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CONCEPTUAL APPROACH TO REFORMING THE FINNISH PENITENTIARY SYSTEM

In Ukraine, the process of reforming the penitentiary system has been revitalised. A draft law 'On the Penitentiary System' is currently being prepared. In this regard, it is particularly important to study and take into account the positive experience of other countries that have successfully gone down this path.

This study examines the approaches and methods used in the implementation of reforms in the Finnish prison system. Fifty years ago, this country had the highest rate of prisoners in Europe. However, pragmatic approach to reforms, their clear conceptual understanding and justification, and consistent implementation have led to this country now being one of the models of a functioning and effective penal service. Moreover, this system does not have any signs of punitiveness or a high level of human rights violations.

The article notes that it was precisely the formulation of the concept and expectations of the penitentiary system, as well as taking into account the willingness of society to support this particular direction of activity, that led to the success of the reforms. The Finnish penitentiary system is based on the principles of reducing prison terms and reducing the use of this punishment. In most cases, it is replaced by fines, and in cases of actual application, it provides for the possibility of transition to milder sanctions or release. The system is based on a humane attitude towards convicts, their full support and readiness to accept them into a free society without significant objections. The Finnish version of a 'welfare society' has a complex and well-developed social support system that is ready to work with convicts. It is also emphasised that this approach is largely the result of Finland being one of the so-called consensual democracies, which generally necessitates the use of different methods to address social problems and challenges. The overall conclusion of the article is that the experience of other countries is extremely important for successful reforms and changes. At the same time, Ukraine has significant social and political differences, which are now compounded by the current state of war. All these features must certainly be taken into account, but this does not mean that positive examples cannot be considered. Therefore, it is proposed to begin the reform of the penitentiary service by defining a long-term and sustainable concept for the functioning of this service, consistently integrating the penitentiary system into the overall structure of social institutions, and establishing stable and reliable links between these institutions.

Keywords: *penitentiary system, prison system reform in Finland, penitentiary system concept, penitentiary system reform in Ukraine.*

Problem statement. The penitentiary system of Ukraine has been and remains one of the most painful issues for the Ukrainian state. Ukraine has been making attempts to reform this system since gaining independence. At the same time, it is impossible to speak of the success of these efforts. The enforcement of criminal penalties remains in an inadequate state to this day.

Currently, initiative groups from various social institutions have begun preparing and reviewing a draft law on the penitentiary system. However, even a brief review of the draft shows that it has been poorly designed and will not resolve the issue of reforming and implementing a system that meets democratic standards of legality and humanism. We have already noted this earlier [1].

The central issue in connection with the reformatting of the penitentiary system is to clarify why this system exists, what goals it seeks to achieve, what methods it will use to achieve them, what society expects from it, and what society is prepared to do to achieve this goal.

We believe that in order to answer certain questions, it is advisable to refer to the experience of other countries that have faced similar problems. Studying this experience will be useful for developing our own approach that takes into account Ukrainian realities and characteristics. After all, we propose to study the experience of reforming the prison system of the Republic of Finland.

State of development of the issue. The issue of studying the experience of European countries in reforming their prison systems has always been the focus of research by domestic lawyers. At the same time, we have almost no comprehensive and systematic studies of these issues. There are only a few publications that provide examples of prison systems in individual European countries, in particular Sweden, Norway, Italy, Belgium, etc. Among the authors are Y. P. Krysiuk, O. V. Lysoded, M. V. Romanov, A. Kh. Stepanuk, I. S. Yakovets. However, in all of their works, researchers usually focused on specific features of the penitentiary systems of other countries, on the types of punishments and alternative sanctions that exist there, and on the measures of influence applied to convicts. And they almost never paid attention to the conceptual differences in approaches to building the system, to the idea underlying the enforcement of criminal penalties.

The purpose of this article is to examine, first and foremost, the conceptual basis of the Finnish prison system, which 'worked' both during the active phase of reforms and has been preserved to this day, creating a reliable and stable social background for the entire prison system as a social institution in Finland.

Presentation of the main material In the early 1950s, there were about 200 prisoners per 100,000 inhabitants in Finland, compared to about 50 in Sweden, Denmark, Norway and Japan. Even in the 1970s, the proportion of prisoners in the Finnish population remained the highest in Western Europe. But then the situation changed: while the prison population was growing in most European countries, the number of prisoners in Finland was declining. In the early 1990s, Finland reached the Scandinavian

level of 60 prisoners per 100,000 inhabitants. The first thing to note is that such a radical change cannot be explained, as is often assumed, by a decline in crime. As the number of prisoners in Finland decreased, the crime rate increased [2; p.4].

This quote from the work of Finnish researcher Tapio Lappi-Seppälä clearly illustrates the situation with the Finnish penal system, which between 1970 and 1990 went from having the highest rate of imprisonment per 100,000 inhabitants to one of the lowest rates in Europe.

We are well aware that statistical indicators do not always reflect the success of reforms and their positive social impact. And although in the case of Finland all these indicators coincided (the reform was successful and its social impact was positive), when planning any changes, it is necessary to take into account the aspirations and expectations associated with them, as well as their consequences. This indicates the need for an ideology of future transformations. A major impetus for the formation of an ideology, or rather a concept (since the word 'ideology' currently has negative connotations), is the social demand for transformation, the desire and readiness of society to change the situation.

Finnish researchers understood this key condition well and considered it to be the main prerequisite for future success. The possibility of implementing a series of reforms aimed at reducing the level of repression became a reality only because the groups of experts responsible for planning the reforms or those who dealt with the issue of crime control in research institutes and universities were almost unanimous in their conviction that the high proportion of prisoners in the Finnish population compared to other countries is a disgrace; the number of prison sentences and their length can be significantly reduced without worsening the crime situation. This belief was shared by civil servants, the judiciary, prison authorities and, not least, politicians, notes Patrick Tornudd [3; p. 5].

Such unanimity in views on the penitentiary system already indicated the future success of the reform, as it reflected the existence of social demand for change and readiness for it. Unfortunately, we cannot say that such an attitude towards similar issues exists in Ukraine.

As we begin this brief study, we would like to emphasize once again that we believe in the decisive role of developing and implementing a concept for the

enforcement of sentences. Moreover, we are not talking about a 'transitional' concept, the main idea of which is that we expect rapid changes in the current situation or demonstrate vigilance and attention to the problem, and then we are not very interested in what will happen because we will no longer be managing this system and researching it. We mean a concept that will lay the foundation for this activity for a more or less long period of time. And that is why it must first be thought out, researched, formulated, and then properly implemented and supported. This will allow the reforms to remain sustainable.

I started with this in order to focus immediately on the methodological approaches used by lawyers and academics in other countries and the narratives they used as a basis for reforming prison systems. It is important to keep this emphasis in mind because legal systems are different, and we are not trying to compare them or draw parallels regarding possible borrowings.

We are trying to demonstrate something else, namely how the thinking of lawyers and academics evolved during the reform of the prison system.

In connection with the success of the Finnish reform, Patrick Tormund notes: countries... differ sharply in terms of political culture, people's fear of crime, levels of institutional and interpersonal trust, social policy, income distribution, and the nature of media reporting on crime. Research by criminologists shows that these factors determine criminal policy.

Furthermore, it is more important to understand the ideological factors behind the reduction in the prison population than to delve into its technical details [3; p. 7].

Here we see an example of prioritising conceptual and methodological approaches. After all, the concept behind the construction of a new penitentiary system is its non-mass nature. Finnish lawmakers seek to create a system that is not focused on isolating people who have committed crimes from society. This conceptual approach also determines the methods and strategy for further action.

As another Finnish researcher, Tapio Lappi-Seppälä, confidently notes, the number of prisoners and their share of the population cannot be explained by the state of crime. This is the result of political processes, but they can also be influenced [2; p. 9].

It should be noted, and we consider this extremely important for understanding and comprehending the

failures of almost all efforts at reform, particularly of Ukraine's penitentiary system, that national legislators never begin with such steps. In Ukraine, any reform is carried out in a 'plugging holes' mode. They are reactive. There is an urgent need, it is solved in the short term, creating a quick but, unfortunately, unsustainable effect that disappears very quickly and sometimes even leads to unexpected negative consequences. Unfortunately, there are many such examples in Ukraine. In particular, the reform of prison medicine, which resulted in the creation of the Central Medical Centre of the State Penitentiary Service as a separate autonomous structural unit of the State Penitentiary Service. Today, we can see that this reform has failed for a number of reasons. Firstly, it does not comply with European standards, according to which medical care for prisoners should not differ from medical care for free people in terms of its source, scope or quality. Secondly, the special medical structure of the State Penitentiary Service was not adequately equipped and in fact does not have the capacity to actually perform the tasks assigned to it. After all, the need to reform the healthcare system for convicts is currently being discussed again.

Another striking example is the introduction of probation in Ukraine. Although it has been in place for over a decade, probation has unfortunately failed to become a transformative tool for the penal system or to exert a significant impact on it. This is largely due to the fact that probation is still perceived as a mere 'continuation' of administrative supervision, conflated with the legacy of correctional labour.

Let's return to the Finnish experience. The next important point in their approach is a list of very meaningful criteria that help to determine the direction and path of change and fill it with relevant content. As Tormund notes, criminological criteria are key in this regard. Research into relevant social relations based on these criteria can provide information that is necessary not only to clarify the differences between countries and approaches, but also to understand the needs of Ukrainian society and formulate a concept for the future penitentiary system and the enforcement of sentences.

Take, for example, the type of political culture. According to research by Gabriel A. Almond and Sidney Verba [4], there are three types of political culture: patriarchal – citizens have little interest in politics and do not participate in it; subservient –

people are aware of the authorities but are passive and do not influence political processes; activist (participatory) – citizens actively participate in political life.

Based on this classification, it is evident that depending on the political culture prevailing in a particular country, the measures implemented, the methods of their implementation, the mechanisms ensuring the functioning of the relevant institutions, and society's expectations of the measures introduced will vary. To characterise Ukraine according to these groups, of course, a thorough study is needed, but in any case, it can be said with confidence that the current national political culture is mixed with a significant tendency towards activity. This is especially noticeable during the war, when society is in a state of mobilisation. Therefore, Ukrainian society is far from calm, which leads to rather chaotic and hasty responses to challenges.

Ukraine also exhibits signs of so-called 'majoritarian' democracies, which are characterised by populism, reactionary methods of action, and speculation on crisis issues. In fact, since the last years of the USSR and up to the present day, the topic of crisis, the need for immediate change and reform has remained at the forefront of the political and media space. This is almost always the topic of discussion.

In majority democracies, there is more 'talk of crisis', more criticism, more short-term decisions, and more direct appeals to public demands.

Consensus democracies, on the other hand, soften contradictions, generate less 'crisis talk', prevent dramatic upheavals, and promote long-term consistent policies. In other words, consensus democracies are less susceptible to political populism. In fact, low incarceration rates are a by-product of consensual, corporatist political cultures in which negotiation practices play an important role [5; p. 64].

The same is true of the other criteria highlighted by Tormund. These include the level of fear of crime, the state of social policy, the distribution of wealth, and the nature of media reports on crime. All these factors make it clear that it is very difficult to draw parallels between reforms in different countries, and even more difficult to do so when it comes to prison systems. The latter are always sore points in society, because it is in prison systems that those who are in conflict with the law and society find themselves, and therefore are by default in a state of dissonance.

However, I would particularly like to focus on one factor that determines approaches to reforming the prison system, namely the level of institutional and interpersonal trust.

Therefore, when discussing Ukraine and taking into account the above-mentioned feature, it must be acknowledged that institutional trust is lacking at the national level. In my article *The Carceral Continuum and the Penitentiary System in Ukraine* [6], I described how the failure of Ukrainian reforms in the penitentiary sphere is largely due to the lack of institutional links between law enforcement agencies and other social infrastructure entities.

As for interpersonal trust, it is the basis of any successful interaction in any social relationship. Finnish criminologists were well aware of this. Tapio Lappi-Seppälä notes that trust also has a social dimension. Trust in people, fears and calls for severity are interrelated. The decline in trust in many Western countries since the 1960s is linked to the weakening of community ties, the rise of individualism and the 'culture of fear'. In a world where bonds of solidarity are weakening, other people begin to seem like strangers rather than friends. We don't know who to trust [5; p.62].

In this sense, the events of recent years have worked against the expansion and strengthening of trust. The past 'pandemic', which introduced processes of alienation, as well as the total obsession with 'digitalization', reinforces this trend and deepens both general and individual mistrust. Incidentally, against the backdrop of these events, as well as the war, we are already seeing an increase in repression and a rollback of the idea of human 'rights'.

Ukrainian society is steeped in mistrust. In the context of this study, the main point is that there is a deep distrust of the authorities and the actions they implement¹. The lack of trust in government institutions leads to each of these institutions becoming 'encapsulated', forming a small but highly autonomous micro-system that begins to 'work' for self-preservation. This is clearly evident in the actions of the prison system. Its apologists actively resist any

¹ Примітка. На нашу думку, це є однією з головних причин стійкості феномену корупції. Саме недовіра до влади, небажання контактувати з суб'єктами владної діяльності, зневірення в те, що влада буде дотримуватися вимог закону та діяти належним чином, викликає потребу «вирішувати питання» в інший спосіб: громадяни шукають інші шляхи досягнення цілей, уникаючи прямих контактів із представниками влади.

changes that could threaten the integrity of the system or actively interfere with its activities.

There are many similar examples in Ukraine. Among them are the constant attempts by the Ministry of Justice of Ukraine and the State Penitentiary Service to restrict the right to visit penal institutions with monitoring visits, which is enshrined in Article 24 of the Penal Code of Ukraine and which today is not only an effective mechanism for influencing the administration of institutions, but also a lever for positive changes throughout the system [7]. Incidentally, the possibility of visiting penal institutions, provided for in Article 24 of the Criminal Executive Code of Ukraine, can be called one of the most striking achievements of Ukraine's criminal executive legislation. In many Western European countries, it is much more difficult for representatives of civil society to visit prisons than in Ukraine.

Another example is the recent trend towards the creation of separate operational and investigative units within the structure of the State Penitentiary Service [8]. The creation of such units is contrary to European standards in the field of human rights and the principles of operation of penitentiary institutions (prisons). As a general rule, the function of enforcing sentences cannot be combined with the function of investigation. After all, the investigating body must be independent of the prison administration (in the broadest sense). European prison rules also require the separation of prison staff and investigative bodies in order to avoid conflicts of interest and the concealment of violations.

The examples given clearly illustrate the attempts of the Ukrainian prison system to become autonomous and separate itself from society, to remain a closed system.

Each country has its own specific characteristics and peculiarities, which must be taken into account when implementing reforms. However, this does not mean or deny that the experience of other countries is not acceptable. Quite the contrary. We must use this experience and formulate our own concept for reforming the penitentiary system, which will be based on the objectives set for the enforcement of sentences and the expectations of the activities of the bodies and institutions that carry out this activity.

Finland acted very pragmatically. A general goal was set – to reduce the number of convicts serving long prison sentences. Moreover, it seems that in formulating this goal, the Finns were not particularly concerned with linking it to the overall goal of crime

control and had no illusions that reducing the number of prisoners serving long sentences would have any lasting correlation with the crime situation or a significant impact on crime rates. They were and remain very sober in their approach and understand that the phenomena of crime and criminal punishment are not closely linked. Therefore, in this sense, they did not have any excessive hopes or expectations.

At the same time, it should be emphasized that this campaign was conducted under the leadership of expert researchers, in particular criminologists. They provided the conceptual basis by researching and explaining all the main features and social trends, identifying influential factors and circumstances, and the characteristics of criminal policy.

As a result, the Finnish Criminal Law Committee, which in 1976 presented its plan for a radical change to the Finnish Criminal Code, expressed its confidence that the criminal justice system is not the only, or even the main, instrument of social control over people's behaviour [9; p.41].

A very important feature, which in a sense may surprise Ukrainian lawyers, is that criminal legislation in Finland had a fairly high punitive threshold before the reforms. In particular, criminal law provided for sanctions in the form of imprisonment for drinking alcohol in public places (places of general use), and imprisonment was also possible for non-payment of fines and driving a vehicle while intoxicated (even without consequences), etc. The terms of punishment were long. Of course, under such conditions, the statistics on imprisonment were negative.

But despite this, the Finns did not turn the reform of criminal law and the penitentiary system into something it was not and could not become. Namely, the 'fight against crime'. It seems that this was one of the components of the success of the Finnish reform. After all, it did not turn into a slogan, and very pragmatic results were expected from it.

Thus, Scandinavian criminal policy is an example of a pragmatic and non-moralising approach with a clear focus on social policy. It reflects the values of the Scandinavian ideal of a welfare state and adheres to the principle that measures against social marginalization and inequality are also measures against crime.

Very frank questions were asked: if in all other respects we advocate policies based on the principles of social equality, integration of citizens, solidarity, respect for equality and humanity, why do we make

exceptions for convicts, why do we pay so little attention to those same values when implementing criminal policy?

It is emphasized that crime control and criminal policy are matters of social justice, not simply a matter of controlling dangerous individuals. Such liberal policies are in many ways a feature of developed welfare states and political cultures based on consensus and corporatism. These structural conditions have enabled (and support) tolerant policies, the development of alternatives to imprisonment, and promote trust and legitimacy. All this reduces the tension in the political system associated with the need for symbolic actions and makes it possible to comply with norms based on legitimacy and consent rather than fear.

Inkeri Anttila notes that it is important to remember that prisoners are the scapegoats of the existing system. Firstly, they suffer for all those offenders who will never be arrested and brought to justice. Secondly, they are sent to prison for all those members of society who did not become offenders because they received a better education or live in more favorable social conditions. Since prisoners serve as a warning to everyone else, the burden placed on their shoulders must be lightened. The average length of prison sentences should be reduced. Prisoners should be provided with good conditions in prisons and should be able to receive psychological and psychiatric help if they want it. They should be helped when they are released, and some of them may even be provided with a pension after very long prison terms that have led to social incapacity. We should also focus our efforts on minimizing the negative effects of imprisonment, 'prisonization' (something like resocialisation inside the prison). The longer the prison term, the more important it is to ensure normal prison conditions [10; p. 193].

Patrick Tornud adds: Unfortunately, there is a common misconception that helping victims always or in most cases means that something must be taken away from the perpetrator. Rhetorical questions about whose side we are on, the victims' or the perpetrators', are usually irrelevant, especially when considering the need to improve the victim's situation. We should not take something away from someone in order to help a victim of crime [11; p.175].

Other factors contributing to Scandinavian leniency include the strong influence of experts, the balanced position of the media and demographic homogeneity [2; p. 17].

Incidentally, all of the outlined features and differences between various conceptual and political approaches are based on solid research. Joachim Vogel distinguishes between Northern European, Southern European and Western European clusters. The Northern European cluster (Scandinavian countries) is characterised by 'high levels of social spending and labour market participation, weak family ties, relatively low levels of class and income inequality, low poverty rates, but high levels of inequality between younger and older generations'. The Southern European cluster (Greece, Italy, Portugal and Spain) is characterised by significantly lower spending on general welfare, lower employment rates, stronger family ties, higher levels of class and income inequality, higher poverty rates, but low levels of intergenerational inequality. The Western European cluster (Austria, Belgium, Great Britain, Germany, Ireland, Luxembourg, the Netherlands, France) occupies a middle position. However, Great Britain is on the borderline with the southern cluster in terms of income equality, poverty and class inequality [12, 13].

Therefore, the approach taken by the Scandinavian countries, and Finland in particular, is based on a conceptually different view of people who have committed crimes, an understanding of their place in the social architecture and an attempt to keep them as members of society. The Finns do not seek to distance themselves from such people or exclude them from social life. They recognise and accept the fact that these people are, in a sense, a product of social life, that they fulfil their function in it, live the life that is available to them, and cannot in any way be considered superfluous, unnecessary, useless, or something to be got rid of. After all, the view is humanistic.

From the point of view of viewing such people as a 'burden' on the state and society, a very pragmatic approach is again professed. Tapio Lappi-Seppälä explains this approach: the link between the costs of ensuring general welfare and the number of prisoners is well conveyed by the old slogan: 'The best criminal policy is good social policy.' This is just a different way of saying that it would be better for society to invest more money in schools, social work and family support than in prisons. Criminal policy that adheres to the principles of general welfare is, by definition, less repressive [5; p. 52].

Looking at the situation in Ukraine through this prism, we are unfortunately forced to conclude that

there is currently no unified concept for reforming the penitentiary system in Ukraine. Even the existence of such acts as the Strategy for Reforming the Penitentiary System for the Period until 2026 (Decree of the Cabinet of Ministers of Ukraine No. 1153-r of 16 December 2022) and the initiation of consideration of the draft law 'On the Penitentiary System' does not resolve this issue. Neither of these acts contains a long-term strategy based on an understanding of the purpose of the penitentiary system and the goal of punishment, an understanding of who the people who have committed crimes are, what to 'do' with them and how to integrate them into society, whether society fears them and what it expects from them, whether society is ready to accept such people and live alongside them? There are many questions that need to be answered before real reform measures can be implemented. This issue will become particularly relevant in the near future, when a large number of men who defended Ukraine with weapons in their hands and who have had traumatic experiences of violence and cruelty, who over the years have become accustomed to resolving disputes and confrontations by force, using weapons, return to civilian life. The future concept of reforming the penitentiary system must include those who may break the law from among former military personnel and be able to work with such people without stigmatising them as criminals.

Conclusions. I would like to emphasize once again that the material presented in this study should not be taken as a call to copy Finland's example or as a thesis that Ukraine is incapable of defining its own concept of punishment and its implementation. This material illustrates that no reform implemented in society can be viewed in isolation from other social processes. When reforming the penitentiary system, we must understand that it is one of the institutions of the state. Moreover, this institution is very complex and, in fact, influential. The impact of the prison system is felt by all other state institutions. And the more Ukraine tries to move forward with state reforms, especially if the benchmark for such reforms is the democratic countries of Europe, the more

we must realize that we will have to work comprehensively, simultaneously reforming a large number of other institutions and relationships. As demonstrated in the article, the reform of the penitentiary system in Finland began with the laying of conceptual foundations that provided for the 'integration' of the penitentiary system into the general social policy of the state and viewed convicts as those who should be included in an extensive network of social services and initiatives. And this is what had a positive effect. Although, if we are honest and frank, the Finns ended up with low statistics on prison sentences but a heavy burden on the social services and mechanisms that had been created. However, this situation is not a problem for the Scandinavian countries. It is precisely because of the existence of an extensive network of social services and mechanisms that they are called 'welfare states.' It seems that the key lesson to be learned from the Finnish experience is the conceptual and comprehensive approach to reform, as well as the broad involvement of researchers, particularly criminologists, in such reforms. This last feature was almost key to the success of the Finnish reforms. They were and remain confident that countries where professionals and researchers in relevant fields of knowledge are involved in shaping the direction of reforms have a deeper understanding of issues such as crime and criminal policy. Unfortunately, we cannot be proud of this in Ukraine. Moreover, we are currently witnessing the curtailment of legal education programmes and the exclusion of criminology from the curriculum studied by lawyers, while the value of legal knowledge and the legal profession has declined in recent years. All this may lead to negative consequences in the near future and does not contribute to the successful implementation of legal reforms.

However, this in no way negates the need to define a long-term and sustainable concept for the functioning of the penitentiary system, its consistent integration into the overall structure of social institutions, and the establishment of stable and reliable links between these institutions.

СПИСОК БІБЛІОГРАФІЧНИХ ПОСИЛАНЬ:

1. Романов М. В. Біг по колу: що не так з проектом Закону «Про пенітенціарну систему»: матеріали IV Всеук. наук-практ. конф. (м. Хмельницький, 13 березня 2026) «Актуальні проблеми правоохоронної діяльності в умовах дії правового режиму воєнного стану». Хмельницький: Нац. академ. держ. прикордон. служби. 2026
2. Lappi-Seppälä, Tapio. Controlling Prisoner Rates: Experiences from Finland // UNAFEI Resource Material Series. No. 74. 2008. P. 3–19. (in English)

3. Törnudd, P. Fifteen years of decreasing prisoner rates in Finland. Helsinki: National Research Institute of Legal Policy, 1993. (in English)
4. Almond, G. A., & Verba, S. The civic culture: Political attitudes and democracy in five nations. Princeton University Press. 1963. 574 (in English)
5. Lappi-Seppälä, Tapio. Explaining National Differences in the Use of Imprisonment // Sonja Snacken, Els Dumortier (eds.), Resisting Punitive ness in Europe? Welfare, Human Rights and Democracy. London: Routledge, 2011. P. 35–72. (in English)
6. Romanov, M. The Carceral Continuum and the Penitentiary System in Ukraine. Problems of Legality, (168), 2025. 212–242. <http://plaw.nlu.edu.ua/article/view/325284> (in English)
7. Вхід заборонено! Або трохи про зміни до ст. 24 КБК України. URL: <https://archive.khpg.org/pk/index.php?id=1556871823>
8. Євген Пікалов: реформа пенітенціарної системи є частиною дорожньої карти європейської інтеграції. URL: <https://sud.ua/uk/news/publication/325628-evgeniy-pikalov-reforma-penitentsiarnoy-sistemy-yavlyaetsya-chastyu-dorozhnoy-karty-evropeyskoy-integratsii>
9. Rikosoikeuskomitean mietintö. Komiteamietintö 1976:72. Helsinki, 1977. 334 (in Finnish)
10. Anttila, Inkeri. Control without repression? // Prisons Past and Future. Edited by John C. Freeman. Cambridge Studies in Criminology. London: Heinemann, 1978. P. 189–197.
11. Törnudd, Patrik. Setting Realistic Policy Goals // Törnudd, Patrik. Facts, Values and Visions: Essays in Criminology and Crime Policy. Helsinki: National Research Institute of Legal Policy, 1996. P. 163–180.
12. Vogel, J. Welfare institutions and inequality in the European Union: a lesson for developing countries // Carlucci, F., Marzano, F. (eds) Poverty, growth and welfare in the world economy in the 21st century. Bern, Berlin, Bruxelles, Frankfurt/M., New York, Oxford, Wien: Peter Lang, 2003.
13. Falck, S., von Hofer, H., Storgaard, A. Nordic criminal statistics 1950–2000. Stockholm: Department of Criminology, Stockholm University, 2003. <https://www.su.se/download/18.16e68fb219937120b117561/1758040808875/Nordic%20Criminal%20statistics%201950-2000Nordic%20Criminal%20Statistics%201950%E2%80%932000.pdf> (Accessed: 02.03.2026)

REFERENCES:

1. Romanov M. V. (2026) Bih po kolu: shcho ne tak z proiektom Zakonu «Pro penitentsiarnu systemu»: materialy IV Vseuk. nauk-prakt. konf. (m. Khmelnytskyi, 13 bereznia 2026) «Aktualni problemy pravookhoronnoi diialnosti v umovakh dii pravovoho rezhymu voiennoho stanu». Khmelnytskyi: Nats. akadem. derzh. prykordon. sluzhby. 2026
2. Vkhid zaboroneno! Abo trokhy pro zminy do st. 24 KVK Ukrainy. URL: <https://archive.khpg.org/pk/index.php?id=1556871823>
3. Yevhen Pikalov: reforma penitentsiarnoi systemy ye chastynoi dorozhnoi karty yevropeiskoi intehratsii. URL: <https://sud.ua/uk/news/publication/325628-evgeniy-pikalov-reforma-penitentsiarnoy-sistemy-yavlyaetsya-chastyu-dorozhnoy-karty-evropeyskoy-integratsii>

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КОНЦЕПТУАЛЬНИЙ ПІДХІД У РЕФОРМУВАННІ ПЕНІТЕНЦІАРНОЇ СИСТЕМИ ФІНЛЯНДІЇ

В Україні знов активізувалися процеси реформування пенітенціарної системи. Наразі готується проєкт закону «Про пенітенціарну систему». У зв'язку з цим особливо важливим стає вивчення та врахування позитивного досвіду інших країн, яким вдалося успішно пройти цей шлях.

Дослідження присвячено розгляду підходів та методів, які були використані під час запровадження реформ у тюремній системі Фінляндії. Ця країна ще п'ятдесят років тому мала найвищий показник засуджених до позбавлення волі серед країн Європи. Але прагматичний підхід до реформ, їх чітке концептуальне усвідомлення та обґрунтування, послідовне впровадження призвели до того, що сьогодні ця країна є одним із взірців функціонуючої та ефективної служби з виконання покарань. Причому ця система не має ознак каральності та високого рівня порушень прав людини.

У статті відзначається, що саме формулювання концепції та очікувань від пенітенціарної системи, а також врахування готовності суспільства підтримувати саме такий напрям діяльності, призвели до успішності перетворень. Пенітенціарна система Фінляндії побудована на принципах скорочення строків позбавлення волі і скорочення випадків застосування цього покарання. Воно здебільшого замінюється штрафами, а у разі реального застосування – передбачає можливість переходу до більш м'яких санкцій чи навіть звільнення. Система ґрунтується на гуманному ставленні до засуджених, їх повній підтримці та готовності приймати у вільне суспільство без суттєвих заперечень. Фінський варіант суспільства «загального добробуту» має розгалужену та добре побудовану систему соціальної підтримки, яка готова до роботи із засудженими. Також підкреслюється, що такий підхід в цілому є результатом того, що Фінляндія належить до країн так званих консенсуальних демократій, що в цілому зумовлює застосування інших методів вирішення соціальних проблем та викликів. Загальним висновком у статті є акцентування уваги на тому, що досвід інших країн є вкрай важливим для успішних реформ та змін. У той самий час Україна має значні соціальні та політичні відмінності, які сьогодні помножені на поточний воєнний стан. Всі ці особливості потрібно, безумовно, брати до уваги, але це не означає, що використання позитивних прикладів не може бути враховано. Тому пропонується починати реформу пенітенціарної служби саме з визначення довготривалої та стійкої концепції функціонування цієї служби, послідовної інтеграції пенітенціарної системи в загальну структуру соціальних інститутів, встановлення сталих та надійних зв'язків між цими інститутами.

Ключові слова: пенітенціарна система, реформа системи тюрем у Фінляндії, концепція пенітенціарної системи, реформа пенітенціарної системи України.

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