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# Theory and practice of influence caused by the criminal subculture on crime in the penitentiary sphere

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## Abstract

The object of study was the study of the theory and practice of the influence caused by the criminal subculture on criminality in the penitentiary environment. In the main content of the research, two directions are highlighted: first, the influence of criminal subculture among convicts in places of detention of the State Criminal Executive Service of Ukraine and; the second direction of influence, this caused by criminal subculture among convicts who are registered with parole of the State Institution «Parole Center». The methodological basis of the research was presented as comparative-legal and systematic analysis, formal-legal method, method of interpretation, hermeneutic method, as well as methods of analysis and synthesis. Among the contributions of the research, the definition of the influence that the criminal subculture exerts on delinquency in the penitentiary environment is formulated. It concludes on the need for the mandatory application of measures for the individual prevention of professional delinquency, in terms of judicial and public policies.

**Keywords:** theory and practice; criminal influence; criminal subculture; probation; prison environment.

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## Teoría y práctica de la influencia que provoca la subcultura delictiva sobre la delincuencia en el ámbito penitenciario

### Resumen

El objeto de estudio fue el estudio de la teoría y práctica de la influencia que provoca la subcultura delictiva sobre la delincuencia en el ámbito penitenciario. En el contenido principal de la investigación, se destacan dos direcciones: primero, la influencia de la subcultura criminal entre los convictos en los lugares de detención del Servicio Ejecutivo Penal del Estado de Ucrania y; la segunda dirección de influencia, está causada por la subcultura criminal entre los convictos que están registrados con libertad condicional de la Institución Estatal “Centro de Libertad Condicional”. La base metodológica de la investigación se presentó como análisis comparativo-legal y sistemático, método formal-legal, método de interpretación, método hermenéutico, así como métodos de análisis y síntesis. Entre los aportes de la investigación, se formula la definición de la influencia que la subcultura delictiva ejerce sobre la delincuencia en el ámbito penitenciario. Se concluye sobre la necesidad de la aplicación obligatoria de medidas para la prevención individual de la delincuencia profesionales, en términos judiciales y de políticas públicas.

**Palabras clave:** teoría y práctica; influencia criminal; subcultura delictiva; libertad vigilada; ámbito penitenciario.

### Introduction

In view of the subject of the research, it should be noted that the state of penitentiary crime in the places of detention of the State Criminal-Executive Service of Ukraine (hereinafter referred to as the SCESU) and the authorized bodies on probation issues of the State Institution “Probation Center” (hereinafter referred to as the SIPC) in the conditions of martial law covers a significant amount of its indicators, in particular, influence caused by the criminal subculture on crime in the penitentiary sphere.

As a result of a sharp change in the nature of social relations and new economic processes taking place in Ukraine, the nature of crime has also changed. This, in turn, affected both the qualitative composition of convicts in prisons and the environment of convicts in general.

Consequently, the tendency to keep convicts in places of detention leads to overcrowding of prisons, significant human and financial costs for their maintenance, and it also significantly complicates the process of

socialization, resocialization of convicts as well as the possibility of their reintegration into the society after release.

Obviously, when the state does not pay enough attention to penal institutions where the processes of execution / serving of criminal sentences take place, there is an increased danger of emergence of a criminal subculture among convicts with its own values, norms, language (jargon, argot, slang), traditions, and lifestyle.

According to the research conducted by scientists of the “Intellect” scientific school such integration of the criminal subculture into lives of prisoners in places of detention is a consequence of pressure caused by some convicts on others, as well as hushing up of its existence by the administration of places of detention and, obviously, unwillingness to change it.

The purpose of this article is the theory and practice of influence caused by the criminal subculture on crime in the penitentiary sphere, since its main aspects can be useful in the process of preventing convicts from committing new crimes in the penitentiary sphere.

Based on the purpose, the following tasks are set: to find out scientific and practical approaches to defining the concept of criminal subculture in places of detention; to propose to the scientific community two hypotheses of influence caused by the criminal subculture on crime in the penitentiary sphere; to determine longevity of the criminal subculture among convicts in places of detention.

## **1. Literature review**

It is important to emphasize that the term “criminal subculture” in places of detention has been used in the scientific sphere for a long period of time, but its influence on antisocial and, even more so, on crime in the penitentiary sphere has been discussed since relatively recently.

In particular, the domestic criminologist O. M. Dzhuzha defines criminal subculture as a set of special rules of behavior, customs, and morals that have developed in a criminal environment and are characterized by an anti-social orientation aimed at achieving the internal goal and the external goal of functioning of a criminal organization (Dzhuzha, 2011).

Another domestic scientist, L. Gula, when researching criminal subculture as a determinant of crime in penal institutions, came to the conclusion that criminal subculture in places of deprivation of liberty is a way of life of convicts who have united in groups of a negative direction and who adhere to certain criminal traditions in order to establish dominance over other convicts.

In addition, the scientist emphasizes that when studying the criminal subculture that exists in places of deprivation of liberty, one can clearly identify the fact that it has a rather close connection and influence on penitentiary crime. Based on criminal rules and prison traditions, self-regulation of relations between convicts is carried out; convicts implement inhumane methods of influence and suppress human dignity, and in some cases arbitrariness and cruelty are demonstrated (Hula, 2018).

Undoubtedly, their works will always be useful for the theory and practice of the criminal-executive system of Ukraine, since the problem of the penitentiary subculture is always connected with commission of new crimes by the convicted in places of detention. In addition, certain issues of theoretical understanding and development of humanism in the sphere of criminal law were researched by contemporary Ukrainian researchers Halaburda Nadiia, Leheza Yevhen, Chalavan Viktor, Yefimov Volodymyr, Yefimova Inna investigated (Halaburda *et al.*, 2021).

## **2. Materials and methods**

The research is based on works by foreign and Ukrainian researchers regarding methodological approaches to understanding the theory and practice of influence caused by the criminal subculture on crime in the penitentiary sphere, etc.

With the help of the epistemological method defined have been theories and practices of influence caused by the criminal subculture on crime in the penitentiary sphere, etc.; thanks to the logical-semantic method, the conceptual apparatus was deepened, theory and practice of influence caused by the criminal subculture on crime in the penitentiary sphere have been determined etc. Thanks to the existing methods of law, we have managed to analyze the essence of theory and practice of influence caused by the criminal subculture on crime in the penitentiary sphere, etc.

## **3. Results and discussion**

When studying the concept of subculture and its up-to-date meaning the domestic scientist O.G. Krykushenko divides it into the subculture of the criminal world (which is hidden from the society) and the subculture of penal institutions, especially places of detention where people use the subculture as a means of integration and overcoming the burdens associated with serving their sentence (Krykushenko, 2014).

Based on the results of their own research on crime in the penitentiary sphere scientists of the “Intellect” scientific school came to the conclusion

that isolation of persons guilty of crimes in places of detention does not always produce positive results, and the fact that when appearing in such places according to the court sentence they sometimes commit never less serious and especially serious crimes, provides the criminological science with the task of revising outdated concepts of prevention and creating new, more effective ones (Bohatyrov, 2022).

Supporting this position of scientists, we believe that it is just the time to develop a concept of counteracting influence caused by the criminal subculture on the process of execution/serving of criminal punishments. This is caused by the fact that the taxpayers, at whose expense convicts are kept in places of detention, do not understand why when being in conditions of isolation a convicted person commits a crime again, giving rise to a new type of crime - penitentiary crime.

Our proposal corresponds to the opinion of the domestic scientist I.M. Kopotuna, in whose opinion, commission of a new crime by a convicted person in places of detention increases the punitive side which is expressed in the non-alternative application of punishment in the form of deprivation of liberty for a certain period as well as in strengthening the conditions of the regime of serving punishments (Kopotun, 2013).

This is confirmed by the fact that the above-mentioned criminal subculture occupies an appropriate place among convicts in places of detention, and negatively affects their behavior during serving of a criminal sentence, and therefore it requires the administration of correctional colonies to apply various security levels to act preventively by means of registering convicts who support traditions of the subculture in places of detention.

So, in our opinion, the theory and practice of the influence of the criminal subculture on crime in the penitentiary sphere is based on two basic hypotheses. The first hypothesis is related to a certain system of humanization of the criminal-executive system in Ukraine at the stage of its transformation into the penitentiary system of Ukraine, which indicates that every reformation of the system generates changes in the activities of penal institutions. And it covers all aspects of life, both of convicts and of the personnel serving it.

The domestic scientist V. Radievskyi conducted a survey of employees of the criminal enforcement system of Ukraine regarding the stereotypes of the penitentiary subculture in places of detention and ways to change it. The respondents proposed the following solutions: psychological and pedagogical influence on small groups of convicts prone to committing new criminal crimes in places of detention (38.3%), elimination of criminal traditions among convicts (37.3%), improvement of material and living conditions of convicts in places of detention (36.3%), expanding

the influence of religious and public organizations on convicted relatives (31.3%) (Radziievskiy, 2012).

The above-mentioned approaches of scientists to the influence caused by the penitentiary subculture on the liberalization of the criminal-executive system of Ukraine show that in places of detention each convict (consciously or intuitively) aims to preserve his/her human personality, and therefore he/she is forced to focus on those who live in the conditions of imprisonment and even to increase his/her status by means of following traditions and customs of the penitentiary subculture (Matviichuk *et al.*, 2022).

And although the penitentiary subculture is in a certain shadow, it is not talked about publicly, it is absent in reports of correctional camps, both convicts and staff know about it. My life experience of working with convicts shows that they constantly complain about justice and violations of their rights, and if the administration of their correctional camp does not respond to such complaints, people from the penitentiary subculture take its place. It is leaders of the penitentiary subculture who take on the role of justice for food, receiving parcels from family and friends, a place to sleep, choosing a workplace, etc.

When researching crime in places of detention in Ukraine, the domestic scientist A.I. Bohatyrov came to the conclusion that the problem of the penitentiary subculture is closely related to criminal leaders who support customs and traditions of the criminal world by means of their illegal actions performed against the will of convicts, and who influence them in various forms and methods, and at the same time act as mediators of convicts based on the penitentiary subculture (Bohatyrov, 2019).

That is why some convicts (those who do not agree with inculcation of the penitentiary subculture in them) make another choice and agree to cooperate with the administration of the correctional camp. As a rule, the motive and choice consist in a possibility to get out of prison as soon as possible. It is precisely intercession of the administration of the correctional camp that is an unobstructed way to obtain the right to release on parole (Villasmil Espinoza *et al.*, 2022).

Therefore, it is important to understand how dangerous the penitentiary subculture is for the correction and re-education of convicts, their self-affirmation in the penitentiary. And if the Ministry of Justice of Ukraine does not want to assess the influence caused by the penitentiary subculture on liberalization of the criminal-executive system, we can predict its deterioration, not its improvement (Tylchuk *et al.*, 2022).

Another hypothesis involves determining factors of the penitentiary subculture that affect the psychological state of convicts in places of detention:

- illegal behavior of a convicted person while serving his/her sentence for the crime committed;
- refusal to implement decisions of the administration and staff of places of detention;
- suicide among convicts and prison personnel representatives;
- committing penitentiary crimes by convicts and prison personnel representatives;
- slang vocabulary, criminal tattoos, criminal folklore, use of alcoholic beverages, explosive materials etc. (Leheza *et al.*, 2022).

As our research showed, the Ministry of Justice of Ukraine does not reflect influence caused by the penitentiary subculture on lives of convicts in places of detention in reports and newsletters, and therefore it is very difficult to determine quantity and quality of such influence. We receive such information either during surveys of personnel of the criminal executive system or in conversations with operatives during their advanced training at educational institutions of the Ministry of Justice of Ukraine (Zhukova *et al.*, 2023).

It is important to note that influence caused by the penitentiary subculture on liberalization of the criminal-executive system of Ukraine in the up-to-date conditions of its reformation and transformation into a penitentiary system is connected, on the one hand, with insufficient funding from the state budget for development of the penitentiary system, and on the other hand, with acceptance of the penitentiary subculture by convicts who get adjusted to conditions in places of detention, where customs and traditions of the criminal world have been established for years (Kobrusieva *et al.*, 2021).

Therefore, influence caused by the criminal subculture in places of detention is connected with relations of execution/serving of punishment, which, according to domestic scientists, are based on the unity and differentiation of two subjects - the administration and the convicts. A sign of unity stems from the stay of these subjects in a single institution with its clearly defined boundaries and corresponding statutory (internal) rules. The sign of differentiation clearly stems from subordination relations (subordination vertical), based on inequality of legal statuses, which often leads to emergence of certain internal conflicts that support the criminal subculture in places of detention (Khalymon *et al.*, 2023).

## **Conclusions**

The article examines the problem of influence caused by the penitentiary subculture on liberalization of the criminal-executive system of Ukraine. Attention is drawn to the necessity of mandatory application of measures for individual prevention of professional crime. It is determined that measures to neutralize criminogenic nature of places of deprivation of liberty are divided into organizational ones and educational ones.

Prevention of the penitentiary subculture is connected with implementation of a set of measures aimed at ensuring a proper standard of living, person's return to the society, education, and provision of necessary assistance after punishment.

Definition of influence caused by the criminal subculture on crime in the penitentiary sphere is formulated.

In addition, within the framework of the measures under consideration, it is necessary to develop special measures to counter the penitentiary subculture. Based on the results of the research, proposals have been made concerning improvement of the penitentiary subculture prevention system.

1. identification and registration of all leaders of the penitentiary subculture who are serving sentences in places of detention;
2. creation of a single data register in the Ministry of Justice of Ukraine on the leaders of the penitentiary subculture;
3. exclusion of residence of penitentiary subculture leaders with convicts who have committed a crime for the first time and are directed to serve their sentences in places of detention.

## **Bibliographic References**

- BOHATYROV, Andrii Ivanovych. 2019. Anti-criminogenic influence on crime among convicts in places of deprivation of liberty in Ukraine. Helvetica Publishing House. Kherson, Ukraine.
- BOHATYROV, Ivan Hryhorovych. 2022. Penitentiary criminology: a textbook. «Helvetika» Publishing House. Odesa, Ukraine.
- DZHUZHA, Oleksandr Mykolaiovych. 2011. International police encyclopedia: in 10 vols. Vol. IV: Criminal - legal, criminological and criminal enforcement principles of police activity. K.: Attica. Ukraine.
- HALABURDA, Nadiia; LEHEZA, Yevhen; CHALAVAN, Viktor; YEFIMOV, Volodymyr; YEFIMOVA, Inna. 2021. "Compliance with the principle of

the rule of law in guarantees of ensuring the legality of providing public services in Ukraine” In: *Journal of law and political sciences*. Vol. 29, No. 4, pp. 100-121.

HULA, Lev. 2018. Criminal subculture as a determinant of crime in penal institutions. *Bulletin of the Lviv Polytechnic National University*. Lviv, Ukraine.

KHALYMON, Serhii Ivanovych; BOHATYROV, Ivan Hryhorovych; PUZYROV, Mykhailo Serhiiiovych; KOLOMIETS, Nataliia Volodymyrivna; BOHATYROV, Andriy Ivanovych. 2023. “Characteristic of a Female Recidivist: Qualitative Empirical Analysis (View from Ukraine)” In: *International Journal of Offender Therapy and Comparative Criminology*. Vol. 67, No. 5, pp. 447-470.

KOBRUSIEVA, Yevheniia; LEHEZA, Yevhen; RUDOI, Kateryna; SHAMARA, Oleksandr; CHALAVAN, Viktor. 2021. “International standards of social protection of internally displaced persons: administrative and criminal aspects” In: *Jurnal cita hukum indonesian law journal*. Vol 9, No 3, pp. 461-484.

KOPOTUN, Ihor Mykolaiovych. 2013. “Foreign experience in preventing crimes leading to emergency situations in correctional colonies” In: *Comparative and analytical law*. No. 03, pp. 203-204

KRYKUSHENKO, Oleksandr Heorhiiiovych. 2014. “The concept of subculture and its modern meaning” In: *Comparative and analytical Law*. Vol. 45, No. 3, pp. 91-92

LEHEZA, Yevhen; PISOTSKA, Karina; DUBENKO, Oleksandr; DAKHNO, Oleksandr; SOTSKYI, Artur 2022. “The Essence of the Principles of Ukrainian Law in Modern Jurisprudence” In: *Revista Jurídica Portucalense*. No. 32, pp. 342-363.

MATVIICHUK, Anatolii; SHCHERBAK, Viktor; SIRKO, Viktoria; MALIEIEVA, Hanna; LEHEZA, Yevhen. 2022. “Human principles of law as a universal normative framework” In: *Cuestiones Políticas*. Vol. 40, No. 75, pp. 221-231.

RADZIIIEVSKYI, Volodymyr Oleksandrovych. 2012. “About certain social prerequisites for the emergence of a criminal subculture” In: *Entrepreneurship, economy and law*. No. 8, pp. 164-168.

TYLCHYK, Vyacheslav; MATSELYK, Tetiana; HRYSHCHUK, Viktor; LOMAKINA, Olena; SYDOR, Markiiian; LEHEZA, Yevhen. 2022. “Administrative and legal regulation of public financial activity” In: *Cuestiones Políticas*. Vol. 40, No. 72, pp. 573-581.

VILLASMIL ESPINOZA, Jorge; LEHEZA, Yevhen; HOLOVII, Liudmyla. 2022. "Reflections for the interdisciplinary study of the Russian Federation's invasion of Ukraine in 2022" In: Cuestiones Políticas. Vol. 40, No. 73, pp. 16-24.

ZHUKOVA, Yevheniia; BRYL, Kostyantyn; SVYSTUN, Larysa; KOBRUSIEVA, Yevheniia; LEHEZA, Yevhen. 2023. "Legal regulation of public administration of education and science" In: Cuestiones Políticas. Vol. 41, No. 76, pp. 336-346.



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