



Lengthy Prison Term as a Psychological Issue in the Penal System of the Russian Federation

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Abstract. Introduction: the paper analyzes scientific data related to the definition of the phenomenon “lengthy prison term” and demonstrates a relative and conditional nature of this phenomenon. Available scientific research findings in this area suggest that the duration of serving a sentence is an exclusively subjective measure for various criminals. Goal: to identify the impact of the length of prison sentences on convicts in the context of their reformation. Methods: we use general scientific research methods (analysis, synthesis, comparison, generalization). The work is based on the results derived from the analysis of relevant foreign and domestic studies. Results: by analyzing the influence of specific features inherent in correctional institutions, we reveal the following inconsistency: custodial sentences and lengthy prison terms contribute to the adaptation of convicts to prison conditions, development of negative changes in their personality, destructive conduct, etc. In addition, prolonged stay in a correctional institution reduces the impact of major means of reformation such as prison regime, educational work, and socially useful work. Conclusions: when determining the length of prison term, it is necessary to proceed not so much from the nature and degree of public danger of the act, but from individual features of the criminal’s personality, their social environment, and the motive for the crime committed. It is necessary to abandon the quantitative approach to determining the measure of punishment expressed in the length of the prison term.

Keywords: lengthy prison term; serving a sentence; correctional institutions; crime; convicts; reformation; punishment; penal system of the Russian Federation; isolation conditions.

19.00.06 – Legal psychology.

For citation: Suslov Yu.E. Lengthy prison term as a psychological issue in the penal system of the Russian Federation. *Penitentiary Science*, 2021, vol. 15, no. 1 (53), pp. 218–223. DOI 10.46741/2686-9764-2021-15-1-218-223.

Introduction

According to Article 45 of the Criminal Code of the Russian Federation (hereinafter – the RF Criminal Code), imprisonment for a specified term is one of the main forms of punishment. Paragraphs 2, 4, 5 of Article 56 of the RF Criminal Code establish that incarceration can be imposed for a period from two months to 35 years. The length of the prison term depends on the nature and degree of public danger of the act (Article 15 of the RF Criminal Code). However at present, Russian legislation does not define what term of imprisonment is considered lengthy. Similarly, there is no consensus on this subject in relevant scientific works.

Thus, M.G. Detkov, citing a report by Yu.Ya. Chaika, notes that in different countries lengthy prison terms are those that exceed two years (Finland), four years (Sweden), five years (Greece), ten years (Macedonia). The research-

er himself proposes to consider long-term imprisonment from the organizational-legal and psychological-pedagogical points of view, and to consider prison terms exceeding five years as lengthy. He points out that such a boundary had already been established in Russia in accordance with the decree of the Council of People’s Commissars from March 21, 1921 “On incarceration and the procedure for release on parole” [3].

S.S. Akulenko divides lengthy prison terms into two types: long terms (10 to 20 years) and particularly long terms (from 20 to 30 years) [4; 11]. V.A. Eleonskii and M.I. Koval’ suggest that a prison term of eight years or more should be considered as a long term of imprisonment.

Thus, we can say that in different historical periods and in different countries the opinion about the quantitative representation of this type of punishment has been and remains very

controversial. At the same time, it is necessary to find a solution to this problem because of its practical significance. First of all, this is due to the need to fulfill an important social task of the penal system of the Russian Federation, which consists in the reformation of the persons convicted of committing various crimes.

Methods

In the course of the study we used general scientific methods (analysis, synthesis, comparison, generalization), which allowed us to address the issue of subjective perception and understanding of the length of prison terms and the impact of this form of punishment on convicts' psyche and their opportunity to reform. The work is based on the results of the analysis of foreign and domestic studies devoted to the issue under consideration.

Results

It is necessary to understand how incarceration affects an individual. The influence of the length of prison terms on the personality of convicts remains a relevant issue in modern scientific discourse. No unambiguous answer to this question has been given so far. We can distinguish two points of view. According to the first one, a convict's long-term stay in a correctional institution brings negative and destructive implications. Advocates of the second point of view, on the contrary, argue that while staying at a correctional institution, convicts are removed from the environment in which they could develop anti-social attitudes and commit another crime. Second, prison staff carry out comprehensive and multifaceted work with convicts to help them transform their personality [10].

At the same time, it can be argued that when individuals get into specific conditions of correctional facilities, they fall under the influence of a number of factors generated by prison environment. One of the important conditions in the life of a convict is the need to comply with special rules of behavior and interaction with other convicts and with prison staff. Convicts must comply with the requirements of the regime established in the correctional institution.

Psychologically, prison regime is the organization of the entire life and activities of convicts in strict accordance with the requirements of laws and regulations [14]. In addition to strict regulation of conduct, prison conditions have a number of distinctive features, which include limited communication, isolation, hierarchy, information limitations, etc. [15].

So, for example, V.S. Mukhina, who studies individuals sentenced to long-term imprisonment, identifies a number of negative factors in correctional institutions, which have a direct impact on convicts. These factors are as follows:

- strict regime;
- scarcity of object environment;
- sensory deprivation;
- high population density within a limited space;
- specific forms of communication between prisoners, administration, and security staff [5].

Isolation is one of the factors that have a major impact on a convict's psyche [19; 20; 22]. On the one hand, restrictions are intended to have a certain educational effect on individuals by forming proper conduct, necessary habits and personality traits in them [14]; on the other hand, a number of authors, both foreign and Russian, argue that incarceration is a social experience that reinforces the feeling of illegality. It is further concluded that there is not a lot of evidence to suggest that prisons reduce recidivism. And on the contrary there are facts that allow us to conclude that serving a sentence in a correctional institution can have a criminogenic effect. Measures aimed at deterring convicts' unacceptable conduct are accompanied by severe violations of discipline on their part, and also cause official forms of prisoners' resistance [12; 16; 18].

Some authors are even more categorical in assessing such a punishment as imprisonment, pointing out that it does not contribute to the rehabilitation of convicts and even leads to an increase in recidivism in the country [7].

Thus, the question concerning the impact of these factors on an individual is still a subject of discussion in the scientific community. However, we agree that the very fact of incarceration is traumatic, and its duration, as S.I. Dement'ev points out, is the main element of such punitive influence, which determines the degree of moral and physical suffering inflicted on the convict [1]. We believe that the length of prison terms is the link that puts together the aspects of impact of a correctional institution on an individual.

A.M. Smirnov and B.A. Spasennikov indicate that the number of convicts who have a positive attitude toward prison regime requirements increases dynamically while they are serving up to 5–8 years of their term; in the future the share of such persons reduces significantly; it means that prolonged incarceration to a certain extent reduces the functionality of the regime of serving a sentence in a correctional institu-

tion [10]; and regime, according to Article 9 of the RF Penal Enforcement Code, is one of the main means of convicts' rehabilitation. Therefore, we can say that there is a contradiction, which consists in the fact that one of the penalties virtually hampers effective rehabilitation of convicts.

Some researchers speak about a threshold of five years of incarceration; as this term expires, rehabilitation effect decreases. And the more time convicts spend in prison, the more pronounced their loss of socially approved conduct skills and the development of qualities leading to regression and loss of a sense of guilt for the committed act [9].

Discussion

Emphasizing the interdisciplinary nature of the problem under consideration, we propose to look into it from psychological and pedagogical points of view.

The psychological and pedagogical literature in the field of penal science contains many studies on the manifestation of various psychological phenomena in convicts; these phenomena are caused by prison conditions specifics. Research on convicts' strategies for coping with life difficulties has shown that in the course of the time spent in prison, such personality traits as dreaminess, proneness to conflict, maladjustment, and remoteness come to the fore. There is an assumption that their development is associated with the desire of convicts to distance themselves from unpleasant realities of the environment in which they exist. At the same time, the convicts who are serving prison terms of 10–15 years develop dissatisfaction with their present life. In addition, some convicts are convinced that the prison system is designed to suppress normal behavior [21].

In general, prolonged stay in a correctional institution contributes to the development of maladaptive psychological defenses. Also with the increasing duration of staying in prison, convicts show a decrease in the intensity of feelings of guilt for the crime they committed; moreover, they often start thinking that their sentence is unjust. It can be assumed that this trend is due to the actualization of such psychological defense mechanism as denial [6].

Negative changes happening to first-time offenders are observed particularly clearly as they are put in prison and have to adapt to new living conditions. During this period, their critical perception and thinking are deteriorating, as well as their resistance to negative effects of

prison environment. As a result, such convicts become unreceptive to educational measures [8].

According to the research, repeat offenders serving their sentence in prison worry little about their sentence; prison conditions and measures of influence are familiar to them, and they adapt relatively easily to prison environment [2].

Thus, the implementation of punishment by increasing the term of imprisonment, in our opinion, represents a quantitative approach to addressing the problem of crime in society and combating it. The presented research results prove that after a certain time period of serving custodial sentences convicts adapt to new conditions. At the same time, important and useful internal trends that contribute to convicts' rehabilitation, improvement of the effectiveness of educational, psychological and other activities in a correctional institution, on the contrary, fade away. The processes of rethinking one's actions, lifestyle, and social ties that led a person to commit a crime are replaced by increasing negative emotions and anger; criminal experience and criminal infection are formed [17]. Forced long-term coexistence with other convicts that differ in their social, moral, psychological, intellectual qualities, as well as the state of health, including mental health, leads to the development of negative features in the personality of convicts. After release, such convicts are likely to experience difficulties with re-socialization and adaptation to life outside prison, and they will be at risk of reoffending.

In this regard, we believe that it is necessary to reconsider the attitude toward the imposition of custodial sentences in the context of their duration. Rehabilitation consists of two important components:

- activities carried out by prison staff in this direction;
- convicts' own efforts aimed at self-rehabilitation.

In the latter we include the availability and condition of convicts' various resources such as personality traits (goal commitment, empathy, awareness of guilt, etc.), support from relatives, living conditions, health status, etc.

The duration of prison terms adversely affects all of the above resources available to convicts. So, for example, serious changes can occur in the convict's family, for example: divorce, death, moving further away from the place where the convict is serving the sentence.

The relationship between the convict and their relatives may change, as a result of which

the convict may lose their support (both material and psychological). In particular, studies of convicted women show that the proportion of breakdown of families among them is quite high. In general, they experience separation from their families more acutely and painfully. Acceptance of their new life situation is associated with such emotions as fear, shame, guilt, etc. However, by the mid-term of serving their sentence, women convicted for the first time and women repeatedly convicted do not show any significant differences in their emotional state. Both groups show anxiety, nervousness, irritability, dull and depressed mood. This is also expressed in high average values for such emotions as contempt and disgust [13].

We should also note that the increase in the age during the period of serving the sentence may become an obstacle in the subsequent search for a job after release. In addition, competitiveness in the labor market will be reduced as a result of the former convict's lagging behind in the level of knowledge and professional skills.

Thus, convict experience problems in the subjective and objective-subjective spheres of life, where the former is a system of changing ideas, beliefs, views and values of the convict, etc., which arose under the influence of isolation from society. The objective-subjective sphere includes professional qualification of the convict, their marital status, level of professional knowledge, skills, etc. These are aspects of the convict's life that, on the one hand, do not fully depend on the convict, on the other hand, they can still fall under the influence of the convict (raising the level of the convict's professionalism, self-development, interaction with their family, etc.).

This aspect of the influence of lengthy prison terms can be conditionally described as damaging impact, i.e. the duration of serving a sentence has a destructive impact on the convict's way of life and on the convict's interaction with the world (e.g., in social and occupational aspects). However, such an impact should not always be considered as something negative, because in some cases the destruction of ties with a socially unfavorable and destructive group will benefit the process of the convict's rehabilitation. However, it should be understood that the more destructive the impact of the length of the sentence, the more difficult it will be for the convict to re-socialize upon release.

Some other and no less important aspects of the impact of long prison terms include the

rate at which the convict's personality is changing and the vector of this change. Regarding the vector of personality development, in its relation to the perception of detention facilities as well, we have already mentioned its negative quantitative dynamics according to studies conducted in this field.

At the same time it is obvious that personality changes and their pace largely depend on the individual. Remorse as an awareness of one's guilt and regret for the criminal act committed may occur in a person even at the time of committing the crime, or may not occur at all. And it should be understood that between these extreme points of attitude toward the committed crime there are many shades of perception and understanding of the committed criminal act.

We believe that it is the psychological approach that can answer the question of the length of punishment for a particular criminal.

No doubt, this problem is at an intersection of several systems, for example, the judicial and penitentiary systems. In one case, when imposing a sentence, one must consider not only the degree of social danger of the crime committed, but also the set of the convict's characteristics that influence the potential for their rehabilitation.

The penal system should be guided by the psychological approach, which, in essence, will be as a reference point in the organization of rehabilitation work with convicts as they serve their sentences. The psychological approach will optimize the work of correctional institutions, since it will point to those convicts who need penitentiary attention in the first place, and determine the extent of this impact on the convict and the amount of time required to address rehabilitation tasks in a particular case.

Conclusion

The psychological approach is a transition from the quantitative implementation of a punishment in the form of imprisonment to the qualitative one. This transition, in turn, will promote a more effective implementation of penitentiary impact on the convict by all services in a penitentiary institution.

At the same time, we understand that the psychological approach to determining the measure of punishment expressed in the length of serving the sentence represents a fundamentally new level of implementation of penitentiary impact and development of certain social consciousness.

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Received April 27, 2020