

The psychologist as a potential subject of social impact on convicts

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Abstract: One of the indicators of the effectiveness of the penal system is the number of crimes committed by repeat and recidivism. The commission of crimes repeatedly indicates a failure to achieve the goals of correction of convicts – readiness to lead a law-abiding lifestyle, and indicates ineffective resocialization and correction. The Penal Legislation of the Republic of Belarus provides for a system of basic means for the correction of convicts, which include established procedure for the execution and serving of punishment and other measures of criminal liability, educational work, socially useful work, receiving education by convicts and social impact. At the present stage of development of society and the state, it is important to use the entire arsenal of these means. In our opinion, the means that have significant potential include social impact on prisoners sentenced to imprisonment. The author proposes to classify penitentiary psychologists as subjects of social influence on convicts. The article describes the legislative (from the point of view of the Belarusian legislation) and doctrinal approaches to the issue of the participation of a psychologist in the process of correcting a convict.

Keywords: psychologist, social impact, subject of social impact, convicts, correction of convicts, means of correction of convicts.

1. Introduction

One of the indicators of the effectiveness of the penal system is the number of crimes committed by repeat and recidivism. The commission of crimes repeatedly indicates a failure to achieve the goals of correction of convicts – readiness to lead a law-abiding lifestyle, and indicates ineffective resocialization and correction. The correction of a convicted person testifies to the effectiveness of the functioning of state mechanisms that ensure the application and execution of punishments and other measures of criminal law. The most important areas of criminal correctional policy include the institutions of resocialization and readaptation of convicted persons. On the results of resocialization and readaptation of a person it depends whether a person will be able to return to life in society or will again take the path of committing crimes.

The Penal Legislation of the Republic of Belarus provides for a system of basic means for the correction of convicts, which include established procedure for the execution and serving of punishment and other measures of criminal liability,

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educational work, socially useful work, receiving education by convicts and social impact². At the present stage of development of society and the state, it is important to use the entire arsenal of these means. In our opinion, the means that have significant potential include social impact on prisoners sentenced to imprisonment. The author proposes to classify penitentiary psychologists as subjects of social influence on convicts. The institution of social impact, on the one hand, is a tribute to the democratization of society, and on the other hand, it allows those sentenced to imprisonment to preserve social ties with the outside world that are so important for them. Practice shows that persons sentenced to imprisonment usually lose contact with the outside world, which leads to irreversible consequences after serving their sentence. The means of social impact are the most important elements of the transformation of the behavior and attitudes of convicts, ensuring their correction, re-socialization and readaptation. Therefore, improvement of the system of subjects exercising social impact on the convicts, analysis and definition of areas of activity, improvement of legislation regulating their activities is of paramount importance for the development of conditions for the re-socialization and readaptation of persons who have committed crimes.

In our opinion, the potential of social impact as a means of correcting convicts has been underused.

2. Main part. Different opinions about the psychologist as a potential subject of social impact on convicts

The interpretation of the norms of the Penal Code of the Republic of Belarus (next – Penal Code), as the main act determining the procedure and conditions for the execution and serving of a punishment, as well as the application of other measures of criminal liability, makes it possible to single out the following subjects that exercise social influence on convicts in correctional activities: guardianship board (article 105 of Penal Code); social tutors (educators) (article 106 of Penal Code); supervising committees (article 21 of Penal Code); commission for juvenile affairs (article 135 of Penal Code); public associations (article 21 of Penal Code); religious organizations and its representatives (article 12 of Penal Code); psychologists who provide psychological assistance in adapting to the conditions of detention, overcoming conflicts, normalizing the mental state and neutralizing negative attitudes of the personality (article 107 of Penal Code).

It should be noted that the activities of these subjects to one degree or another are directly regulated by the norms of the Penal Code. A deeper analysis of the provisions of the Penal Code of the Republic of Belarus also makes it possible to classify as subjects that have a public impact on convicts such subjects as relatives and friends of convicted persons with whom they maintain contacts.

Particular attention should be paid to such subjects of social impact on convicts as psychologists. Despite that, in fact, penitentiary psychologists are employees of the penitentiary system, their activities are not aimed at maintaining

² Penal Code of the Republic of Belarus.

and implementing the regime's requirements of the institution. Therefore, in fact, they can be attributed to the category of subjects that implement social impact on convicts.

The purpose of the psychologists' activity is to eliminate the negative attitudes of the personality and to attempt to adapt the convicted person to imprisonment, to encourage the development of social qualities, to make the convict search for goals in his or her life. When providing psychological assistance to convicts, the tasks of correction must be solved with the help of modern scientific methods and the implementation of the basic principles of penal law.³ Social, educational and psychological work in the conditions of the penitentiary system are considered as interrelated and mutually conditioning elements that ensure the common goal of resocialization of convicts and their mastering of basic social functions as a necessary condition for correction and successful adaptation in society after release⁴.

Article 107 of the Penal Code states that convicts serving sentences in correctional institutions are provided with qualified psychological assistance on a voluntary basis to adapt to the conditions of detention, overcome conflicts, normalize their mental state and neutralize negative attitudes of the individual.

To convicts serving sentences in institutions of the penal system of the Ministry of Internal Affairs of the Republic of Belarus, psychological assistance is provided free of charge according to the Law of the Republic of Belarus No. 153-Z „On the provision of psychological assistance” (adopted on July 1st, 2010). Psychological assistance, in accordance with the provisions of this law, is understood as a set of measures aimed at assisting citizens in preventing, resolving psychological problems, overcoming the consequences of crisis situations, including by activating citizens' own capabilities for self-prevention, resolving emerging psychological problems, overcoming the consequences of crisis situations and the creation of the necessary conditions for this, to inform citizens about the causes of psychological problems and about the methods and means of preventing and resolving them, on the development of personality, its self-improvement and self-realization⁵. According to the Standard Minimum Rules for the Treatment of Prisoners, adopted at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, prison staff should include a sufficient number of professionals, such as

³ A. Fedorov, Y. Suslov, Правовые вопросы обеспечения психологической помощи осужденным в местах лишения свободы, Закон и право [Laws and regulations], 11/2018, pp. 74-76.

⁴ V. Voroshchuk, Особенности организации социальной, воспитательной и психологической работы с осужденными в колониях-поселениях в условиях развития уголовно-исполнительной системы России, Прикладная юридическая психологи, [Applied Legal Psychology], 4/2014, pp. 118-125.

⁵ Law of the Republic of Belarus No. 153-Z "On the provision of psychological assistance", adopted on July 1st, 2010.

psychiatrists, psychologists, social workers, teachers and teachers of craft disciplines where it is possible⁶.

The relevance of improving psychological work with convicts was emphasized in the State Program for Improving the Penitentiary System of the Ministry of Internal Affairs for 2006-2010, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 1564 dated December 29th of 2005, which provided for the improvement of work in the provision of psychological assistance to convicts and an increase in the level of organization of the correctional process.

According to B. Spasennikov, if the convict has not undergone psychological correction of the existing pathopsychic disorders, it is difficult, and often impossible, to correct him. This fact determines the percentage of recurrence of crime that is registered today⁷.

The issues of psychological assistance to convicts are the subject of interests of scientists of various scientific specialties. Some of them (V. Seliverstov, B. Spasennikov, A. Potapov, A. Katanov, A. Kokurin, I. Kokurina) propose to single out psychological work with convicts as a separate mean of correction of convicts. There is a proposal for the use of basic means of correction in combination with measures of psychological, psychiatric, therapeutic and rehabilitation nature (A. Fedorov, Y. Suslov).

Nowadays, psychological support of convicts is recognized as an important element of the organization of the correctional process. N. Kiiko, supporting the position of V. Khomich, noted that modern penal policy needs to transform the ideology of punishment in terms of reorienting approaches to organizing the execution of criminal sentences from the position of strengthening the resocialization principles of organizing the correctional process, ensuring its high-quality psychological and pedagogical support⁸. And we fully agree with this idea. It is difficult to overestimate the importance of a convict's work with a psychologist. E. Molchanova writes that work experience convincingly proves that convicts who have a tendency to observe a person, who have patience, attentiveness, sympathy for the troubles of other people, working under the supervision of psychologists, change their attitudes, actively participate in all the endeavors of the psychological laboratory, work on their own shortcomings, begin to take a serious interest in psychological knowledge and other sciences, study *in*

⁶ Standard Minimum Rules for the Treatment of Prisoners, [Online] at https://www.un.org/ru/documents/decl_conv/conventions/prison.shtml, accessed on 11/04/2021.

⁷ B. Spasennikov, Психологическая помощь как средство исправления осужденных, Пенитенциарная наука [Penitentiary Science], 2015, pp. 70-71.

⁸ N. Kiiko, Гуманизация уголовно-исполнительной системы Республики Беларусь как основное направление ее реформирования, Вестник Академии МВД Республики Беларусь [Bulletin of the Academy of the Ministry of Internal Affairs of the Republic of Belarus], 1/2017, pp. 96 - 101.

absentia, receiving higher education. As the author notes, relapse of such persons after release is practically absent⁹.

In the Republic of Belarus, psychological assistance to convicts serving sentences of imprisonment is regulated by the Internal Regulations of Correctional Institutions approved by the Resolution of the Ministry of Internal Affairs of the Republic of Belarus No. 174 dated October 20th, 2000 (hereinafter - the Internal Regulations of Correctional Institutions). According to the Internal Regulations of Correctional Institutions, in the buildings of dormitories of correctional institutions, special rooms are equipped to provide psychological assistance to convicts. The document emphasizes that psychological assistance is a right, but not an obligation of a convicted person. However, some scientists propose, along with the fixed right of convicts to psychological assistance, to consolidate their obligation to participate in resocialization, social, medical and rehabilitation programs¹⁰. A. Fedorov and Y. Suslov write that by refusing to participate in psychological activities, the convict officially confirms his unwillingness to work together with a specialist in the direction of his correction, which in turn can be regarded as unwillingness to correct his asocial, criminal attitudes. In Germany, for example, refusal to work with a psychologist is an indicator of the convict's unwillingness to take the path of correction¹¹.

However, in our opinion, a convict's refusal to work with a psychologist may not always be caused by reluctance (averseness) to participate in the correctional process. The reluctance of the convicted person to participate in psycho-correctional events may be associated with both distrust of psychologists as specialists in general, and the perception of a penitentiary psychologist exclusively as an employee of the penal system, whose actions are aimed at implementing regime requirements.

In the Internal Regulations of the Correctional Institution, special attention should be paid to Chapter 54 "Psychological assistance to convicted persons", consisting of the only article 290 that "*psychological assistance to convicts is provided*

⁹ Е. Molchanova, Проблемы правового регулирования деятельности секции психологической помощи для осужденных в местах лишения свободы, Вестник Томского государственного университета. Право [Bulletin of Tomsk State University. Law], 2009, pp. 86-88.

¹⁰ V. Pozdnyakov, Ресоциализация несовершеннолетних осужденных на основе системы общественных воздействий: история и современность, Актуальные вопросы психологии, педагогики и социальной работы [Relevant issues of psychology, pedagogy and social work], 4 (16)/2011, pp. 70-81, V. Pozdnyakov, Современные инновации в отечественной уголовно-исполнительной системе и проблемы их психологического обеспечения, Сборник материалов круглого стола международной научно-практической конференции "Совершенствование психологической, социальной и воспитательной работы в уголовно-исполнительной системе" [Collection of materials of the round table of the international scientific and practical conference "Improvement of psychological, social and educational work in the penal system"], 2018, pp. 42-47.

¹¹ A. Fedorov, Y. Suslov, *op. cit.*, pp. 74-76.

*in the manner prescribed by law*¹². This provision of the Internal Regulations of Correctional Institutions is blanket in nature. It does not disclose the procedure for providing psychological assistance to convicts serving sentences of imprisonment, and also does not regulate the range of rights of convicts associated with psychological assistance. In our opinion, the procedure for providing psychological assistance requires deeper and more detailed regulation.

3. Conclusions

Today, there is a need to disclose the content of psychological assistance to convicts, to clarify and consolidate both the definition of “psychological assistance” in the penal legislation, and the procedure for providing psychological assistance to convicts, especially those serving sentences of imprisonment. The relevance of a clearer regulation of the participation of psychologists in the correctional process is emphasized by both scholars of the penitentiary community and psychologists. The document being developed to regulate the activities of psychologists in correctional institutions should be the result of the work of practitioners and legal scholars, psychologists, sociologists and educators.

However, the consolidation of psychological work with convicts, as an independent means of correction, today, in our opinion, is not necessary. Psychological work with convicts can be interpreted as a form of social influence on convicts. The activities of penitentiary psychologists, in our opinion, can be attributed to the activities of subjects of social influence, since their work is aimed not at the implementation of the regime's requirements of the institution, but at solving the problem of correcting the convict and his subsequent resocialization and readaptation to life in civil society.

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¹² Internal regulations of correctional institutions approved by the Resolution of the Ministry of Internal Affairs of the Republic of Belarus dated 20.10.2000, No. 174.

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***Standard Minimum Rules for the Treatment of Prisoners, [Online] at https://www.un.org/ru/documents/decl_conv/conventions/prison.shtml