

**O. Savchenko**

Lecturer,  
Department of Criminal Law Disciplines,  
H.S. Skovoroda Kharkiv National Pedagogical University

**REGARDING THE RELATION BETWEEN SUCH  
CONCEPTS AS “EDUCATIONAL INFLUENCE”  
AND “SOCIAL AND EDUCATIONAL WORK”  
IN THE PENAL LEGISLATION OF UKRAINE**

The effectiveness of the practical application of the law, including criminal enforcement depends on a common understanding and use of terminology for the regulation of social relations.

The purpose of the article is to study relations between the concepts “educational influence on persons sentenced to imprisonment” and “social and educational work of persons sentenced to imprisonment” in the penal legislation of Ukraine. The result is a statement of lack of uniformity in the understanding and use of these terms.

The Criminal Executive Code of Ukraine and Internal Rules of Penal Institutions, naming the same phenomena or processes operate on different terms. Instead of “educational influence” the Rules use the term “social and educational work” but actually “social and educational work” is replaced by “educational measures”.

To eliminate confusion, first of all, we need to set the values of these terms which have been borrowed by the penitentiary science from the general pedagogy and psychology and adapted for their own purposes.

In the theory and practice of prison

pedagogy and psychology of criminal law enforcement, educational impact on prisoners, social and educational work with convicts have a single purpose – correction and re-socialization of the latter. The difference between them lies in the fact that the educational influence from the perspective of the penitentiary science – a whole set of heterogeneous activities aimed at achieving the goal of punishment, and social and educational work with convicts – is actually “professional activities of educator”.

The term “educational impact on prisoners” is a broader concept than “social and educational work with convicts” and covers the latter. Social and educational work with prisoners is one of the measures of educational influence on them, as enshrined in the Criminal Executive Code of Ukraine. Internal regulations of penal institutions replace these concepts, which complicates their theoretical understanding and practical implementation. Chapter XV of the Rules requires changes of the terminology to comply with the Criminal Executive Code of Ukraine, as the provision of subordinate legislation can not act contrary to the provisions of the law.