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SOME PECULIARITIES OF THE FUNCTIONING OF THE STATE CRIMINAL AND EXECUTIVE SERVICE OF UKRAINE UNDER CONTEMPORARY SECURITY CHALLENGES

The article is devoted to the analysis of the functioning of the State Criminal and Executive Service of Ukraine under the conditions of the full-scale armed aggression of the Russian Federation. The impact of the destruction of institutional infrastructure on the safety of staff and convicted persons is examined. The threats associated with the occupation of penitentiary institutions, forced passportization, and deportation of prisoners are highlighted. The issue of high treason among personnel and the risks of leakage of official information are also addressed.

Key words: State Criminal and Executive Service of Ukraine, penitentiary system, national security, law and order, penal institution, pre-trial detention center, places of deprivation of liberty, facilities and camps for the detention of prisoners of war.

Problem statement. The current state of functioning of the State Criminal and Executive Service of Ukraine (hereinafter – the SCES of Ukraine) is characterized by the need to simultaneously address the tasks of ensuring law and order in penal institutions and pre-trial detention centers, as well as adapting to critical threats to national security.



The scientific understanding of the functioning of the SCES of Ukraine under contemporary security challenges is of particular relevance, given the need to develop comprehensive approaches to protecting the life and health of convicted persons and staff, ensuring the resilience of the criminal enforcement system, preventing destabilizing processes in places of deprivation of liberty, and establishing effective mechanisms for responding to threats related to hostilities and occupation. Accordingly, the study of the operational mechanisms of the SCES of Ukraine in unstable security conditions is critically important for shaping an effective state strategy and improving the practical activities of penal authorities and institutions.

The purpose of the article is to analyze the specific features of the functioning of the State Criminal and Executive Service of Ukraine under contemporary security challenges caused by the full-scale armed aggression of the Russian Federation, as well as to identify the key threats affecting the stability, security, and effectiveness of the penitentiary system.

Analysis of recent research and publications. Among Ukrainian scholars whose research focuses on the organizational and legal foundations of the activities of the State Criminal and Executive Service of Ukraine, particular attention should be paid to the works of I. H. Bohatyriov, I. M. Korostashivets, L. I. Olefir, M. V. Puzyrevskiy, V. F. Puzyrnyi, M. S. Puzyrov, A. M. Sikun, O. H. Tkachenko, and others.

At the same time, additional research is required on the issues of functioning of the State Criminal and Executive Service of Ukraine under contemporary security challenges associated with the ongoing armed aggression of the Russian Federation.

Presentation of the main material. One of the most acute problems of the modern penitentiary system caused by the armed invasion is the destruction and/or damage of the infrastructure of penal institutions and pre-trial detention centers, which directly affects the ability to ensure proper conditions of detention for convicted persons and detainees, compliance with their rights and security guarantees, as well as the stability of the functioning of the SCES of Ukraine itself. Such destruction creates additional risks to

the life and health of both prisoners and staff, and complicates the implementation of regime, security, and resocialization measures.

Thus, the Russian Federation carried out a massive shelling of the state institution "Kholodnohirsk Correctional Colony (No. 18)" on 11 March 2022. As a result of the targeted fire impact by the occupying forces, the facility suffered extensive destruction that practically made its further operation for its intended purpose impossible. According to video documentation of the consequences of the attack and reports from media sources, the strikes led to the complete destruction of the institution's production facilities, significant damage to residential buildings, and critical infrastructure essential for maintaining the life of the special contingent [1]. This clearly demonstrates that the architecture of penitentiary institutions, developed decades ago, is objectively not adapted to the challenges of modern warfare.

One of the most high-profile examples of the targeted destruction of penitentiary infrastructure was the air strike on the territory of the institution in the village of Bilenke, carried out by the armed forces of the Russian Federation on 28 July 2025. According to official data from the Ministry of Justice of Ukraine, the attack was conducted using four guided aerial bombs (GAB), indicating a high level of precision and the deliberate nature of the strike.

As a result of the shelling, mass casualties among the special contingent were recorded: 16 persons were killed, more than 40 sustained moderate to severe injuries and were hospitalized, and over 50 victims received medical assistance on an outpatient basis. Despite significant destruction of internal facilities, the perimeter of the institution remained intact, which made it possible to avoid disruption of the regime and mass escapes.

The tragedy at the "Bilenka Correctional Colony" highlighted the critical problem of protecting persons in places of deprivation of liberty during aerial attacks [2].

The described episodes are not isolated cases but constitute part of a systematic practice of destroying penitentiary infrastructure. Since the beginning of the full-scale invasion, the territory of Ukraine has become the scene of repeated and deliberate attacks on penal institutions and pre-trial detention centers in the Chernihiv, Sumy, Kherson, Zaporizhzhia, and other regions. Such actions

demonstrate features of a consistent strategy of terror, as shelling facilities where persons with limited mobility are held has no military justification whatsoever.

Each such strike against institutions of the SCES of Ukraine constitutes a war crime, accompanied by a gross violation of the laws and customs of war, while the systematic nature of these attacks further confirms the aggressor's intent to inflict maximum humanitarian losses among protected categories of the population.

In view of these challenges, the primary security priority is the need to ensure the physical safety of staff and convicted persons under conditions of constant shelling and the risk of occupation. This has brought to the forefront the problem of developing and promptly implementing evacuation algorithms for institutions, which involve not only the logistical relocation of a large number of persons, but also the preservation of regime requirements, archival documentation, and security facilities.

The process of relocating institutions has resulted in the phenomenon of excessive concentration of convicted persons in rear regions, which creates additional pressure on infrastructure and complicates compliance with international standards regarding living space per person.

A separate element of the contemporary security paradigm of the functioning of penal institutions and pre-trial detention centers is the change in the structure of the inmate population held in these facilities. As noted by the former Deputy Minister of Justice of Ukraine, Olena Vysotska, the emergence of collaborators in places of deprivation of liberty has created an unprecedented situation:

"When the issue arose, for example, that the number of collaborators and criminal proceedings against them was increasing in the country, we realized that prisons would be filled with a new type of inmate for Ukraine. Their safety would be much more difficult to ensure, because other convicted persons could influence them in one way or another. Therefore, we introduced such a rule as separate detention for collaborators" [3].

In our view, holding persons convicted of collaboration activities in specially designated institutions is not merely a measure to neutralize internal conflicts, but primarily a strategic step aimed at

maintaining the internal stability of the system. The concentration of individuals with anti-state views within the general inmate population creates a potential basis for ideological confrontation. Under conditions of martial law, this would inevitably lead to chaos within institutions and render them unmanageable, which constitutes an unacceptable security risk.

An important vector of activity of the SCES of Ukraine under martial law has been the establishment and operation of facilities and camps for the detention of prisoners of war. The scale of this challenge for the criminal enforcement system is confirmed in the works of I. H. Bohatyriov, who, while examining the functioning of penitentiary camps for prisoners of war in Ukraine, notes that their establishment represents an unprecedented practice in the years of Ukraine's independence, directly linked to the events of the Russian Federation's invasion of Ukraine on 24 February 2022 in the form of the so-called "special operation" [4, p. 186].

The practical significance of the functioning of such institutions within the structure of the SCES of Ukraine goes beyond purely penitentiary activities and acquires strategic importance for Ukraine's national security.

First, the operation of camps for prisoners of war enables the state not only to ensure an adequate level of security and isolation of persons who directly participated in hostilities, but also to strictly comply with the requirements of the 1949 Geneva Convention relative to the Treatment of Prisoners of War. This creates a foundation for shaping a positive international image of Ukraine as a law-governed and democratic state that fulfills its obligations even under the extreme conditions of armed aggression, in contrast to the aggressor state.

Second, the existence of such institutions has a direct impact on the stability of the internal security environment of the Service itself. The concentration of prisoners of war in specially designated locations prevents their potential contact with the main criminal contingent, thereby minimizing the risks of ideologically motivated conflicts and attempts to destabilize the situation in penal institutions. This allows SCES of Ukraine personnel to focus resources on specific supervision and control methods inherent to this particular category of persons, while ensuring reliable protection

of information and preventing the coordination of prisoners of war with external hostile forces.

One of the most complex security challenges for the SCES of Ukraine under the conditions of full-scale armed aggression has been the loss of control over a number of penitentiary institutions. The occupation of certain territories has resulted in legal and physical uncertainty, in which convicted persons, detainees, and SCES of Ukraine personnel found themselves under occupation and in complete information isolation.

In the first days of the full-scale invasion, 11 institutions and almost 3,000 members of the prison population and staff were left under occupation [5]. The lack of access to certain penitentiary institutions in the Donetsk, Luhansk, Kherson, and Zaporizhzhia regions, as well as in the territory of the Autonomous Republic of Crimea, objectively creates a situation in which the state is deprived of the possibility to fully exercise its public authority to implement state policy in the field of execution of criminal sentences.

At the same time, while retaining international legal responsibility for persons held in these institutions, Ukraine in fact lacks effective mechanisms to influence their conditions of detention, ensure adequate nutrition, and provide proper medical care, etc. Such a situation generates a number of threats to national security, among which the most critical are the forced passportization of convicted persons, their illegal involvement in the armed formations of the aggressor state, and the practice of unauthorized transfer (deportation) to the territory of the Russian Federation.

A vivid confirmation of the systematic nature of these violations is the situation of convicted persons who were held in penitentiary institutions in the occupied part of the Kherson region and were forcibly transferred to the territory of the Russian Federation. According to monitoring data of the ZMINA Human Rights Center, as of the end of 2025, a practice has been recorded whereby persons who had in fact already served their sentences and were officially released do not obtain their freedom. Instead, they are unjustifiably transferred to so-called "Temporary Detention Centers for Foreign Citizens" on the territory of the aggressor state.

In essence, under the guise of administrative procedures applied to "foreigners", Ukrainian citizens continue to be held in places of deprivation of liberty without any legal grounds. This substitution of legal status enables the occupation administrations to carry out indefinite unlawful detention, depriving individuals of the possibility to return to territory controlled by Ukraine and creating an additional reserve for forced passportization or recruitment [6].

Within the security paradigm of the SCES of Ukraine, special attention must also be paid to the issue of the legal status and physical survival of personnel who remained in the temporarily occupied territories. Employees of the Service found themselves at the epicenter of a conflict between professional duty, oath, and the threat of physical destruction by the enemy.

The problem of the security paradigm of SCES of Ukraine personnel in the temporarily occupied territories has become particularly acute due to cases of direct defection of certain employees to the enemy's side. A highly resonant example is that of the former head of the State Institution "Pivnichna Correctional Colony No. 90", who led the occupation structure of the penitentiary system of the Kherson region, ensured unhindered access to the colony's territory for special equipment and trucks delivering food, equipment, and goods of Russian origin for the occupying forces. He also provided the occupiers with accommodation and rest facilities in long-term visitation rooms and other premises of the colony [7].

Having examined all the circumstances of the case, the Malynovskyi District Court of Odesa found the individual guilty of committing a criminal offense *предусмотреного* under Part 2 of Article 111 of the Criminal Code of Ukraine and sentenced him to life imprisonment with confiscation of property [8].

Another illustrative example is the conviction in the case of a junior inspector of the regime and security department of the State Institution "Mariupol Pre-Trial Detention Center". During the court proceedings, it was proven that the employee defected to the aggressor's side under the conditions of occupation of the Donetsk region and voluntarily joined the illegally established occupation body, namely the State Budgetary Institution "Mariupol Pre-Trial Detention Center of the State Penitentiary Service of the Ministry of Justice of the DNR". The court

qualified these actions under Part 2 of Article 111 of the Criminal Code of Ukraine as high treason and imposed a sentence of 15 years' imprisonment with confiscation of property and deprivation of the special rank of sergeant of the internal service [9].

The danger of the above-mentioned facts of collaborationism is further aggravated by the fact that SCES of Ukraine personnel, in the course of their professional activities, possess a wide range of official information. Cooperation of such individuals with the aggressor state leads to the unauthorized disclosure of data on facility security systems, communication means, the operational situation within institutions, as well as personal information about employees who remained loyal to their oath.

Conclusions. The combination of the outlined security challenges indicates that, under conditions of armed aggression, Ukraine's penitentiary system has found itself in a zone of heightened humanitarian risk that goes beyond purely domestic concerns. Systematic shelling of penal institutions, the detention of persons under occupation, and violations of basic standards of treatment of prisoners create a dangerous precedent of ignoring the norms of international humanitarian law.

Under such circumstances, the need for a consolidated response from the international community becomes particularly urgent. This response should be aimed at strengthening monitoring mechanisms, documenting war crimes, ensuring the protection of persons in places of deprivation of liberty, and bringing the aggressor state to international legal responsibility.

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ДЕЯКІ ОСОБЛИВОСТІ ФУНКЦІОНУВАННЯ ДЕРЖАВНОЇ КРИМІНАЛЬНО-ВИКОНАВЧОЇ СЛУЖБИ УКРАЇНИ В УМОВАХ СУЧАСНИХ БЕЗПЕКОВИХ ВИКЛИКІВ

Стаття присвячена аналізу особливостей функціонування Державної кримінально-виконавчої служби України в умовах сучасних безпекових викликів, зумовлених повномасштабною збройною агресією РФ. Досліджено ключові трансформації пенітенціарної системи, спричинені воєнними діями, окупацією окремих територій та

системним нищенням інфраструктури установ виконання покарань і слідчих ізоляторів. Акцентовано увагу на впливі обстрілів та руйнувань пенітенціарних об'єктів, на можливості забезпечення належних умов тримання засуджених і осіб, узятих під варту, на дотриманні їхніх прав, а також на безпеці персоналу.

Проаналізовано приклади атак на пенітенціарні установи, що свідчить про системний характер таких дій та порушення норм міжнародного гуманітарного права. Розкрито проблематику евакуації та релокації установ виконання покарань, зумовлену бойовими діями, а також наслідки надмірної концентрації спецконтингенту в тилових регіонах. Окрему увагу приділено зміні структури контингенту осіб, які утримуються в місцях несвободи, зокрема появі значної кількості засуджених за колабораційну діяльність.

Здійснено аналіз практичної і стратегічної цінності створення та функціонування дільниць і таборів для тримання військовополонених у структурі ДКВС України, а також їх ролі в дотриманні міжнародних зобов'язань держави.

Приділено увагу проблемі втрати контролю над пенітенціарними установами на тимчасово окупованих територіях, ризикам незаконного утримання, депортації засуджених і порушенням їхніх прав.

Окреслено безпекові загрози, пов'язані з колабораціонізмом окремих представників персоналу пенітенціарних установ, та наслідки несанкціонованого розголошення службової інформації.

Зроблено висновок про необхідність вироблення системних підходів до забезпечення безпеки пенітенціарної системи, посилення міжнародного моніторингу та притягнення держави-агресора до відповідальності за порушення прав осіб у місцях несвободи.

Ключові слова: Державна кримінально-виконавча служба України, пенітенціарна система, національна безпека, правопорядок, установа виконання покарань, слідчий ізолятор, місця несвободи, дільниці і табори для тримання військовополонених.

Дата першого надходження статті до видання: 19.01.2026.

Дата прийняття статті до друку після рецензування: 01.02.2026.

Дата публікації (оприлюднення): 01.06.2026.