of harmony in the soul of the perpetrator is based on the principles of humanism and an individual approach (*Bezverkha A.O., 2016, p. 252*).

In addition, attention should be paid in this regard to another aspect of the problem under study, the content of which Y. Yakovenko sees as important in this context, it is important to take care of tolerance and prevent inter-confessional hostility. In many countries of the world penitentiary policy prefers to form religious, rather than scientific, worldviews of convicts (*Yakovenko S.I., 2016, p. 403*). In his opinion (and this can be agreed), the validity of such an approach is not convincingly proved, and measures to educate and form the scientific picture of the world in Ukraine lose the signs of systematic and systematic even outside the penitentiary system, as warned by the National Institute for Strategic Studies (*Formation of scientific outlook ... <http://www.niss.gov.ua/articles/1650>*), namely - the danger of a non-scientific picture of the world for the defense of the country, scientific and technological development and the state of social consciousness (*Yakovenko S.I., 2016, p. 404*).

Conclusion. Thus, without the active participation and interaction of religious organizations with the staff of the SCU of Ukraine in matters of conducting worship, religious rites and pastoral care activities of convicts, taking into account the peculiarities of upbringing and religious consciousness, including the personnel of penitentiary organs and institutions, to fully realize those the tasks defined in the Law of Ukraine "On Freedom of Conscience and Religious Organizations") and in Art. Art. 128, 128-1 KVK, it will be extremely difficult and problematic if, in general, the legal mechanism for the specified research topic is not improved.

Thus, it can be stated that knowledge of the specifics of the activities of religious organizations with regard to the staff of the SCSU of Ukraine has not only a purely theoretical-cognitive (research) character, but also, to a greater extent, is aimed at solving purely practical tasks of the criminal-executive direction related to the effectiveness of the use of the basic means of correction and resocialization provided to the convicts by the law, one of which is the public (in this case, religious) influence on these persons, as well as with the use of religious possibilities for the prevention of crimes and offenses by the personnel of the penitentiary organs and institutions.

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