

# CIVIL SOCIETY INSTITUTIONS: DIFFERENTIATION OF PROFILE CHARACTERISTICS

Antonina Slavytska<sup>1</sup>, Nataliia Bilak<sup>2</sup>, Iryna Kozii<sup>3</sup>

**Abstract.** *The subject* of the research is conceptual, theoretical and methodological foundations of formation and development of civil society institutions, paying attention to certain spheres of social relations within the framework of functioning of civil society institutions (for example, anti-corruption, penitentiary). *Methodology:* general and special methods of scientific research were used in this study. The method of comparison was used to summarize the approaches of various researchers on the main dominants of the implementation of the concept of public involvement in solving cases of state and municipal importance. Analysis was used to determine quantitative and qualitative parameters that characterize the specifics of the influence of civil society institutions on social relations in the sphere of corruption prevention and ensuring the rights of prisoners. Induction and deduction were used to identify approaches to the main dominant legal forms of interaction between civil society institutions, state authorities and local self-government. *The results* of the study showed that the role of civil society institutions in Ukraine has increased due to the institutionalization of public control over the activities of public authorities, the definition of new forms and principles of interaction between the public and public authorities, as well as facilitating the activities of non-governmental organizations. *Conclusion.* It has been established that the forms of interaction between civil society institutions and state and municipal institutions are regulated exclusively at the level of subordinate acts, or are not defined at all. Attention is drawn to the expediency: the development by individual charitable organizations of their own charitable programs, which will reflect a set of charitable activities aimed at solving problems, relevant to the statutory objectives of the organization in order to structure and openness of their work; formation of public education in the field of combating corruption through the implementation of educational programs; introduction of an additional public institution aimed at the correction and resocialization of prisoners.

**Key words:** civil society institutions, non-governmental organizations, public control, prevention of corruption, penitentiary system, Ukraine.

**JEL Classification:** D73

## 1. Introduction

The presence of an extensive and effective system of civil society institutions can only be characteristic of a democratic social state. Actualization of the activity of civil society institutions in Ukraine began in 2010 and continues to this day, which has a corresponding normative base (On ensuring public participation in the formation and implementation of state policy, 2010; On the approval of the Concept of the development of e-democracy in Ukraine and the plan of measures for its implementation, 2017;

On the approval of the Procedure for conducting a survey on initiatives aimed at solving issues of public administration in various spheres of public life, on the Unified State Web Portal of Electronic Services, 2022) and indicates a gradual reformatting of the concept of public influence on the solution of public affairs in the direction of increasing its importance.

At the same time, with the beginning of the Ukrainian-Russian war, public formations focused their activity on providing diverse assistance to both state institutions (the Armed Forces of Ukraine,

<sup>1</sup> Verkhovna Rada of Ukraine, Ukraine

E-mail: [slavka3636@urk.net](mailto:slavka3636@urk.net)

ORCID: <https://orcid.org/0000-0001-7321-1763>

<sup>2</sup> Odessa District Council;

Ukraine Charitable Movement Charitable Foundation, Ukraine (*corresponding author*)

E-mail: [natalyodk2016@gmail.com](mailto:natalyodk2016@gmail.com)

ORCID: <https://orcid.org/0000-0001-8487-8440>

<sup>3</sup> Kozii and Partners Law Firm, Ukraine

E-mail: [irina\\_kozii@ukr.net](mailto:irina_kozii@ukr.net)

ORCID: <https://orcid.org/0000-0003-3024-7417>



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volunteer organizations, law enforcement agencies) and the civilian population. As for the creation of new associations of citizens during martial law, it is complicated by a complex of derivative factors. For example, it is limitation of work or termination of work of some state information databases, suspension of some registration actions, as well as work of registrars and territorial departments of justice bodies. As a result, citizens who decided to organize charitable activity during the martial law could not officially register a public association, change the head or approve a new version of the constituent document, etc. for a long time. In addition, the active activities of civil society institutions during wartime contributed to the identification of a number of legislative imperfections in the legal regulation of certain forms of interaction between state authorities and civil society institutions, contributing to the reduction of their capacities and other negative consequences. In this context, an important place is occupied by scientific research on the topic of formation and substantiation of the proper administrative and legal support of the implementation of civil society institutions, the establishment of the consequences of failure to consider public opinion when making managerial decisions, the consequences of failing to conduct expert reviews of the activities of state bodies and their official publication, the consequences of failing to consult with the public before the adoption of legal acts defining the rights and obligations of citizens, etc. (Bila-Tiunova, Bilous-Osin, Kozachuk, Vasylykivska, 2019; Latkovskyi, 2020; Dzatikova, 2016).

An additional argument in favor of the relevance of scientific research of the influence of civil society institutions on the relevant instruments of regulation of social relations is the requirement to do so in various international documents. For example, with regard to: partnership of the state and civil society in the formation of anti-corruption policy (public involvement in the process of making socially significant decisions) and prevention of corruption in general (public control over the National Agency for the Prevention of Corruption, anti-corruption expertise); concerning the assistance of civil society institutions in the resocialization of prisoners (the activities of monitoring commissions, social and psychological support for persons released from prison). An important area of corruption prevention and counteraction and the development of the penitentiary system is monitoring and control by civil society over the activities of state executive bodies and local government bodies, information about the powers they exercise. This demonstrates the importance of analyzing the normative and praxeological foundations of the functioning of civil society institutions in general and their specificities in the prevention of corruption and the penitentiary system in particular.

## 2. General trends in the development of civil society institutions in Ukraine

The concept of "civil society institutions" has no legal confirmation and does not need it. This is due to the fact that, from the legal point of view, the focus is on: a) forms of interaction of civil society institutions with bodies of state power and local self-government; b) activities of non-governmental organizations and public councils under state bodies of executive power; c) implementation of public control through appeals of citizens, examination of normative legal acts, etc. At the same time, civil society is formed a priori and functions on the basis of transformation of members of civil society from subjects into citizens in the state-legal sphere by ensuring the rule of law, guarantees of constitutional freedoms, real distribution of branches of power in the state (Karas, 2004: 493; Solyar, 2013: 275).

The current legislation that allows civil society institutions to function in Ukraine is based on the Constitution of Ukraine (1996), which declares the principles of formation of civil society institutions and their influence on social relations: 1) ensuring equal rights of women and men in public and political activity; 2) guaranteeing freedom of association in non-governmental organizations for the protection of individual rights and freedoms, as well as the satisfaction of interests in the political, economic, social, cultural and other spheres, the protection of public health, and the protection of the rights and freedoms of others; 3) assuring the participation of citizens connected by common interests with the nature of professional activity in trade unions, which are non-governmental organizations formed to protect labor and socio-economic rights and interests; 4) equality of all associations of citizens before the law; 5) prohibition of compulsion to join any association of citizens; 6) restrictions of rights on the grounds of membership or non-membership in non-governmental organizations.

As for constitutional restrictions, they concern: the impossibility of forming paramilitary formations in the structure of public organizations; exhaustion of conditions under which the formation and activity of public organizations and political parties can be prohibited (for example, the direction of program goals to eliminate the independence of Ukraine; change of the constitutional system by force; violation of sovereignty, territorial integrity of the state, undermining its security; illegal seizure of state power, propaganda of war, violence, incitement of ethnic, racial, religious hatred; encroachment on human rights and freedoms and public health).

It should be noted that the provisions of the Constitution of Ukraine use the term "political party" along with the concept of "non-governmental

organizations", which indicate similar but not identical institutions of civil society. The regulation of the general principles of functioning of charitable organizations remains outside the attention of the legislator at the constitutional level. This situation, in our opinion, negatively affects the regulation of the legal status of charitable organizations. In connection with the above, it is proposed to amend the Constitution of Ukraine by supplementing certain provisions of the Basic Law with the phrase *"charitable organizations and other forms of public formations formed in accordance with the procedure established by legislative acts"*, which may include, for example, supervisory commissions at penitentiary institutions, public councils, volunteer centers, etc.

International standards for public participation in state and local affairs are relatively well-established and are contained in: The International Covenant on Civil and Political Rights (1966), which provides, for example, for the right to freedom of expression, which includes the freedom to seek, receive and impart any information and ideas, regardless of frontiers, orally, in writing or in print, in the form of art, or by other means chosen by the individual; The European Social Charter (1966), which provides for the right to form and join local, national, or international organizations for the protection of human economic and social interests; 3) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998), which highlights principles of public participation in decision-making on specific activities, preparation of regulations of the executive branch and (or) universal regulations; Recommendations of the Committee of Ministers to Member States on citizen participation in local public life (2001), which established the need to guarantee the right of citizens to access clear, complete information on public affairs, etc.

The legislation of Ukraine regarding the participation of civil society institutions in the solution of public affairs is limited to the definition of: the organizational and legal bases of the right to freedom of association, the procedure for their formation, registration, operation and termination (On Public Associations, 2012); principles of charitable activity, ensuring legal regulation of social relations aimed at the development of charitable activity, approval of humanism and charity, providing favorable conditions for the formation and operation of charitable organizations (On charitable activities and charitable organizations, 2012); features of creation, rights and guarantees of activity of trade unions (About trade unions, their rights and guarantees of activity, 1999); principles of creation and activity of employers' organizations and guarantees of their functioning, as well as interaction with public authorities and local

self-government bodies, trade unions (On employers' organizations, their associations, rights and guarantees of their activities, 2012); principles of activity of creative unions in the field of culture and art (About professional creative workers and creative unions, 1997).

As for the powers of non-governmental organizations, what is interesting from a practical point of view is the right of charitable organizations to join associations, in the absence of procedural details. As a rule, such organizations are established in the usual manner as a public union or non-governmental organizations with the word "association" in the name. In connection with the above, this issue requires legislative revision. At the same time, despite the presence in the law of a reference to the development of a charitable program, which any charitable organization must have, it is no longer required for state registration of the organization, which further contributes to ignoring this provision of the law. In the authors' opinion, each charitable organization should develop its own charitable program, which is a set of charitable activities aimed at solving problems that correspond to the statutory goals of the organization, and publicize it in social networks. This will help structure the work of the charitable organization and make it more open.

Separately, it is necessary to consider the right of public associations to jointly realize their goal(s) through the conclusion among themselves on a voluntary basis of contracts on cooperation and (or) mutual assistance. Indeed, such a right is regulated at the level of a special law. At the same time, in practice, it can be realized either by concluding a memorandum, agreement, or by creating a public association, that is, a new legal entity with a new name. The existing mechanism does not fully meet the need of public associations and their right to joint activities, since a memorandum or agreement in most cases is not enough to regulate relations, and association through the creation of a public union promotes the formation of a new organizational form and the complete loss of self-identity of organizations.

Normatively, the possibility of joint activities of public associations in other ways not prohibited by law is also provided, but how exactly is not specified.

Institutional support for the activities of public associations as one of the civil society institutions is demonstrated in the implementation of state supervision and control over the observance of the law by public associations providing by state executive authorities and local self-government bodies (On Public Associations, 2012). At present, there is no single special body in Ukraine that would coordinate activities at the central level and contribute to the protection of the rights of this institution of civil society.

The above-mentioned shows that Ukraine has formed the legal basis for the activity of public organizations, but the forms of their interaction with state and municipal institutions are regulated exclusively at the subordinate level (for example, the formation of public councils under state executive bodies) or are not defined at all (for example, public hearings). Certain powers of civil society institutions, in particular public associations, also require normative and institutional clarification.

### 3. Civil society institutions as subjects of corruption prevention

The principles and forms of participation of civil society in preventing and combating corruption are established in the provisions of the UN Convention against Corruption (2003), in particular, according to Article 13, public participation should be strengthened by such measures as: ensuring effective public access to information; conducting public information activities that promote intolerance to corruption, as well as public education programs, including school and university curricula; respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption.

The influence of the public on the prevention of corruption at the national level is carried out in various ways, which are enshrined in the relevant legislation (On Prevention of Corruption, 2014), in particular: a) the possibility of sending reports by individual citizens about the commission of corruption or corruption-related offenses, including through mass media, journalists, public associations, trade unions, etc.; b) ensuring public participation in the formation, implementation and monitoring of anti-corruption policy; c) implementation of a public control over the activities of the National Agency on Corruption Prevention (hereinafter as the NAPC) through the Public Council; d) conducting of anti-corruption expertise by the initiative of public associations; e) the possibility of receiving information on corruption prevention activities from public authorities and local self-government bodies; f) implementation of public control over the implementation of laws in the field of anti-corruption financial control, with forms of control not prohibited by law.

It should be noted that in Ukraine the practice of formation of Public Councils under the bodies authorized by law to prevent and combat corruption, in particular the National Anti-Corruption Bureau of Ukraine and the National Agency of Ukraine on the search, search and management of assets derived from corruption and other crimes is quite widespread. As to the functioning of the Public Council at NAPC, its composition is determined on a competitive basis

by means of open rating online voting of citizens, living on the territory of Ukraine. It is noteworthy that a candidate for the Public Council can only be a person nominated by public associations, which 1) prevention and/or combating corruption is defined as the subject of its activity; 2) carry out such activities for at least two years; 3) have confirmation of implemented projects. In our opinion, the Public Council under the NAPC is justifiably so called because it is formed by non-governmental organizations. However, the question of whether the candidates must be members of a public association or not is not regulated in detail. At the same time, the wording "carries out activities in the sphere of prevention and (or) combating corruption" is not identical to the wording "whose statutory activities include the prevention and combating of corruption, other provision of the state anti-corruption policy," which is more correct.

The Public Council is endowed with a number of practically significant powers, such as inclusion in the commission that conducts the competition for positions in the NAPC, conducting disciplinary proceedings against public employees of the NAPC or approval of the annual report of the NAPC, development of an anti-corruption strategy (Some issues of the Public Council under the National Agency on Corruption Prevention, 2019).

It should be noted that the Public Council under the NAPC is not a usual "public council" under the central bodies of executive power. These central bodies of executive power are formed in accordance with the Resolution of the Cabinet of Ministers of Ukraine "On Ensuring Public Participation in the Formation and Implementation of State Policy" (2010), the quantitative composition of which shall not exceed 35 people. It is indicative that the quantitative composition for the Public Council at the NAPC is clearly defined as "15 persons" (part 2 of Article 14 of the Law "On Prevention of Corruption"), although traditionally such formations are regulated by reference to the maximum number of members: "no more than"; approval of such approach is relevant or the corresponding advisory body at the NAPC, because in case of public ignoring (which cannot be completely excluded) and failure to elect the required number of persons, the institution will not be formed.

In addition, the status of members of the Public Council is interesting, since they are equated with persons authorized to perform the functions of bodies of state power and bodies of local self-government, which mediates the establishment of the obligation of such representatives of the public to submit anti-corruption declarations.

It should be noted that a significant role in the prevention of corruption belongs to the mass media (hereinafter as MM), since an information campaign

forms the appropriate type of thinking and is a preventive measure to prevent corruption. In this direction should act education of the population in the field of anti-corruption. In the opinion of the authors, it is necessary to introduce educational programs with the involvement of non-governmental organizations on a competitive basis in secondary, vocational and higher educational institutions and public administration bodies in order to form a positive attitude to the instruments of corruption prevention and a negative attitude towards corruption as a social and legal phenomenon.

#### 4. The influence of civil society institutions on the penitentiary system

In the modern world, there is a tendency to increase the role of the civil society in the activities of penitentiary institutions. Retrospective international experience in this matter requires reference to the UN Standard Minimum Rules for the Treatment of Prisoners, adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders on 30 August 1955, as follows: (a) In the field of the penitentiary system the rules cover an area in which thought is constantly evolving (Paragraph 3), and (b) the treatment of prisoners should emphasize not their exclusion from society, but their continued participation in it, so whenever possible community organizations should be involved to assist the staff of the institution in the task of social rehabilitation of prisoners. There shall be social workers attached to every institution who shall have the duty of maintaining and improving all desirable relations of the prisoner with his family and with valuable social institutions. Steps shall be taken to secure, to the fullest extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners (Paragraph 61) (the United Nations Standard Minimum Rules for the Treatment of Prisoners, 1955).

In Ukraine, the process of humanization of the penal and correctional system was reflected in changes to the Criminal Executive Code of Ukraine, which increased the role of public organizations in creating appropriate conditions for serving sentences, ensuring respect for human rights and freedoms, assisting citizens in social adaptation after release from prison, conducting educational activities, and preventing new criminal offenses. In particular, the principle of participation of civil society in the activities of penitentiary bodies and institutions in cases provided for by law was added to the general list of principles of criminal-executive legislation, execution and serving of sentences (Art. 5). Particular attention should be paid to Article 25, which provides that associations of citizens and mass media, religious

and charitable organizations, and individual citizens may assist penitentiary bodies and institutions in correcting prisoners and conducting social and educational work. In addition, in order to exercise public control over the observance of prisoners' rights in the enforcement of criminal sentences in correctional colonies, pre-trial detention centers and educational colonies, supervisory commissions are created, and in educational colonies these functions are entrusted to boards of trustees. Also, in cases prescribed by law, public monitoring of compliance with the rights of prisoners in the execution of criminal sanctions may be carried out by associations of citizens (Criminal Executive Code of Ukraine, 2003).

Thus, the legislator has given an important place to public participation and public influence as one of the means of correction and re-socialization of prisoners. Public influence on the process of correction and re-socialization of prisoners is manifested in a variety of effective forms, including: 1) conducting legal advocacy with inmates; 2) organizing custody of pedagogically neglected inmates; 3) involving inmates in mass cultural and sporting events; 4) providing economic assistance to inmates; 5) participating and assisting in educational work with inmates, etc. (*The procedure for carrying out patronage (public control) over persons who are registered with criminal enforcement inspectorates*). At the same time, it is expedient to separate the main areas of influence of non-governmental organizations on the resocialization of prisoners. Reflecting on this issue, O.V. Romanenko (2004: 15) singles out the following areas of activity of non-governmental organizations in the work of penitentiary institutions, such as: a) participation in social and educational work; b) promotion of material and technical provision of penitentiary activities; c) education of prisoners; d) public control; e) providing assistance to the staff of penitentiary institutions.

According to the authors, the main areas of influence of non-governmental organizations on resocialization and correction of prisoners should be reduced to the following: 1) assistance to penitentiary bodies and institutions in the correction of prisoners; 2) independent social and educational work; 3) public monitoring of the rights of prisoners. The first two areas of influence of public organizations are implemented both through the creation by public representatives of various juvenile services, the formation of collectives and enterprises or educational institutions and other organizational forms of public participation in the correction and resocialization of prisoners, and through direct assistance to penitentiary bodies and institutions in the correction of prisoners.

A rather interesting opinion with regard to the role of non-governmental organizations in the resocialization of prisoners is reflected by V.V. Proskura (2018: 58), who singles out the functions and,

accordingly, the directions of activities of non-governmental organizations in the field of correction and resocialization of prisoners, including control, psychological, cooperation, medical, cultural and educational functions, etc. The following functions with appropriate content need to be updated:

1) the legal function, which should be manifested in: participation in the discussion of draft laws relating to penitentiary institutions; providing individual advice to prisoners; conducting legal lectures, etc. (for example, the NGO "Penitentiary Association of Ukraine" and the Union "Golden Age of Ukraine" participated in the discussion of draft laws on the Disciplinary Statute of the penitentiary system and "On the legal status of prisoners who served their sentences in the temporarily occupied territory...");

2) psychological function, which should be manifested in: the development of psychological skills of inmates; individual psychological consultations; the use of psychodiagnostics, trainings aimed at psychological correction or psychological rehabilitation of the personality, etc. (for example, one of the directions of the training "Building the Future Together", implemented by the All-Ukrainian Public Center "Volunteer", is aimed at the development of psychological skills of prisoners);

3) social function, which should be manifested in: assisting prisoners in their resocialization by forming a more positive social perception of persons who served sentences and overcoming negative stereotypes; conducting classes on solving social and household issues after release from prison; conducting thematic educational and informational hours for prisoners; organization of television projects about the life and correction of prisoners, etc (for example, the project "Conversations on the Border", in which prisoners tell their own life stories with the aim of dissemination to society the idea of the possibility of positive personal changes in these category of people);

4) professional function, which should be manifested in: facilitating the prisoners to obtain a specialty and their employment; holding courses that will help prisoners find work both as an employee and self-employed; conducting career guidance and motivational classes; issuance of certificates, etc (for example, available information on registration of a prisoned social worker in an HIV-service organization to provide comprehensive services to other prisoners on an "equal-to-equal" principle in the Sumy correctional colony);

5) communication function, which should be manifested in: conducting "Open Door Days"; conducting open events; conducting summaries on issues of resocialization of prisoners; conducting scientific and practical online conferences, etc.

As for the last area of influence of non-governmental organizations on the re-socialization and rehabi-

litation of prisoners – public monitoring of prisoners' rights, at present one of the most effective tools of public monitoring of prisoners' rights remains the monitoring commissions. Supervisory commissions include representatives of public organizations, executive authorities, local self-government bodies, enterprises, institutions and organizations regardless of ownership, and individual citizens. At the same time, representatives of public organizations and citizens must make up at least half of the commission, which demonstrates the decisive role of the influence of public opinion in the activities of such a state structure formed by local state administrations. The supervisory commissions carry out their activities in accordance with the principles of transparency and openness, which mediates their obligation to inform the public through the media about the results of their activities at least once every six months.

The above refers to the main tasks of monitoring commissions, including: 1) organization and implementation of public control over the observance of the rights, fundamental freedoms and legitimate interests of convicts and persons released from serving the sentence; 2) assistance to penitentiary bodies and institutions in the correction and resocialization of convicts, creating appropriate conditions for their detention, the involvement of public organizations, executive authorities, local authorities, enterprises, institutions and organizations, regardless of ownership and citizens in these activities; 3) organization of educational work with persons released on parole, and public control over their behavior during the unexpunged portion of the sentence; 4) assistance in the social adaptation of persons released from serving their sentence (On the approval of the regulations on supervisory commissions, 2004).

Despite the legislative regulation of the creation and functioning of monitoring commissions, the role of the public in the correction and re-socialization of prisoners is not systematic and effective. According to penitentiary scientists, the activities of the public require rethinking the directions and methods of work with prisoners. First, the public should not only monitor the rights of prisoners, but also identify shortcomings in the organization of the execution of criminal sanctions, contribute to the elimination of deficiencies, provide methodological, financial and other support. Second, the administration of the State Penitentiary Service is often unable to immediately address public comments (Bogatyryova, 2013: 132). The solution to this problem requires the formation of the institute of public inspectors (volunteers), which is a fairly common practice in European countries. The draft Regulation "On Public Inspectors (Volunteers) of the Penitentiary Inspection" has not been adopted

since 2009 and still is, although its main goal – to increase the role of the public in the correction and resocialization of prisoners – has not lost its importance (Bogatyryov, 2009: 121). According to the authors, the introduction of an additional public institution aimed at the correction and re-socialization of prisoners is a positive development, since the involvement of positive foreign experience will allow to adopt a full understanding of the philosophy of partnership between penitentiary institutions, the public and citizens.

## 5. Conclusions

The article covers conceptual, theoretical and methodological bases of formation and development of civil society institutions, attention is paid to certain spheres of public relations within the framework of functioning of civil society institutions. It is established that in Ukraine the legal basis for the activity of public organizations is formed, but the forms of their interaction with state and municipal institutions are regulated exclusively at the subordinate level (for example, the formation of public councils under state executive bodies) or are not defined at all (for example, public hearings). Certain powers of civil society institutions, in particular public associations, also require normative and institutional clarification. Attention is drawn to the expediency of development by individual charitable organizations of their own charitable programs, which will reflect a set of charitable actions aimed at solving problems, corresponding to the statutory goals of the organization in order to be structured and open in their work.

Identified ways of public influence on the prevention of corruption, in particular: a) the possibility of reporting by individual citizens on the commission of corruption or corruption-related offenses, including through the media, journalists, public associations, trade unions, etc.; b) ensuring public participation in the formation, implementation and monitoring of anti-corruption policy; c) implementation of public control of public control over the activities of the National Agency for the Prevention of Corruption (hereinafter – NAPC) through the Public Council; d) anti-corruption expertise at the initiative of public associations; e) possibility of obtaining information on activities to prevent corruption from public authorities and local authorities; f) implementation of public control over the implementation of laws in the field of anti-corruption financial control, with forms of control not prohibited by law. In the opinion of the authors, it is necessary to introduce educational programs with the involvement of non-governmental organizations on a competitive basis in secondary, vocational and higher educational institutions and public administration bodies in order to form a positive attitude to the instruments of corruption prevention and a negative attitude towards corruption as a social and legal phenomenon.

The main forms of public participation and public influence as one of the means of correction and re-socialization of prisoners are distinguished, in particular: 1) assistance to penitentiary bodies and institutions in the correction of prisoners; 2) independent social and educational work; 3) public control over the observance of prisoners' rights. The need for the introduction of an additional public institution aimed at the correction and re-socialization of prisoners is justified.

## References:

On ensuring public participation in the formation and implementation of state policy: Resolution of the Cabinet of Ministers of Ukraine dated 08.11.2017 № 797-p. Available at: <https://zakon.rada.gov.ua/laws/show/797-2017-%D1%80#Text>

On the approval of the Concept of the development of e-democracy in Ukraine and the plan of measures for its implementation: Resolution of the Cabinet of Ministers of Ukraine dated 07.02.2022 № 90. Available at: <https://zakon.rada.gov.ua/laws/show/90-2022-%D0%BF#Text>

On the approval of the Procedure for conducting a survey on initiatives aimed at solving issues of public administration in various spheres of public life, on the Unified State Web Portal of Electronic Services: Resolution of the Cabinet of Ministers of Ukraine dated 03.11.2010 № 996. Available at: <https://zakon.rada.gov.ua/laws/show/996-2010-%D0%BF#Text>

Bila-Tiunova, L., Bilous-Osin, T., Kozachuk, D., & Vasylykivska, V. (2019). Participation of civil society in public administration: prospects for international experience implementation in Ukraine. *Humanities, Social Sciences Reviews*, vol. 7(5), pp. 757–764. DOI: <https://doi.org/10.18510/hssr.2019.7594>

Latkovskiy, P. P. (2020). Public administration and its role in civil society. Public administration under modern conditions: concept, features, challenges: Collective monograph. Riga: Izdevniecība "Baltija Publishing". DOI: <https://doi.org/10.30525/978-9934-588-67-9.8>

Dzatkova, V. (2016). The Role of Civil Society in Public Governance. *Rocznik administracji publicznej*, vol. 2, pp. 373–383. DOI 10.4467/24497800RAP.16.001.5094

Karas, A. F. (2004). Philosophy of civil society in classical theories and non-classical interpretations: monograph. Kyiv; Lviv: "Ivan Franko LNU Publishing Center".

- Solyar, S. (2013). Civil society: general theoretical approaches to definition. *Bulletin of the Academy of Legal Sciences of Ukraine*, vol. 1, pp. 271–279.
- Constitution of Ukraine: Law of Ukraine dated 28.06.1996 No. 254k/96-BP. Available at: <https://zakon.rada.gov.ua/laws/show/254k/96-bp/card2#Card>
- The International Covenant on Civil and Political Rights: International document dated 16.12.1966. Available at: [https://zakon.rada.gov.ua/laws/show/995\\_042](https://zakon.rada.gov.ua/laws/show/995_042)
- The European Social Charter (Revised): International document dated 03.05.1996. Information of the Verkhovna Rada of Ukraine. 2007. № 51. Ar. 2096.
- Convention on access to information, public participation in decision-making and access to justice in environmental matters: International document dated 25.06.1998. Official Gazette of Ukraine, 2010. № 33. Ar. 12.
- On the participation of citizens in local public life: Recommendation Rec (2001) 19 of the Committee of Ministers dated 06.12.2001. Available at: [https://zakon.rada.gov.ua/laws/show/994\\_739](https://zakon.rada.gov.ua/laws/show/994_739)
- On Public Associations: Law of Ukraine dated 22.03.2012 № 4572-VI. Available at: <https://zakon.rada.gov.ua/laws/show/4572-17#Text>
- On charitable activities and charitable organizations: Law of Ukraine dated 05.07.2012 r. № 5073-VI. Available at: <https://zakon.rada.gov.ua/laws/show/5073-17#Text>
- About trade unions, their rights and guarantees of activity: Law of Ukraine dated 15.09.1999 r. № 1045-XIV. Available at: <https://zakon.rada.gov.ua/laws/show/1045-14#Text>
- On employers' organizations, their associations, rights and guarantees of their activities: Law of Ukraine dated 22.06.2012 r. № 5026-VI. Available at: <https://zakon.rada.gov.ua/laws/show/5026-17#Text>
- About professional creative workers and creative unions: Law of Ukraine dated 07.10.1997 № 554/97-BP. Available at: <https://zakon.rada.gov.ua/laws/show/554/97-bp#Text>
- The United Nations Convention against Corruption: International document dated 31.10.2003. Available at: [https://zakon.rada.gov.ua/laws/show/995\\_c16](https://zakon.rada.gov.ua/laws/show/995_c16)
- On Prevention of Corruption: Law of Ukraine dated 14.10.2014. Available at: <https://zakon.rada.gov.ua/laws/show/1700-18>
- Some issues of the Public Council under the National Agency on Corruption Prevention: Resolution of the Cabinet of Ministers of Ukraine dated 20.11.2019 № 952. Available at: <https://zakon.rada.gov.ua/laws/show/952-2019-%D0%BF#n78>
- The United Nations Standard Minimum Rules for the Treatment of Prisoners: International document dated 30.08.1955. Available at: [https://zakon.rada.gov.ua/laws/show/995\\_212#Text](https://zakon.rada.gov.ua/laws/show/995_212#Text)
- Criminal Executive Code of Ukraine: Law of Ukraine dated 11.07.2003 № 1129-IV. Available at: <https://zakon.rada.gov.ua/laws/show/1129-15#Text>
- The procedure for carrying out patronage (public control) over persons who are registered with criminal enforcement inspectorates. Available at: <http://sed.te.gov.ua/tepebovlyanska/ua/publication/print/4194.htm>
- Romanenko, O. V. (2004). The penitentiary function of a democratic legal state and the role of civil society in the mechanisms of its implementation: autoref. Thesis for obtaining sciences. Candidate degree law sciences: 12.00.08 "Criminal law and criminology; criminal executive law". Kyiv.
- Proskura, V. V. (2018). The role of public organizations in the resocialization of prisoners. *Scientific-theoretical almanac "Edges"*, vol. 21, no. 5, pp. 54–65.
- On the approval of the regulations on supervisory commissions: Resolution of the Cabinet of Ministers of Ukraine dated 01.04.2004 № 429. Available at: <https://zakon.rada.gov.ua/laws/show/429-2004-%D0%BF#Text>
- Bogatyreva, O. I. (2013). Public participation in the process of correction and resocialization of prisoners registered with criminal enforcement inspectorates. *Law Journal of Donetsk University*, vol. 2, pp. 129–135.
- Bogatyrev, I. G. (2009). The role of public inspectors (volunteers) in the correction and resocialization of prisoners with criminal punishments not related to deprivation of liberty. *Bulletin of the Academy of the Customs Service of Ukraine. Ser.: The right*, vol. 1, pp. 119–123.

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