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## A Retrospective Analysis of the Concept of Detention Conditions in Pretrial Detention Centers and Correctional Colonies in Legislation

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### ABSTRACT

The article analyzes the evolution of the concept of the regime of detention in pre-trial detention centers and correctional colonies in the legislation of Ukraine through the prism of historical and legal development and the influence of military and political factors. It is determined that the transformation of the penitentiary regime is of a natural nature and occurs in the direction of the transition from punitive-exploitative and mobilization-repressive models to the legal-guaranteed and modern adaptive-security model. It is found that the key determinant of these changes is military factors, which lead to the strengthening of the security component, the expansion of administrative discretion and the need to adapt the organizational and legal mechanisms of the functioning of penal institutions. The periodization of the development of the regime of places of deprivation of liberty is considered, taking into account the political and historical chronology, which allowed us to systematically recreate the evolution of the relevant institution. The main regime models and their functional features at different stages of statehood development are characterized, as well as the impact of military and emergency circumstances on changing their content. It is proven that martial law does not create new problems in the functioning of the penitentiary system, but exacerbates existing institutional vulnerabilities, transforming them into systemic risks. It is determined that the current stage of development is characterized by the formation of an adaptive-security regime model, which combines crisis management tools with the need to comply with international standards in the field of human rights. At the same time, it is proven that the effectiveness of such a transformation depends on the quality of legal safeguards aimed at ensuring the proportionality of restrictions and preventing excessive administrative discretion. Conclusions are drawn regarding the need to improve legal regulation by means of regulatory specification of regime restrictions, strengthening procedural guarantees, developing control mechanisms and ensuring a balance between the security needs of the state and the rights of persons deprived of their liberty.



### KEYWORDS

penitentiary regime, pre-trial detention centers, correctional colonies, martial law, penal system, human rights, legal regulation, international standards.



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## Ретроспективний аналіз поняття режиму тримання у СІЗО та виправних колоніях в законодавстві

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### СТАТТЯ

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У статті проаналізовано еволюцію поняття режиму тримання у слідчих ізоляторах та виправних колоніях у законодавстві України крізь призму історико-правового розвитку та впливу воєнно-політичних чинників. Визначено, що трансформація пенітенціарного режиму має закономірний характер і відбувається у напрямі переходу від карально-експлуатаційних і мобілізаційно-репресивних моделей до правогарантійної та сучасної адаптивно-безпекової моделі. З'ясовано, що ключовим детермінантом цих змін виступають воєнні фактори, які зумовлюють посилення безпекової складової, розширення адміністративної дискреції та необхідність адаптації організаційно-правових механізмів функціонування установ виконання покарань. Розглянуто періодизацію розвитку режиму місць несвободи з урахуванням політико-історичної хронології, що дозволило системно відтворити еволюцію відповідного інституту. Охарактеризовано основні моделі режиму та їх функціональні особливості на різних етапах розвитку державності, а також вплив воєнних і надзвичайних обставин на зміну його змісту. Доведено, що воєнний стан не створює нових проблем функціонування пенітенціарної системи, а загострює наявні інституційні вразливості, трансформуючи їх у системні ризики. Визначено, що сучасний етап розвитку характеризується формуванням адаптивно-безпекової моделі режиму, яка поєднує інструменти кризового управління з необхідністю дотримання міжнародних стандартів у сфері прав людини. Водночас доведено, що ефективність такої трансформації залежить від якості правових запобіжників, спрямованих на забезпечення пропорційності обмежень і недопущення надмірної адміністративної дискреції. Сформовано висновки щодо необхідності вдосконалення правового регулювання шляхом нормативної конкретизації режимних обмежень, посилення процедурних гарантій, розвитку механізмів контролю та забезпечення балансу між безпековими потребами держави і правами осіб, позбавлених волі.



### КЛЮЧОВІ СЛОВА

пенітенціарний режим, слідчі ізолятори, виправні колонії, воєнний стан, кримінально-виконавча система, права людини, правове регулювання, міжнародні стандарти.

## **1. Introduction**

The conditions of detention of persons in pre-trial detention centers and correctional colonies are a key element of the implementation of the state's penal policy and ensuring human rights in the field of execution of sentences. At the same time, the development of national legislation in this area was uneven, under the influence of changes in political and legal approaches, the transformation of the penitentiary system and the implementation of international standards for the treatment of prisoners, which led to different approaches to the interpretation of the concept of "regime holding", its content, structure and functional purpose.

In modern conditions, the lack of a unified conceptual approach to determining the regime of detention in pre-trial detention centers and correctional colonies complicates proper law enforcement, creates prerequisites for conflicts in legal regulation and can lead to violations of the rights of persons deprived of liberty. In addition, the historical and legal development of this concept remains insufficiently studied, which limits the possibilities of its systematic comprehension and improvement in modern legislation.

In this regard, the need to conduct a retrospective analysis of the evolution of the concept of the regime of detention in pre-trial detention centers and correctional colonies, to identify patterns of its formation and transformation, as well as to substantiate the directions for improving legal regulation taking into account modern legal standards is actualized.

## **2. Literature Review**

The analysis of recent studies and publications indicates that in the twentieth century, there was a transformation of the respective regime, particularly in the context of the use of labor of prisoners of war and detainees in the post-war period [2], which in turn points to its evolution toward a mobilization-repressive model. This indicates the transformation of the regime in the direction of the mobilization and repressive model.

At the same time, the modern stage of scientific research is represented by the works of Zavitnevych [21] and Kolb and Pavlyukh [7], which substantiate the transition to the right-guarantee model and its subsequent adaptation under martial law with the strengthening of the security component.

Thus, the scientific literature traces the evolution of approaches to understanding the regime of detention, but there is no holistic retrospective analysis of its development as a legal category, which leads to a detailed study.

## **3. Problem Statement**

The purpose of the article is to carry out a retrospective analysis of the evolution of the concept of the regime of detention in pre-trial detention centers and correctional colonies in the legislation in order to identify patterns of its development and substantiate the directions for improving legal regulation.

## **4. Methods and Materials**

The methodological framework of the study is based on general scientific and special legal research methods, including historical-legal, systemic-structural, comparative-legal, and formal-legal approaches. The historical-legal method was applied to trace the evolution of the concept of detention regime in pre-trial detention centers and correctional colonies across different historical periods of Ukraine's state development. The systemic-structural method was used to determine the place and interrelations of the detention regime within the penal enforcement system, as well as its functional components. The comparative-legal method enabled the analysis of the compliance of national legislation with international standards on the treatment of prisoners. The formal-legal method ensured the examination of normative legal acts regulating the detention regime. The information base of the

research includes Ukrainian legislation, international legal instruments, scholarly works of domestic and foreign authors, and analytical materials in the field of penitentiary law.

## 5. Results and Discussion

It is expedient to periodize the development of the regime of functioning of penitentiary institutions and pre-trial detention centers in wartime, taking into account the political and historical chronology and functional orientation of the regime, which ensures a holistic reproduction of the evolution of this institution through the prism of changes in legislation and state criminal-executive policy.

In this regard, in the scientific and theoretical dimension, it is advisable to single out the main models of the regime of places of detention, namely: punitive-exploitative, mobilization-repressive, legal guarantee and modern adaptive and security. The latter is formed under martial law and is due to the need to respond to specific threats to the security of the functioning of the penitentiary system.

At the same time, it is military factors that act as a determining factor of the transformation of the regime, as they cause a change in the priorities of state policy towards strengthening the security component. This, in turn, leads to resource constraints and increased risks of destabilization of institutions, which complicates the implementation of regime requirements and requires adaptation of organizational and legal mechanisms for their provision.

Under such conditions, it is natural to expand the administrative discretion of penitentiary authorities, but its implementation should be carried out exclusively within the current legal field. In particular, the basic principles of the functioning of penitentiary institutions and pre-trial detention centers are determined by the Criminal Executive Code of Ukraine, which enshrines the principles of execution of sentences and requirements for the organization of the regime [13].

Taking into account these provisions, it is advisable to refer to a retrospective analysis of the formation and evolution of the regime of places of detention, which allows us to trace the patterns of its formation under the influence of military-political and socio-economic factors at different historical stages of the development of statehood (Table 1).

Therefore, presented in Table 1 periodization allows us to trace the evolution of the regime of penitentiary institutions under the influence of transformations of political and legal models of statehood and military factors. In this regard, it is advisable to refer to the imperial stage, within which the primary institutional foundations of the regime of places of detention were formed, which functioned under the decisive influence of punitive policy and military-state needs.

First of all, the institutionalization of hard labor as a type of criminal punishment is indicative, which, according to Bilichenko, was formed at the end of the XVII century. and was integrated into the system of public administration as a tool for ensuring public order [1, p. 98].

Further development of this practice was accompanied by its normative consolidation, in particular in the statutes of 1822, which regulated the procedure for sending convicts and the organization of hard labor. At the same time, as noted in scientific research, the formation of the penal system was directly related to the military-economic needs of the state, in particular, the development of territories and the use of forced labor [5].

Later, these tendencies led to the establishment of a utilitarian-disciplinary model of the use of prisoners' labor, which was reflected in the creation of prisoners' companies. As Korotkyi substantiates, in the first third of the nineteenth century. There was a departure from the philanthropic understanding of labor as a means of correction to its instrumentalization in the interests of the state, which was accompanied by the strengthening of administrative control [8, p. 91]. Thus, the work of convicts is gradually transformed into a resource for the implementation of state tasks, including defense.

At the same time, in the late nineteenth and early twentieth centuries, the development of the penitentiary system was characterized by a combination of institutional design of penitentiary institutions with limited modernization processes. This is due to the fact that, according to Bilichenko, the implementation of reforms was significantly complicated by military-political circumstances, in particular by the First World War, which led to increased centralization and punitive orientation of the regime [1].

**Table 1. Historical periodization of the development of the regime of penitentiary institutions and places of pre-trial detention**

| Chronological boundaries                                      | Main characteristics of the regime of penitentiary institutions and places of detention                                                                                                                                                                                                                                                                                                                                            | Influence of military factors and extraordinary circumstances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The end of the XVII century – the beginning of the XX century | Formation and institutionalization of hard labor as a separate type of criminal punishment; a combination of isolation of convicts with a system of hard forced labor; establishment of a strict disciplinary regime; creation of penal centers and prisons in Ukrainian lands in the context of reforms of the penitentiary system of the Russian Empire in the second half of the nineteenth and early twentieth centuries.      | The military and defense-engineering needs of the imperial state stimulated the utilitarian use of prisoners' labor, in particular in military and infrastructure projects. During the First World War, modernization initiatives in the field of penitentiary administration were actually suspended.                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1917 – late 1930s                                             | Formation of the Soviet model of the penitentiary system; the dominance of the correctional labor concept of the execution of punishments; codification of relevant relations in correctional labor codes; building a network of forced labor camps; subordination of the legal status of prisoners to political and ideological criteria.                                                                                         | Revolutionary events and processes of consolidation of Soviet power contributed to the militarization of the system of places of detention, the establishment of the priority of state interests over human rights, and the massive use of the repressive potential of the penitentiary system as an instrument of political control.                                                                                                                                                                                                                                                                                                                                                                  |
| 1939 – 1945                                                   | Strengthening the punitive function of the penitentiary system; a significant increase in the number of prisoners; overcrowding of institutions and a significant weakening of legal guarantees; introduction of strict regime supervision practices.                                                                                                                                                                              | The Second World War caused mass evacuations of institutions, the use of emergency management practices, as well as cases of liquidation of contingents in frontline conditions. In such circumstances, military-operational expediency often dominated humanitarian norms.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 1945 – early 1950s                                            | Formation and operation of a network of camps for prisoners of war; large-scale use of forced labor as an element of post-war economic reconstruction; administrative and punitive nature of the management of the system of places of detention.                                                                                                                                                                                  | The labor of prisoners of war was actively used in the processes of restoring industry and infrastructure. The organization of the conditions of detention and the logistics of the functioning of the camps were determined by the needs of the mobilization economy and the activities of law enforcement agencies.                                                                                                                                                                                                                                                                                                                                                                                  |
| 1991 – 2013                                                   | Post-Soviet transformation of the penal system of Ukraine; gradual humanization of the detention regime; focus on the implementation of European standards for the treatment of prisoners; institutional reforms in the context of European integration processes.                                                                                                                                                                 | The absence of large-scale military threats on the territory of the state contributed to the stabilization of the functioning of penitentiary institutions and the development of legal guarantees for convicts and persons taken into custody, although at the same time, systemic problems of an infrastructural and financial nature remained.                                                                                                                                                                                                                                                                                                                                                      |
| 2014–present                                                  | Adaptation of the penal system of Ukraine to the conditions of armed conflict and martial law; evacuation or relocation of institutions; strengthening of regime measures; introduction of new regulatory mechanisms for the functioning of pre-trial detention centers; expansion of the use of technical means of control; formation of specialized sectors for certain categories of detainees, in particular prisoners of war. | The occupation of part of the territory of Ukraine and active hostilities have led to the loss of control over some penitentiary institutions, created new risks for personnel and contingents, and also caused complex humanitarian and legal problems related to access to monitoring, safe movement of persons and guaranteeing their rights in the temporarily occupied territories. At the same time, several special regime instruments have been enshrined at the legislative level, including the creation of maximum-security sectors in pre-trial detention centers, the functioning of precincts or camps for prisoners of war, and the expansion of the use of technical means of control. |

Source: Formed based on [1; 21].

In turn, the revolutionary events of 1917 led to a change in conceptual approaches to the functioning of the system of places of detention. In this context, a corrective labor model was formed, within which deprivation of liberty was combined with labor exploitation, and the legal status of convicts was determined by ideological criteria. As Zavitnevych notes, the normative basis of this model was the adoption of the Correctional Labor Code of 1925, which enshrined labor as a key element of the regime [21, p. 11].

At the same time, in a broader historical and legal dimension, this period is characterized by the formation of a model of “elastic legality”, in which law was used mainly as an instrument of legitimation

of state policy. In this regard, the historical experience of the functioning of the penitentiary system is of particular importance for modern research, as it demonstrates the risks of expanding the discretionary powers of the state in the face of military challenges [21].

The period of World War II was marked by further radicalization of the regime of functioning of places of detention, which was due to the dominance of military-operational expediency over legal guarantees. Under these conditions, security priorities actually replaced legal restrictions, which was manifested, in particular, in the practice of mass shootings of political prisoners in 1941, which testify to the destruction of legal control mechanisms and the transformation of the regime into an “extra-legal” space [10].

These phenomena were primarily due to the lack of clear regulatory procedures for the actions of the authorities in wartime, in particular regarding the evacuation of prisoners and ensuring control over the activities of the administration. That is why modern international standards emphasize the inexorability of basic legal guarantees even in crisis conditions, which is confirmed by the position of the European Committee for the Prevention of Torture (CPT) [4].

At the same time, in the post-war period, the penitentiary system retained its mobilization character, which was manifested in the widespread use of prisoners’ labor in the processes of economic reconstruction. As the research shows, their systematic involvement in the industrial development of the regions of Ukraine confirms the integration of the detention regime into the mechanisms of economic regulation [2].

Similar conclusions are contained in foreign works, where the camp system is considered as an element of the post-war state policy of forced labor [5].

The further stage of development associated with the proclamation of Ukraine’s independence is characterized by a gradual transition from the mobilization-repressive to the right-guarantee model of the regime’s functioning. This was due to European integration processes and the need to implement international standards in the field of human rights [21]. At the same time, despite these transformations, structural problems persisted in the functioning of the system, in particular, insufficient funding and an unsatisfactory state of infrastructure, which indicates the incompleteness of the reform.

Thus, a retrospective analysis shows that war conditions do not create new problems for the functioning of the regime of places of detention, but exacerbate existing institutional vulnerabilities, transforming them into systemic risks, which is especially evident in the conditions of modern martial law.

Since 2014, the functioning of the penal system of Ukraine has been taking place in conditions of territorial fragmentation caused by armed aggression and loss of state control over certain territories. As a result, a normative-factual bifurcation of the regime was formed: on the one hand, there is a normative regime based on the provisions of national legislation and international standards, on the other hand, there is a de facto regime that operates outside the effective jurisdiction of the state. The legal basis for determining the status of such territories is the Law of Ukraine “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine”, as well as the provisions of the Criminal Executive Code of Ukraine [13; 14].

At the same time, the official materials of the national preventive mechanism show that some penitentiary institutions are actually outside the control of the state, which determines the declarative nature of the application of national legislation and limits the possibilities of exercising the rights of prisoners [13]. In this context, international standards, in particular the Nelson Mandela Rules, retain the importance of a universal benchmark regardless of jurisdictional conditions [12].

This bifurcation of the regime entails systemic risks, primarily in the form of legal uncertainty and restriction of access of national and international monitoring institutions to places of detention, which increases the likelihood of human rights violations [11].

At the same time, an additional factor in the transformation of the regime was the COVID-19 pandemic, which shifted the emphasis towards sanitary and epidemic restrictions and increased the isolation of the functioning of institutions. The implementation of quarantine measures determined by the Resolution of the Cabinet of Ministers of Ukraine No. 1236 was accompanied by the restriction of contacts with the external environment and a change in the mode of interaction in institutions [16].

At the same time, the pandemic has actualized the existing structural problems of the penitentiary system, in particular, insufficient medical care and inadequate conditions of detention, which limited

the effectiveness of anti-epidemic measures. In this regard, the right of convicts to medical care, enshrined in the Criminal Executive Code of Ukraine, has become of particular importance as a basic guarantee in crisis conditions [13].

During the COVID-19 pandemic, one of the directions of transformation of the regime was the strengthening of internal differentiation of conditions of detention, which was implemented through economic and administrative mechanisms. In particular, the introduction of a pilot project of paid services for improved living conditions in pre-trial detention centers actually institutionalized the model of compensating for the shortage of resources at the expense of financial instruments. At the same time, this practice, along with normative consolidation, has actualized the scientific discussion on the risks of inequality of access to adequate conditions of detention and potential deviation from the principle of universality of minimum standards for the treatment of prisoners.

In this context, the updated European Penitentiary Rules (2020), which define the key guidelines of modern penitentiary policy, in particular ensuring adequate conditions of detention, guarantees for vulnerable groups and independent monitoring of places of detention [3], have become important. At the same time, the strengthening of the impact of international standards is confirmed by the practice of the European Court of Human Rights, in particular the judgment in the case of *Sukachov v. Ukraine*, which stated the systemic nature of inadequate conditions of detention and the need for comprehensive reforms.

Thus, even before the introduction of martial law, the penitentiary system of Ukraine functioned under a significant regulatory and institutional load, combining the requirements of international standards with internal transformation processes. In this regard, martial law did not initiate new changes, but acted as a catalyst for existing trends, strengthening them and shifting the emphasis towards security priorities and crisis management.

After February 24, 2022, the functioning of penitentiary institutions and pre-trial detention centers in Ukraine underwent a systemic transformation due to the introduction of the legal regime of martial law, introduced by the Decree of the President of Ukraine No. 64/2022 and approved by the Verkhovna Rada of Ukraine. Under these conditions, the penitentiary system switched to the format of crisis management, within which the security component became a priority along with the traditional elements of the regime, which led to the expansion of the functions of institutions in the direction of ensuring physical security, evacuation and protection from military threats [19].

In this regard, the organization of the evacuation of persons deprived of liberty from war zones, which is regulated by the Resolution of the Cabinet of Ministers of Ukraine No. 934, has become of key importance. This provision enshrines the logic of mobility of the penitentiary regime, in which places of detention acquire not only a stationary, but also evacuation and logistical character, which affects the implementation of the basic rights of convicts, in particular, access to legal aid, medical care and maintenance of social ties [15].

At the same time, the adaptation of the regime to war conditions is ensured through the institution of the regime of special conditions, provided for by the Criminal Executive Code of Ukraine, which allows for the strengthening of security, restriction of contacts and other special security measures. Such a construction acts as a legal mechanism for the transition from a standard to a military regime, but the lack of clear bylaws for its application creates risks of a broad interpretation and a violation of the balance between security and human rights [13].

Further transformation of the regime is associated with the normative consolidation of new categories of detainees, in particular prisoners of war, which led to the formation of a "hybrid" regime of functioning of institutions, within which correctional colonies temporarily perform additional functions in accordance with the requirements of wartime [13]. A logical continuation of these changes was the adoption of the Law of Ukraine No. 3185-IX, which institutionalized an adapted model of the functioning of the penitentiary system, providing for, in particular, the creation of maximum-security sectors in pre-trial detention centers and the expansion of their functional purpose.

Thus, during martial law, a comprehensive transformation of the penitentiary regime is taking place, which combines institutional, functional and regulatory changes aimed at ensuring security and at the same time requires the preservation of basic legal guarantees in places of detention.

The legislative changes of 2023 led to a further transformation of the functioning of pre-trial detention institutions, primarily through the expansion of the possibilities of using technical means of supervision. In particular, the introduction of audiovisual and electronic control systems is aimed at

increasing the level of security in the face of personnel shortages and growing military threats. At the same time, the relevant innovations were accompanied by the normative regulation of special conditions of detention of certain categories of persons, in particular military personnel, which is due to the specifics of their legal status [20].

At the same time, the transformation of the regime is not limited exclusively to penal legislation, but is supplemented by norms in the field of civil protection, which form an additional regulatory plane for the functioning of places of detention. In particular, the introduction of a functional emergency prevention subsystem ensured the institutionalization of crisis response mechanisms, including evacuation, warning systems, and shelter organization. In retrospect, this indicates the formation of prerequisites for the adaptation of the penitentiary system to emergencies even before the start of a full-scale war, which later became of practical importance in the context of military threats [17].

In addition, despite the intensification of crisis factors, the strategic course towards reforming the penitentiary system remained unchanged, which is confirmed by the approval of the Reform Strategy until 2026. In this context, there is a combination of long-term reform approaches with military management tools, which provides for the simultaneous improvement of infrastructure, increasing evacuation capacity and strengthening the security components of the functioning of institutions [18].

At the same time, the implementation of these transformations is complicated by the impact of personnel and financial restrictions, which are aggravated under martial law. In particular, mobilization processes and the redistribution of state resources in favor of the defense sector lead to a reduction in human resources and limited funding for the penitentiary system. As a result, the workload on personnel increases and the possibilities of infrastructure modernization decrease, which, in turn, affects the effectiveness of ensuring regime and security in places of detention. Thus, the combination of these regulations and institutional decisions forms a holistic system for regulating the regime of places of detention under martial law.

Modern scientific research substantiates that martial law significantly transforms the conditions for the implementation of the penal policy, in particular, actualizes the revision of personnel policy, the use of the labor potential of convicts and the restoration of mechanisms of public control, which in the war period is complicated by the restriction of access to institutions [7, p. 47]. In this context, it is advisable to analyze the penitentiary regime through the prism of its basic institutions (protection, supervision, discipline, communication with the external environment, legal aid, medical care, labor and control), which form its structural core and ensure a balance between security and human rights.

At the same time, these elements have multi-level regulatory certainty: the general principles are enshrined in the legislation, in particular in the Criminal Executive Code of Ukraine, while the procedural aspects are detailed by bylaws, which provide a combination of stability and regulatory flexibility [13]. At the same time, the introduction of martial law activates special legal mechanisms, in particular the regime of special conditions, evacuation procedures, the expansion of technical control, and the integration of new categories of detainees, including prisoners of war, which leads to the adaptation of the regime to the requirements of security and international humanitarian law [13; 15].

In this regard, the specificity of the regime's functioning is to expand the range of risks, since along with internal threats, external ones (shelling, occupation, hostilities) are actualized, which gives the institutions of the regime an additional dimension of civil protection [15]. At the same time, such transformations cannot take place outside international standards, in particular, the prohibition of torture and compliance with the minimum conditions of detention defined by the Mandela Rules, as well as the European Penitentiary Regulations rules that establish criteria for the proportionality of restrictions.

At the same time, compliance with the standards for the treatment of prisoners of war in accordance with the Geneva Convention III is of particular importance, which ensures the consistency of national regulation with international humanitarian law [6]. As a result, martial law significantly increases the risks of human rights violations, in particular with regard to security, access to legal aid, and due process, which requires a regulatory balance between security and guarantees of rights [20].

At the same time, the system of external control is also being transformed, which, despite the restrictions, continues to function through the activities of the national preventive mechanism and international institutions [9]. In this context, international monitoring bodies, in particular the CPT and OHCHR, play a key role in ensuring human rights standards even in the context of armed conflict [4].

Summing up, the retrospective analysis indicates a steady trend of transformation of the penitentiary regime under the influence of military factors in the direction of strengthening the security and mobilization component, which is manifested in the expansion of control mechanisms and the adaptation of institutions to crisis conditions. At the same time, the effectiveness of such a transformation depends on the presence of clear legal safeguards that ensure the proportionality of restrictions and the prevention of excessive administrative discretion.

## 6. Conclusions

Thus, on the basis of a retrospective analysis of the evolution of the concept of the regime of detention in pre-trial detention centers and correctional colonies, it was possible to identify the regularity of its development from punitive-repressive to law-guaranteeing and adaptive-security forms under the influence of military-political factors. It has been established that the current stage is characterized by strengthening the security component of the regime, with the simultaneous need to preserve legal guarantees.

It is substantiated that the improvement of legal regulation should be aimed at the normative specification of regime restrictions, ensuring their proportionality and strengthening control mechanisms, which will ensure a balance between security requirements and respect for human rights.

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