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LEGAL FRAMEWORK FOR THE USE OF INFORMATION TECHNOLOGY IN THE EDUCATION OF CONVICTS

554.01 CRIMINAL LAW AND PENAL ENFORCEMENT LAW

ABSTRACT
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CONTENT

CONCEPTUAL FRAMEWORK OF THE RESEARCH 4
CONTENT OF THE WORK 9
GENERAL CONCLUSIONS AND RECOMMENDATIONS 24
BIBLIOGRAPHY 30
LIST OF AUTHOR'S PUBLICATIONS
ON THE DISSERTATION TOPIC 32
ANNOTATION (in Romanian, Russian, and English languages) 34

CONCEPTUAL FRAMEWORK OF THE RESEARCH

Relevance and importance of the research problem. The right to education is the most important constitutional right of a person and citizen, regardless of his legal status. The degree of realization of this right is expressed in the possibility of satisfying the spiritual and socio-cultural needs of a person in obtaining an education. However, not all citizens of the Republic of Moldova have the opportunity to realize this right for a number of objective reasons, especially those convicted with a sentence of imprisonment.

The pandemic has forced a change in approaches to education and a switch to distance learning using IT to minimize the spread of infection. However, access to technology and a stable Internet connection has proven to be a problem for many, including prisoners.

A comprehensive approach is needed to address this issue. It is necessary to develop legislative initiatives that allow the use of digital devices for educational purposes in penitentiary institutions, create programs adapted for convicts, and provide technical support. Such an approach will not only improve the level of education in penitentiary institutions, but will also help convicts successfully reenter society.

A study of the functioning of the penitentiary system reveals a number of problems associated with the organization and legal support for the use of information technology in the process of training convicts.

The dissertation research is relevant in the context of studying the problems of legal support for the use of IT in the training of convicts. This approach requires the development and adoption of legal acts, as well as the provision of funding and state support for the development of IT infrastructure in penitentiary institutions. It is also important to train teaching staff in modern methods of using IT in the learning process and provide students with access to modern educational materials and resources.

The significance and importance of the study is explained by the high trends in the development of legal support for the use of information technology in the education of convicts in the world. The lack of sufficient legislative regulation leads to incorrect interpretation and application of IT in the educational processes of penitentiary institutions, which affects law enforcement practice and may violate the rights of convicts.

The study of the problems of legal support for the organization of training of convicts in the context of the penitentiary system using new information technologies is of great importance for the development of the penitentiary system and society as a whole. It emphasizes the need to improve the legal support for the educational process in penitentiary institutions and the development of more effective methods and tools, including IT, to prepare convicts for successful adaptation to life after release. The proposed changes to the legislation will expand the legal framework for the effective use of IT in the training of convicts. This includes the creation of legal mechanisms

for distance learning, improvement of regulatory framework and provision of access to modern educational materials and resources. Thus, the legal support for the use of IT in the training of convicts will become more effective and will contribute to the successful resocialization and reintegration of convicts into society.

The theoretical basis of the dissertation is formed on the basis of scientific works of both domestic and foreign scientists, which allowed to comprehensively and deeply reveal the topic of the research. In the process of work, special attention was paid to the analysis of the works of scientists-penitentiaries dealing with the problems of the legal status of convicts and the implementation of their rights and freedoms, including socio-economic constitutional rights, such as the right to education.

Until now, no studies have been conducted in the field of penal law on the issues of legal support for the use of information technology and distance learning in the education of convicts. This emphasizes the relevance and significance of this study, aimed at filling this gap and providing recommendations for improving the legal status of convicts in the context of using IT for educational purposes.

The aim of the study is to improve the legal framework and conditions for the use of information technologies in the education of convicted persons serving sentences in penitentiary institutions.

In accordance with the objective, the following **research tasks were solved:**

- to synthesize scientific works in the field of legal support and the use of information technologies in the process of training persons serving sentences in the penitentiary system;
- to generalize foreign experience in the organization, legal support and use of information technologies in the process of training persons serving sentences in penitentiary institutions;
- to study the implementation of practical activities of penitentiary institutions in the field of organizing education and legal support for the use of IT in the education of convicts and ensuring the provision of opportunities for the integration of the right to receive education;
- conduct a survey of both convicts and employees and specialists of penitentiary institutions of the Republic of Moldova;
- prepare directives for improving the activities of penitentiary institutions in terms of implementing the rights to education and legal support for the use of IT in the education of convicted persons serving sentences in the penitentiary system of the Republic of Moldova;
- develop conclusions, proposals and recommendations for improving the legislation of the Republic of Moldova, to eliminate gaps in regulation and legal support for the use of IT in the education of convicts.

Research hypothesis is that legal support for the use of IT in the process of teaching convicts can significantly improve the quality of their education. This, in turn, will contribute to the successful resocialization of convicts and their reintegra-

tion into society. This requires the development of effective legislation, the creation of legal mechanisms for distance learning, as well as access to IT infrastructure and modern educational resources in penitentiary institutions.

The methodological basis of the study was the general scientific dialectical method of cognition of social phenomena. Thus, to obtain reliable results, the following general scientific and specific scientific methods of cognition were comprehensively applied: historical and legal method; comparative legal method; logical method; linguistic method; legal method; empirical method; methods of induction, deduction and forecast.

The object of the study is social relations arising from the implementation of the right to education and legal support for the use of modern information technologies in the process of teaching convicts.

The empirical basis of the dissertation research includes a survey of convicts and employees of penitentiary institutions. As of 01.07.2024, there are 4788 convicts in the Republic of Moldova. The study involved 1683 convicts (approximately 35.15%) and 66 employees and specialists from penitentiary institutions. The study covers a wide range of opinions and data, which ensures the reliability and validity of the conclusions.

The normative base of the study consisted of international legal documents on human rights, the Constitution of the Republic of Moldova, the Executive Code of the Republic of Moldova, the Education Code, other laws, by-laws in the sphere of execution of punishment in the form of imprisonment, as well as regulatory documents related to the use of IT in education.

The scientific novelty of the study lies in conducting the first comprehensive analysis of the legal framework for the use of information technology in educational processes for convicts in Moldova, identifying and proposing specific legislative changes to eliminate existing barriers, as well as adapting and studying international experience and the impact of IT on the resocialization of convicts, which makes a significant contribution to the theory and practice of penal law and educational technologies in the penitentiary system.

The scientific novelty of the research is reflected in *the following provisions submitted for defense:*

- a comprehensive analysis of the process of organizing and legally supporting the use of IT in the training of convicts was conducted, representing an innovative approach to this topic;
- the problems of legal support for the use of IT in the process of training convicts were identified, and ways to improve the legislative framework and regulation were proposed;
- the process of development of scientific ideas and normative consolidation of the training of convicts was analyzed;
- the need to take into account foreign experience and legal decisions of the European Court of Human Rights (ECHR) in the context of the use of IT in

the training of convicts, which promotes international cooperation, is substantiated;
- the types and forms of organization of the training process, as well as the principles of legal support for the use of IT in the penitentiary system of Moldova were identified;
- the idea of providing convicts with the opportunity to receive postgraduate education, including doctoral school, has been substantiated, which contributes to their successful adaptation and a reduction in recidivism;
- the factors of interaction between education and personal development in the information environment of convicts were identified, and the most effective teaching methods were determined;
- ways to improve the effectiveness of legal support for the use of IT in the training of convicts have been identified;
- measures have been proposed to improve some of the provisions of the executive legislation of the Republic of Moldova and the practice of their application.

Contribution of the dissertation author to the research:

From the doctrinal and theoretical side:

- the conclusions contained in the dissertation develop and complement scientific approaches to the study of the problems of legal support for modern IT in the education of persons serving sentences in penitentiary institutions;
- an attempt was made to introduce new terms into the terminology: "distance learning", "information technologies" within the framework of the current legislation of the Republic of Moldova and to bring terminological clarity to their use;

Practical contribution:

- An original draft of the Regulation "On the organization of distance learning using information technologies in penitentiary institutions" has been developed for the implementation of educational programs using IT;
- an amendment to Article 208 of the Enforcement Code of the Republic of Moldova "Access of convicts to information" was proposed, including provisions on the right to access IT for educational purposes;
- It was proposed to present in a new edition Article 240 of the Enforcement Code of the Republic of Moldova, entitled "Obtaining education by convicts", by including in it provisions on distance learning;
- proposals have been made to supplement the Law of the Republic of Moldova "On the Penitentiary Administration System" aimed at improving the legal framework and IT infrastructure for training;
- an addition to the Code of the Republic of Moldova No. 152 of 17.07.2014 "On Education" to Article 3 "Basic Concepts" was proposed;
- The author's concept of the legal structure of norms for obtaining the third cycle of post-university education by persons serving sentences in penitentiary institutions has been developed.

The conclusions formulated as a result of the conducted research are original and contain specific recommendations for improving the legal regulation of the use of IT in the education of convicts serving sentences in penitentiary institutions.

Practical significance of the dissertation:

— In normative terms, the conclusions and recommendations formulated in the dissertation can be used in reforming the penitentiary system and improving the legislation regulating educational processes for persons serving sentences in penitentiary institutions. In particular, it is proposed to develop legal norms that ensure the use of information technologies in the education of convicts. Also, the results of the dissertation research can be used to optimize the organization of the educational process in the penitentiary system of the Republic of Moldova.

— In didactic terms, the obtained results can be used to improve executive legislation and regulations in the field of obtaining education using IT by persons serving sentences in penitentiary institutions. In addition, they can be used in the development and implementation of educational programs in educational institutions, in the training and retraining of teaching staff, as well as to improve the skills of penitentiary system employees, which will ensure their readiness to work with IT and distance learning technologies. The results can also be useful for further scientific research in this area.

The main solved scientific problem is the development of specific features of legal support for the use of information technology in the education of convicts. This includes the establishment of specific legal regulation, different from other educational and legal systems, for theory and practice with the aim of their correct application in various legal situations. The study develops scientific knowledge about the content and legal nature of education in penitentiary institutions, considers foreign experience and suggests ways to improve the regulatory framework for the effective integration of IT into educational processes.

The theoretical significance of the study comes from the need to develop new conceptual approaches and substantiate systemic changes in legislation in the field of using information technology in the education of convicts. The findings and results of the study can be applied in the development and improvement of regulatory legal acts in the field of penitentiary education.

Testing of research results. The research results were presented and tested at various scientific venues, including international and national conferences, as well as in scientific journals.

Volume and structure of the dissertation. The dissertation research consists of the following structural elements: abstract (in three languages), list of abbreviations used in the dissertation, introduction, three chapters including 11 paragraphs, general conclusions and recommendations, bibliography, appendices, declaration of personal responsibility for the originality of the dissertation work, author's CV.

CONTENT OF THE WORK

The introduction substantiates the relevance and importance of the research topic, emphasizing the need for legal regulation of the use of information technology in the education of convicts. The goals and objectives of the study, its scientific novelty, theoretical and practical significance are described. The methodology and methods of legal analysis used in the work are presented. The degree of scientific elaboration of the problem is reflected, the main provisions submitted for defense are proposed, and the main scientific problem solved in the course of the study is indicated. The introduction also contains information on the structure of the work and testing of the results.

Chapter One, "Doctrinarian *Analysis of the Organizational and Legal Aspects of the Use of Information Technologies in the Process of Teaching Convicts*," is devoted to the study of the theoretical and legislative foundations for the use of information technologies in teaching convicts. It provides a comprehensive analysis of theoretical and legal views on this issue, including the study of existing scientific works and legal standards.

The penitentiary system must educate convicts, helping them to become in demand in society. This is not just about receiving a certificate or diploma, but about a real education, including systematized knowledge and skills. Only education can give convicts a chance to start a new, law-abiding life, overcoming the negative aspects of their personality associated with conviction and imprisonment.

The right to education is one of the priorities in penitentiary institutions. It is important to note that not only general education, but also vocational training plays a key role in this process. Many penitentiary institutions provide prisoners with the opportunity to gain professional experience and qualifications in various fields, such as construction, cooking, mechanics and others. This not only helps prisoners acquire new skills, but also increases their self-confidence.

In addition, education and vocational training should be available not only to convicted persons, but also to former convicts who have already been released. To do this, it is necessary to create programs and mechanisms that will help them adapt to new living conditions and successfully reintegrate into society.

Our analysis showed that many authors view the education of individuals serving sentences in the penitentiary system as an important process that contributes to their rehabilitation and preparation for life after release. Educational programs play a key role in developing inmates' qualities such as honesty, responsibility, hard work, and respect for the law and the rights of others.

It can be noted that the issues of education in the penitentiary system are complex and multifaceted, and there are many opinions and points of view on this topic. Some may believe that education is not the most effective means of resocialization and successful adaptation after release, or that it is insufficient in penitentiary institutions. However, in general, studies indicate a positive effect of education on the behavior and successful adaptation of convicts, as well as on the humanization of the penitentiary system, which confirms the importance of this factor.

The views of scientists on the education of convicts have changed. Now the emphasis is on convicts being released educated and able to become full members of society. At the present stage, education in the penitentiary system should be developed with a scientific approach, taking into account the abilities, motivation, interests and needs of each convict.

Individually-oriented teaching methods help convicts to recognize their mistakes and change their behavior patterns, which reduces the level of repeat offenses. However, education should not be just a way to mitigate punishment, but a way to achieve rehabilitation goals.

The level of education significantly influences the formation of interests and needs of convicts. Those who have a higher level of education show a greater interest in studies and literature, and the probability of developing negative needs is lower. The problem of education in the penitentiary system is closely related to the level of repeat offenses. Spontaneous assimilation of antisocial norms in conditions of isolation, maladjustment, inability to adapt to the rapid development of IT and the instability of the market structure emphasize the importance of quality education.

Our study confirms the importance of the concept of the penitentiary system and emphasizes the need to improve the legal status of convicts by ensuring access to education and the use of IT. The lack of legal regulation in the field of using IT in the education of convicts in Moldova is a serious problem that needs to be addressed.

Although a number of scientific articles have already touched upon the topics under consideration, our study adds new dimensions to understanding the problems and finding ways to solve them. We found that education plays a key role, and that student- centered teaching methods and the use of IT can significantly improve the constructive approach to the educational process in penitentiary institutions.

Particular attention was paid to the importance of educational work based on ideas, planning and qualified personnel. In addition, the use of ICT in prisons opens up new opportunities for inclusive and active learning, which is especially important in isolation. One of the central sources of the right to education is *the Universal Declaration of Human Rights of 1948.* Article 26 of the Declaration proclaims that "everyone has the right to education" and that "education shall be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms." [1]. This is the legal and moral basis on which international standards of the right to education are built. The right to education is a fundamental human right that ensures equal access to educational resources and promotes the comprehensive development of the individual. The Republic of Moldova, having acceded to the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, has committed itself to ensuring the availability and quality of education for all citizens. The legislation of Moldova reflects these principles and obliges the state to create conditions for accessible and quality education.

1 Universal Declaration of Human Rights Adopted by resolution 217 A (III) of the UN General Assembly on 10 December 1948 Available at: https://www.un.org/en/about-us/universal-declaration-of-human-rights

Also the first chapter examines the issues of legal regulation of the education of convicts in the context of the use of IT both in Moldova and abroad. The chapter covers three key aspects: theoretical analysis, legislative aspects and conclusions, which allows for a comprehensive understanding of the current state and prospects for the use of information technology in the education of convicts.

International Covenant on Economic, Social and Cultural Rights 1966[2] is a key document defining the legal status of a person in the area of economic, social and cultural rights.

The Republic of Moldova, as a party to the Pact, undertakes to guarantee free primary education for all, to ensure access to secondary and higher education according to ability, and to create conditions for those who have not completed primary education. The state also undertakes to implement a system of scholarships and improve the material conditions for teachers in order to ensure quality education and the comprehensive development of each citizen.

The provisions of *the Convention on the Rights of the Child, 1989*[3], recognize the importance of the media in providing educational materials and encourage international cooperation in the preparation and dissemination of educational information and children's literature.

The Convention provides for access to higher education according to ability, measures to ensure regular school attendance and reduce the number of students dropping out of school, and prohibits discrimination in the right to education for ethnic, religious and linguistic minorities. Education plays a key role in the development of the child, and the Convention sets standards to ensure this right. As a party to the Convention, the Republic of Moldova is obliged to cooperate with other countries, take measures to ensure regular school attendance and equal access to education for all children, including minorities[4].

An analysis of international documents shows that "elementary education" should be compulsory education for the illiterate and young people, to whom penitentiary institutions should pay special attention.

In order to successfully integrate into the European community and strengthen democratic principles, the Government of the Republic of Moldova is actively implementing reforms, including the modernization of the penitentiary system. One of the priority areas is ensuring the right to education for convicts, which is reflected in national legal acts.

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2 International Covenant on Economic, Social and Cultural Rights Adopted by General Assembly resolution 2200 A (XXI) of 16 December 1966. https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights

3 Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by UN General Assembly resolution 44/25 of 20 November 1989. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child

4 ГЕОРГИЕВА, С., ЧИРКОВ, Е. Правовые стандарты в области образования осужденных и их анализ. In: Tradiție și inovare în cercetarea științifică, 8 octombrie 2021, Bălți: Universitatea de Stat „Alecu Russo" din Bălți, Ediția 10, Vol. II, 2021. 149-153 pp. ISBN 978-9975-50-272-6

The Constitution of the Republic of Moldova[5] guarantees the right to education and defines the fundamental rights and freedoms of citizens.

The Education Code of the Republic of Moldova[6] regulates the education system, establishing the rights and obligations of participants in the educational process. According to Article 9, the state promotes and supports lifelong learning. This means that convicted persons should have the opportunity to receive an education on an equal basis with other citizens, which contributes to their personal and professional development.

The Executive Code of the Republic of Moldova[7] defines the procedure for the execution of sentences, including the organization of the educational process for convicts. According to Article 240, convicts have the right to education, and the administration of penitentiary institutions is obliged to create conditions for obtaining it. This emphasizes the importance of ensuring access to education for convicts, which contributes to their successful integration into society after release. Also, Article 241 of the Executive Code of the Republic of Moldova establishes mandatory professional training of convicts, including the creation of conditions and development of programs, recognition of diplomas and certificates, as well as the training of convicts for life imprisonment directly at their place of work.

Code of Science and Innovation of the Republic of Moldova[8] establishes the legal status of scientific researchers and regulates the use of innovative technologies for educational and scientific purposes.

The Law of the Republic of Moldova "On the Penitentiary Administration System"[9] regulates the organization and functioning of the penitentiary system, including issues of training and rehabilitation of convicts. It defines the responsibilities of the penitentiary administration in organizing the educational process, regulates the organization and functioning of the penitentiary system, paying special attention to the issues of training and reintegration of convicts. This law defines the duties of the penitentiary administration in organizing training, ensuring conditions for the acquisition of education and vocational training for convicts. In particular, the administration is obliged to create and support educational programs that meet national standards and take into account the individual needs and abilities of convicts.

The Law of the Republic of Moldova "On the Protection of Personal Data" regulates data protection issues[10], establishes the basic principles of personal data processing, such as legality, fairness, transparency, limitation of purposes, data minimization and ensuring their security.

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5 Constitution of the Republic of Moldova from July 29, 1994 Published: 29-03-2016 in Official Monitor No. 78 ar. No. 140

6 Education Code of July 17, 2014 No. 152 Published: 24.10.2014 in Official Monitor No. 319-324 Article No.: 634

7 Enforcement Code of the Republic of Moldova of 24.12.2004 Published: 05.11.2010 in Official Monitor No. 214-220

8 Code of Science and Innovation No. 259 of 15-07-2004, Published on 30-07-2004 in the Official Monitor No. 125-129 article No. 663

9 Law on the penitentiary administration system No. 300 of 21.12.2017. Published: 16-02-2018 in Monitorul Official No. 48-57 Article No. 124

10 Law on the protection of personal data No. 133 of 08-07-2011 Published: 14-10-2011 In: Official Monitor No. 170-175 article No. 492

Ensuring access to quality educational programmes for persons serving sentences in penitentiary institutions and the introduction of IT into the educational process are key aspects that facilitate their reintegration into society.

The use of innovative methods and compliance with international human rights standards improve conditions of detention and increase the chances of successful adaptation after release. Provision of opportunities for education and professional training of convicts should be mandatory and properly organized in the penitentiary system.

Chapter two *"Legal support and practice of using information technologies in training convicts in the penal system"* is devoted to the study of legal and practical aspects of using information technologies in the education of convicts. In this chapter, we conducted a study of the need for education of convicts, an analysis of their role and place in the correction system, and also considered the use of IT in the educational process of convicts and its importance in this system. In addition, various types and forms of training of convicts in penitentiary institutions of the Republic of Moldova are disclosed. In addition, an analysis of foreign experience in organizing the educational process for convicts was conducted. Conclusions and recommendations for improving the educational system in penitentiary institutions are formulated based on the analysis of these practices.

The problems that arise in the penitentiary system also affect the overall criminal policy of the republic. In Moldova, the average term of imprisonment is one of the longest among the CoE countries, second only to Azerbaijan and Portugal[11]. As a result, the percentage of convicts per capita in Moldova is twice as high as the average among the CoE countries[12]. Given the long terms of imprisonment and the low level of involvement in socially useful activities (less than 15% over the last decade), the goal of criminal punishment is largely not achieved, which indicates a harsh and ineffective criminal policy [13].

In order to improve the rights and freedoms of convicted persons, it is necessary to develop the criminal legislation in the Republic of Moldova. The punishment of imprisonment has a significant impact on the legal status of citizens. The legislation establishes that convicted persons retain their citizenship and rights protected by the Constitution of the Republic of Moldova. National legislation, based on the principle of respect for human dignity, rights and freedoms, free development of the individual, justice and political pluralism[14], takes into account international legal norms. For example, the Standard Minimum Rules for the Treatment of Prisoners recommend "to consider persons sentenced to imprisonment not as excluded from society, but as

11 Annual statistical report (SPACE I) of the Council of Europe, Average length of imprisonment is calculated using the following formula: Stock (balance) on 31 January divided by the number (flow) of admissions during the year, multiplied by 12 months. The average value of this indicator among the 47 EU countries is 12.4 months, the maximum value belongs to Azerbaijan — 34.6 months, and Moldova is very close to the maximum value, here the average length of imprisonment is 30.5 months. Available at: https://wp.unil.ch/space/space-i/annual-reports/

12 https://justice.gov.md/sites/default/files/document/attachments/koncepciya_vvedeniya_progressivnoy_sistemy_ispolneniya_nakazaniy_v_vide_lisheniya_svobody.pdf

13 UNODC Handbook on Criminal Justice Assessment. Measures related to and not related to imprisonment, social reintegration. UNODC, Custodial and Non-Custodial Measures, Social Reintegration, Criminal Justice Assessment Toolkit, United Nations, New York, 2006, p. 18

14 Constitution of the Republic of Moldova from July 29, 1994

its full members"[15]. The modern concept of the penal regime includes various activities in places of detention: work, vocational training, education, behavior modification programs, counseling, group therapy, physical education, religious instruction, social and cultural activities, as well as preparation for release[16]. Convicts must retain their civil rights and freedoms, including the right to judicial protection, medical care, and education, freedom of thought, conscience and religion. A humanistic approach to legislation aimed at the execution of punishment ensures justice and the preservation of the rights of convicts, facilitating their successful reintegration into society. This strengthens the rule of law and increases citizens' trust in justice, contributing to the stability and prosperity of the republic.

According to the legislation of the Republic of Moldova, in particular Article 72 of the Criminal Code of the Republic of Moldova[17] and Article 385 of the Criminal Procedure Code of the Republic of Moldova[18], the punishment in the form of imprisonment is served in penitentiary institutions of open, semi-closed and closed type. Women and minors are kept in separate penitentiary institutions, and convicts who need medical care are in the penitentiary hospital.

There are 17 penitentiary institutions operating in the Republic of Moldova, including open, semi-closed — 2 and closed — 9 institutions, juvenile and youth detention centers — 1, penitentiary institutions for women — 1, detention homes — 3 and penitentiary hospitals — 1[19].

In the context of penitentiary institutions, providing opportunities for education helps prisoners successfully adapt to society and find employment.

As for the use of information technology in the educational process of persons serving a sentence, we note that it plays an important role in the rehabilitation and preparation of convicts for life after release. Thus, information technology makes education more accessible and effective, allowing convicts to obtain new competencies that will be useful to them in the future.

According to the Strategy for the Development of the Information Technology Industry and the Digital Innovation Ecosystem for 2018-2023[20], as well as the Digital Transformation Strategy Republic of Moldova for 2023-2030[21], IT is recognized as an important component for the growth and diversification of the national economy.

15 Adopted at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and endorsed by the Economic and Social Council in its resolutions 663 C (XXIV) from July 31, 1957 and 2076 (LXII) from May 13, 1977 https://www.refworld.org/legal/otherinstr/un/1955/en/108625

16 UNODC Handbook on Criminal Justice Assessment. Measures related to and not related to imprisonment, social reintegration. UNODC, Custodial and Non-Custodial Measures, Social Reintegration, Criminal Justice Assessment Toolkit, United Nations, New York, 2006, p. 18

17 Art. 72 Criminal Code of the Republic of Moldova No. 985 of 18-04-2002, Published: 14-04-2009 in Monitorul Official No. 72-74 Article No. 195

18 Art. 385 Criminal Procedure Code of the Republic of Moldova No. 122 of 14-03-2003 Published: 05-11-2013 in Monitorul Official No. 248-251 Article No. 699

19 https://www.anp.gov.md/report-statistic-date-statistice (date of visit 21.05.2024)

20 Government Decree Strategy for the Development of the Information Technology Industry and Digital Innovation Ecosystem for 2018-2023. Appendix No. 1. No. 904/2018 Available: https://base.spinform.ru/show_doc.fwx?rgn=111498

21 Resolution of the Government of the Republic of Moldova On the approval of the Digital Transformation Strategy of the Republic of Moldova for 2023-2030. of September 6, 2023 In: Official Monitor, No. 383-386. 12.10. 2023. Article No. 650

The introduction of IT in the educational programs of penitentiary institutions can significantly improve the level of knowledge of convicts, which increases their chances of employment.

To improve the impact of educational programs for prisoners, it is necessary to involve several actors and specialists. In addition to the work of teachers and social workers, volunteers can help organize educational and psychosocial activities for prisoners, broadening their horizons and future prospects.

The system of social and educational programs used for convicts in penitentiary institutions includes programs aimed at completing the level of education of prisoners, vocational training, social and family assistance, moral and civic education, legal education, etc[22]. These programs help convicts develop social and professional skills, as well as receive support in various areas.

It should also be noted that one of the key elements that requires special attention is the use of IT in the educational process in penitentiary institutions. At the moment, there is no effective mechanism for implementing IT, which significantly limits the possibilities of educational programs. The use of IT in the education of convicts can significantly improve the quality of education and expand access to educational resources. This includes online courses, digital libraries, interactive teaching materials and other modern educational technologies.

However, in addition to the main problem of the legislative vacuum in the issue of receiving secondary vocational and higher education by convicts in places of deprivation of liberty, there is a problem in terms of didactic material: when teaching convicts, in addition to textbooks, it is necessary to work with material and technical samples and exhibits in the form of teaching aids[23], and also access to the Internet is required to organize distance learning and other measures that the Administration of the penitentiary institution cannot independently implement[24].

The introduction of IT into education also contributes to the development of digital skills that are in demand in the modern labor market. International standards and the practice of the European Court of Human Rights (ECHR) emphasize the right of convicted persons to education.

The ECHR has repeatedly stated that this fundamental right must be accessible to all, including convicted persons. In its decisions, the court emphasizes the need to create conditions for obtaining education and vocational training, which contributes to rehabilitation and social adaptation.

Case studies from the ECtHR demonstrate the importance of minimizing and justifying restrictions on education. Thus, a violation of a convicted person's right to education can be challenged in court, as demonstrated by the case of Mehmet Reşit Ar-

22 CERNEAVSCHI, V. Reintegrarea socială a persoanelor ex-deținute . In: Probleme ale științelor socioumanistice și modernizării învățământului: materialele conf. șt. anuale a profesorilor și cercetătorilor UPS „Ion Creangă".; coord. șt. Ig. Racu, [et al.]: [in 2 vol.]. Chișinău: Tipogr. UPS „Ion Creangă", vol. 1, 2014. 449-456 p .

23 ПОЛОЗЮК, В. Научить учиться. В: Преступление и наказание, № 7, 2006. 3 с.

24 МИРОНОВА, С., КОНСТАНТИНОВА, И. Основные особенности организации образования в местах лишения свободы În: Conferința «Știință, educație, cultură»Comrat, Moldova, 10 februarie 2017. Comrat: USC, Vol.2, 2017. 202-204 pp. ISBN 978-9975-83-040-9.

slan, sentenced to life imprisonment in 1992, and Orhan Bingöl, sentenced to life imprisonment in 1995. They appealed to the European Court of Human Rights (ECHR) with a complaint about violation of their right to education and access to information.

In the context of Moldova, the right to free access to information and free expression of thought are guaranteed by the Constitution of the Republic of Moldova and international agreements, such as the ECHR. As mentioned above, Moldova has approved a Digital Transformation Strategy for 2023-2030[25] and is aimed at developing digital services and increasing Internet accessibility. However, as in other countries, Moldova has problems with Internet accessibility in remote and poor regions, which can lead to violations of human rights to free access to information and free expression of thought. Therefore, it is necessary to continue efforts to overcome the digital divide and ensure universal access to the Internet.

The Council of Europe and international legal instruments increasingly consider access to the Internet as a right, calling for policies to ensure universal access to the Internet. The introduction of digital technologies into the educational process in prisons faces a dilemma between freedom and security, creating obstacles to the implementation of the rights of prisoners. The problems arise from the complexity of using digital technologies and the restrictions associated with the conditions of imprisonment. However, these difficulties can be overcome. In the modern world, learning is impossible without the inclusion of digital technologies in learning, otherwise it will only exacerbate the digital divide.

The development and use of digital educational technologies in penitentiary institutions will help convicts gain the experience necessary for successful adaptation in the digital society, reduce the risk of isolation and increase their chances of successful employment after release. Therefore, it is necessary to develop and use digital technologies in prisons.

Our findings highlight the importance of rehabilitating convicts by developing a respectful attitude towards society and its values. Education is important in this process, neutralizing negative behavior and developing positive attitudes and interests. Educational and work programmes for convicts are of particular importance. These measures not only develop their competence, but also contribute to strengthening their personal qualities and psychological balance. It is important to support spiritual and moral education programmes that help convicts reconsider their life values and priorities. In combination with educational and work programmes, they create a comprehensive approach to resocialisation, ensuring sustainable results.

The administration of the penitentiary institution and local authorities can help the convict to obtain secondary vocational or higher education. Labor legislation provides for leave during exams if the convict is involved in labor[26]. Vocational and higher

25 Resolution of the Government of the Republic of Moldova On the approval of the Digital Transformation Strategy of the Republic of Moldova for 2023-2030. of September 6, 2023 In: Official Monitor, Nr. 383-386. 12.10. 2023. Article No. 650

26 МИРОНОВА, С., КОНСТАНТИНОВА, И. Основные особенности организации образования в местах лишения свободы În: Conferința «Ştiință, educație, cultură»Comrat, Moldova, 10 februarie 2017. Comrat: USC, Vol.2, 2017. 202-204 pp. ISBN 978-9975-83-040-9.

education are essential for the personal and career growth of people, contributing to the improvement of their lives and the development of their professional career.

For convicts who are isolated from society, distance learning is the most suitable form. It allows them to receive education and improve their skills without leaving the penitentiary institution, which is important for ensuring security and law and order. Self-education also plays a significant role, allowing convicts to independently study new topics that can become the basis for professional growth. Distance learning, becoming increasingly popular, can provide convicts with accessibility and convenience, as well as a wider choice of courses and programs, which can be useful in their future life after release.

Previously, such concepts as distance learning, correspondence learning and information technology in distance learning were rarely discussed in the literature. However, at present, these concepts have become obvious and relevant in the educational sphere. Distance learning is considered as a new form of education, existing along with full-time, correspondence and external forms in the system of continuous education[27]. This form of education has become possible due to the development of IT.

It is worth noting that distance learning technologies may not be completely mediated, for example, when conducting online consultations or webinars with a teacher. Also, they do not exclude the possibility for students and teachers to communicate in person, meet in the classroom or discuss lesson materials live. In general, distance IT provides a flexible and convenient way of learning, allowing you to gain knowledge and skills anywhere and at any time. They are becoming increasingly popular, especially in the context of the COVID-19 pandemic, when presence in the classroom may have been impossible or undesirable.

Providing access to distance education and related technologies in prisons can have a positive impact on these institutions. Firstly, it can help to obtain education and qualifications. Secondly, training can help to keep prisoners occupied, reducing the likelihood of conflicts within the institution and increasing overall safety. In addition, training can be a tool to reduce recidivism and increase the chances of successful re-equipping of prisoners for further life and career. Overall, providing access to distance education and related technologies can lead to an improvement in the quality of life and prospects of prisoners, as well as contribute to the efficiency and safety of institutions[28].

Our research revealed a gap in the legislation regarding access to doctoral studies through different forms of study. Initially, the law on postgraduate education for the third cycle — doctoral studies — provided for only two forms of study: full-time and part-time. This was contrary to modern trends in education and limited access to training for certain categories of people, including those in penitentiary institutions.

Taking into account this gap, we had the idea to recommend amending the legislation by adding to the Education Code of the Republic of Moldova Article 78,

27 ПОЛАТ, Е. С. Понятийный аппарат дистанционного обучения. (дата посещения 15.01.2021) Доступно: http://vio.uchim.info/Vio_19/cd_site/articles/art_1_21.htm.

28 GHEORGHIEVA, S, POSTU, I, Access to information technology and prospects of distance education in penal institutions in Moldova. In: Legea și Viața Publicație științifico-practică, No. 1 (377), 2024. 17 p. ISSN 2587-4365.

paragraph 'c', which would provide for the possibility of distance learning in doctoral studies. However, the legislator himself detected this gap and in September 2023, a relevant amendment was made to take into account the possibility of distance learning in doctoral studies.

According to the national legislation of the Republic of Moldova, citizens, including convicts, have the right to third-cycle education. However, despite the absence of legislative restrictions on obtaining postgraduate education in prisons, in practice, convicts face numerous obstacles. Limited access to modern technologies, equipment, libraries and other sources of information reduces the opportunities for practical classes and high-quality analysis of literature, which negatively affects the quality of education. The teaching staff is also often not prepared for teaching at this level, which further worsens the educational process.

Thus, the formal right to third-cycle education does not guarantee its real accessibility for convicts. It is necessary to develop and implement measures to eliminate these barriers and ensure quality access to higher education for all convicts.

Although the legal possibility of obtaining an education exists, prisoners may face difficulties in accessing the necessary materials and resources for scientific research. These may include specialized textbooks, scientific articles, journals, databases and other resources, access to which may be limited due to security and information control issues. Thus, although the legal possibility of engaging in scientific activity in penal institutions exists, the actual conditions for its implementation may be limited. Appropriate training and infrastructure are required to ensure access of prisoners to the necessary resources and materials, as well as to develop the security and control measures necessary for engaging in scientific activity.

Research activities can be a useful and productive alternative to traditional work in prisons. In conditions where prisoners do not have the opportunity to engage in physical labor or where jobs are scarce, research and teaching can provide meaningful and effective employment. Research shows that participation in educational and scientific programs promotes the development of critical thinking, problem-solving skills, and self-management. Research activities can also contribute to the personal and professional development of prisoners, providing them with the opportunity to use their time and intellectual abilities productively. This may be especially important for prisoners with higher education, who will be able to apply their knowledge and skills in practice.

The introduction of such an alternative can help fill the time gaps and improve the morale of convicts, as well as benefit the scientific community and society as a whole. Therefore, it makes sense to legislatively provide for convicts with higher education the opportunity to engage in scientific activities instead of employment. This will be an important step towards creating a more humane and effective penitentiary system that promotes not only punishment, but also rehabilitation of convicts.

Distance learning in penitentiary institutions using information technology also has its advantages. It allows prisoners to receive education without having to visit an

educational institution and contact a teacher directly. This is especially valuable in conditions of limited resources or lack of qualified teachers in the institution. Prisoners can choose educational programs from anywhere in the world and study at the cutting edge of knowledge and technology.

It should be noted that in a number of countries that are parties to numerous conventions, they are obliged to bring their domestic legislation into line with international legislation, which must respect the fundamental rights of convicts. As for the socio-economic rights of those sentenced to imprisonment, including the right to education, its implementation is ensured in different ways, depends on various characteristics of a particular country and, as a rule, to a lesser extent than enshrined in law. Therefore, each country has its own approach to ensuring the socio-economic rights of convicts, and it is important to continue working to improve the conditions of detention and resocialization of prisoners in each specific case[29].

In many countries, the third sector is actively involved in providing educational services to prisoners, particularly in the area of non-formal education. This is a key area for prisoners serving long sentences, as it often serves as a first step towards inclusion in the educational process within the prison system. Third sector programmes may include vocational training, preparation for employment, literacy courses, and life skills training.

Although there is a risk that the involvement of volunteers in prison education may be seen as a substitute for professional teachers, their involvement is nevertheless valuable as it can complement the work of educators and also create links between the community and prisoners. Encouraging the involvement of trained volunteers in prison rehabilitation is a theme of the UK Prison Reform and Prisoner Rehabilitation Strategy 2009[30]. Although the involvement of such volunteers remains limited, it is important to provide them with clear guidance and support in relation to their role in prison. Therefore, it is important to develop appropriate policies and programs that will allow using the potential of trained volunteers in the most effective and safe way. These approaches can be applied in Moldova, allowing better organization of work with prisoners and helping them acquire the necessary competence and education.

Chapter Three *"Organizational issues of using information technologies in the education of convicts in penitentiary institutions»* is devoted to the study of the use of IT in educational programs for convicts, factors of their successful implementation and ways to improve efficiency. The influence of education on the personal development of convicts, the current state of educational processes and the need to improve them are considered, taking into account the opinions of convicts, staff and specialists of

29 ГЕОРГИЕВА, С., ПОСТУ, И. Использование информационных технологий в образовании осужденных: зарубежный опыт и правовое регулирование. In: Revista Institutului Naţional al Justiţiei, nr. 4(67), 2023. 37-45 pp. ISSN 1857-2405.

30 A study of education and training in European prisons. Prepared by GHK in cooperation with E. COSTELLO, T. LANGELIDI, A. WILSONIÜL, 2012. Translation commissioned by the Representative Office of the registered company "Deutscher Volkshochschul — Verband e. V." (FRG) in the Republic of Belarus with the consent of the authors of the study. Available: https://www.dvv-international.org.ua/fileadmin/files/eastern-neighbors/Belarus/Publications/survey_on_prison_education_and_training-ru.pdf

penitentiary institutions of the Republic of Moldova. An analysis of the formation of computer literacy of convicts and the results of a survey conducted among convicts, staff and specialists of penitentiary institutions are included. Thus, the chapter contains practical recommendations for improving the functioning and interaction of strategies in the field of education of convicts.

The implementation of distance learning for convicts has practical and technological meaning, since it takes into account the restrictions associated with deprivation of liberty. The goal is to make the most efficient use of time allocated for educational programs and to expand convicts' access to electronic resources for successful mastery of educational material.

Information technologies are also aimed at creating a systematized volume of knowledge, expanding it and making it easy to use[31]. They have features that allow for the development of more effective and flexible teaching methods focused on personal development and individual needs of students. The use of IT also contributes to more precise control over the quality of education and increased student motivation.

The main advantage of information technology is the creation of an information environment in prisons, which provides teachers and convicted students with the opportunity to work with a computer as a universal means of processing information. The use of IT allows access to various information resources and tools, which significantly improves the educational process in penitentiary institutions. This includes the use of multimedia systems, text and graphic editors, spreadsheets and databases. Such technologies contribute to the activation of the educational process and the adaptation of convicts to new knowledge and skills[32]. In addition, the use of IT improves the quality of education in penitentiary institutions, as they provide access to a variety of electronic educational materials, including online courses and curricula. This allows convicted students to receive a wider range of subjects and at a higher level.

The above-considered essence, factors and conditions of adaptation of convicts allow us to approach the solution of the question of the forms of organization of the educational environment as a factor that shapes personality. The solution to the problem of successful adaptation of persons serving sentences in penitentiary institutions is possible through psychological influences not only from the external environment, but also from the internal one, including self-analysis and work on the internal psychological aspects of personality.

We believe that an undoubtedly important element of influence on a convict is IT as an adaptation sphere filled with useful types of information. That is, IT plays an important role in the adaptation of convicts, providing them with access to useful information and promoting the development of their personal competencies. IT acts as a means of stimulating the activity and motivation of convicts, and also contributes

31 ПЕГОВ, А. А., ПЬЯНЫХ, Е. Г. Использование современных информационных и коммуникационных технологий в учебном процессе (Краткий курс лекций), 2010. 23 с.

32 ГЕОРГИЕВА, С. Информационные технологии и их воздействие на образовательный процесс осужденных лиц. In: Vector European, Revistă științifico-practică, Nr. 2, 2023. 47-51 pp. ISSN 2345-1106. E-ISSN 2587-358X.

to changing their orientation and perception of the world around them.[33] From the above it follows that successful adaptation is an important factor in the formation of personality and can be achieved through psychological influence on a person. One of such methods is the use of IT in the educational process, which provides useful information and stimulates the activity, needs and motives of a person. As a result, IT plays an important role in the formation of the personality of convicts and helps them develop the necessary skills and competencies for a successful life after release.

Based on the analysis of various forms of interaction, it can be concluded that the traditional classroom form of training using IT is not the only one and should be expanded by including other organizational forms: project-group and individual independent work. These forms, while maintaining high quality of training and requiring less expenditure on informatization of the educational process, allow achieving educational goals and contribute to more effective development of both teachers and convicted students[34]. Consequently, all the specified forms of training meet the requirements for organizing training in penitentiary institutions.

The use of information models of teaching aimed at the successful adaptation of convicts requires a revision of traditional methods, where students often play a passive role. Information technologies and new models of teaching allow teachers and convicts to interact more effectively, making students active participants in the process. This helps to more accurately identify problem areas in knowledge and skills, as well as to master the competencies necessary for social adaptation. Each convict is unique and requires an individual approach. The teacher must take this into account in their work, stimulating the need for knowledge through the skillful use of IT. Thus, pedagogical impact becomes the result of joint activity of the teacher and the student.

We can highlight several important areas of informatization of education:

1. Creation of a virtual information and educational environment in educational institutions that ensures the functioning of technologies in the educational process;
2. Implementation of information technologies in education to support the learning process and conduct scientific research;
3. Development of a common educational information space that unites various educational institutions and provides access to educational resources and opportunities.

All these areas of informatization of education are aimed at creating a modern, flexible and accessible educational environment that helps to ensure quality education for all participants in the educational process[35]. It is important to note that

33 Ibidem.

34 ГЕОРГИЕВА, С. Исследование факторов психологического компонента у обучающихся осужденных при использовании ИТ. În: Conferinţă ştiinţifico-practică internaţională, «Ştiinţă, educaţie, cultură»: Ed. 1, 21 octombrie 2022, Comrat: USC, Vol.1, 2023. 734-739 pp. ISBN 978-9975-83-254-0; 978-9975-83-255-7.

35 ГЕОРГИЕВА, С. Внедрение информационных технологий в процесс обучения осужденного. In: Traditie şi inovare în cercetarea ştiinţifică, 8 octombrie 2021. Bălţi: Universitatea de Stat „Alecu Russo" din Bălţi, Ediţia 10, Vol. II, 2021. 197-200 pp. ISBN 978-9975-50-272-6.

ICT allows creating virtual information and educational environments, introducing modern teaching methods, providing access to educational resources and forming a common educational information space. Informatization of education is an important part of modern pedagogical practice and continues to develop, opening up new opportunities for improving the effectiveness of education and preparing students for the challenges of the modern world.

When studying motivational trends in learning, it can be noted that convicts have a more pronounced motivation than students on the outside, which makes them more suitable for learning. Convicts make decisions about learning consciously, without the influence of relatives, friends or other people. They show significant interest in learning, which is probably due to the awareness of their mistakes and the desire to improve their knowledge and experience in order to gain more opportunities in the future.

The peculiarity that the motivational attitudes of convicts are significantly stronger is explained by the fact that they face serious life problems and experience an acute need to change their lives and improve their situation. In this context, education plays a key role for them in resocialization and reintegration into society.

It is important to note that the second line of the study included *an analysis of the impact of education on the personality of convicts.* Most respondents expressed the opinion that participation in the educational process has a positive impact, helping to develop skills necessary for future life. According to the opinion of 78% of respondents, education is an important way to diversify the daily routine and gain useful skills for successful reintegration into society.

These results indicate that there is motivation for learning in prisons, which can be an additional incentive for convicts. Participation in an educational program can have a positive impact on the personal growth and development of convicts, promoting their rethinking and positive changes in life.

After conducting a study of motivation and personal characteristics, we decided to conduct a diagnosis *of the intellectual readiness of convicts.*

As part of the study of general readiness to work on a computer, a criterion was included that included special readiness. Convicts planning to become students were asked the question: "*What knowledge obtained in a gymnasium, lyceum or other education would be useful to you when studying and working with a computer?*" Based on the data obtained, we note that the most common parameter is interest in IT, which is shown by 69% of respondents. 34% of convicts have prior experience working on a computer. Basic knowledge of English was indicated by 22% of respondents, and 6% noted other knowledge that could be useful when working on a computer, but was not specified in the survey.

When organizing the educational process in penitentiary institutions, it is important to take into account the individual characteristics of convicts, including their psychological state and emotional background. For example, for convicts who use

drugs or suffer from drug addiction, these factors can significantly affect their motivation and ability to perceive educational material.

The negative emotional and psycho-physiological state associated with drug addiction may make it difficult for convicts to learn and cope with stress. In such cases, it is important to provide convicts with additional psychological support and monitor their health. This may include special classes aimed at maintaining and improving mental well-being, as well as adaptation to learning and assistance in overcoming difficulties.

Teaching drug addicted convicts requires a more individual approach that takes into account their characteristics and creates special conditions for effective acquisition of knowledge. In addition to psychological support, it is important to adapt teaching materials, use a variety of teaching methods, and regularly monitor the health of convicts.

Having studied in more detail the statistical data of the NPA on the level of education of convicts in the Republic of Moldova for 2022, 2023 and as of 01.04.2024, the following conclusions can be drawn: In 2022, the total number of convicts was 5042 people. Among them, the level of education was distributed as follows: 113 people had higher education, which is 2.24% of the total number of convicts.

In 2023, the total number of convicts was 4,726. The distribution by level of education was as follows: 130 people had higher education, which is 2.75% of the total number of convicts. 55 people had incomplete higher education, which is 1.16%. 674 people, or 14.26%, had secondary vocational education. 990 people had secondary education, which is 20.95% of the total number of convicts. The most common level of education among convicts was incomplete secondary education, which was held by 2,621 people, or 55.45%. 184 people had primary education, which is 3.89%. 72 people were illiterate, which is 1.52%[36].

Compared to 2022, in 2023 there is an increase in the number of convicts with higher education (up to 2.75%) and secondary vocational education (up to 14.26%). This indicates positive changes in the educational level of convicts, although incomplete secondary education still dominates.

As of 01.04.2024, the total number of convicts was 4,788. The level of education was distributed as follows: 134 people had higher education, which is 2.80% of the total number of convicts. 55 people had incomplete higher education, which is 1.15%. 671 people, or 14.01%, had secondary vocational education. 928 people had secondary education, which is 19.38% of the total number of convicts. The most common level of education among convicts was incomplete secondary education, which was held by 2,665 people, or 55.67%. 259 people had primary education, which is 5.41%. 76 people were illiterate, which is 1.59% [37].

36 Date statistice privind persoanele condamnate deținute în instituțiile penitenciare la 01.01.2024 https://anp.gov.md/report-statistic-date-statistice

37 Ibid.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The conducted analysis of the legal framework for the use of information technologies in the education of convicts allows us to formulate the following **conclusions:**

1. Scientific research in the Republic of Moldova covers various aspects of the educational process in penitentiary institutions, focusing only on the rehabilitation and resocialization of convicts. However, the works of scientists have identified gaps in the analysis of such issues as education in the penitentiary system and its relationship with the use of IT, motivation and readiness of convicts to study using IT, prospects for higher education in the resocialization of convicts, as well as aspects of distance learning, including didactic, methodological, organizational and legal aspects.

2. International legal instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms recognize the right of every person to education. These documents emphasize that convicted persons retain their rights to education and must have access to it throughout their term of imprisonment. International organizations and UN bodies insist that education for convicted persons contributes to their resocialization, rehabilitation and successful integration into society after release. This is based on the belief that education helps develop the skills and knowledge necessary for convicts to become full-fledged members of society and reduce the likelihood of reoffending. Foreign experience shows that the use of IT in the educational process for convicts is an effective means of achieving these goals. In the countries of Europe, North America and Australia, distance learning programs are being actively implemented, allowing convicts to receive education without having to leave their places of imprisonment. The use of IT in the education of convicts in foreign countries is based on such principles as accessibility, safety, quality of education and personalization. Educational programs are developed in cooperation with leading universities and educational institutions, which guarantees high quality of educational content. Training programs are adapted to the individual needs and level of training of convicts. Thus, generalization of foreign experience shows that the use of IT in educational processes in penitentiary institutions contributes not only to increasing the level of education of convicts, but also to their successful resocialization and integration into society after release.

3. The use of IT in educational processes for convicts allows for their efficiency to be increased and contributes to the successful integration of convicts into society. To successfully implement this approach, it is necessary to solve several scientific problems, including the optimal use of technology, the development of adapted curricula, the assessment of the effectiveness of training, ensuring data security and training of personnel. The solution to these problems will allow for the effective im-

plementation of IT in the educational process in penitentiary institutions and contribute to the successful resocialization of convicts.

4. Improving the methods of the educational process using educational IT, including distance learning technologies, is the prerogative of educational institutions. Computerization should also cover penitentiary institutions, where the use of new IT for teaching convicts is not only convenient, but often the only possible one. Educational institutions have the right to use distance learning technologies for all forms of training in accordance with established state standards in the field of education. Distance learning is a promising form of education that can be successfully used in penitentiary institutions. It is important to take into account the characteristics of the contingent of convicts and develop special programs and teaching methods that meet their needs and capabilities. It is also necessary to ensure the availability of appropriate technical means and infrastructure for organizing distance learning in these institutions.

5. Taking into account that the purpose of using IT distance learning in an educational institution is to provide students with the opportunity to master educational programs directly at the place of their temporary stay, we believe that in places of deprivation of liberty, it is distance learning that should be considered the main and most acceptable method. For this, the administration of the penitentiary institution must create the necessary conditions for convicts to receive education in this way. Distance learning in penitentiary institutions using IT and connection to the global Internet gives convicts the opportunity to receive education in almost any geographic area without visiting the educational institution and direct contact with teachers. However, we believe that it is necessary to set up an Internet network in penitentiary institutions using IP addressing, allowing access to certain websites. This provides for the ability to block access to social networks, video hosting sites and other various platforms, ensuring cybersecurity and preventing the risks of fraud, while providing only the right to education. In addition, distance learning opens access to education for those convicts who, for various reasons, cannot attend educational institutions, such as due to medical problems or limited mobility. Creating the necessary conditions for distance learning in penitentiary institutions is an important step in realizing the right to education for convicts and improving their qualifications.

6. A survey of convicts, employees and specialists of penitentiary institutions of the Republic of Moldova showed that convicts need access to educational resources and highly value the possibility of using IT for training. Employees and specialists noted that the introduction of information technologies can significantly improve the educational process, but emphasized the need for technical equipment and training of personnel for the effective use of these technologies. Motivational and intellectual readiness of convicts for training and the use of IT play a key role in the effectiveness of the educational process. Motivational readiness includes the desire and interest of convicts in obtaining an education, as well as their belief in the possibility of changing their lives through training. Intellectual readiness is determined by the level of general

education, the ability to learn, understand and assimilate new information, as well as the ability to work with a computer and other technical devices. These interrelated factors significantly affect the readiness of convicts for training and the use of IT.

7. The right to education includes not only access to educational institutions, but also the opportunity to receive education in various forms, including distance learning using IT. However, not all countries have legislation that clearly defines distance learning as a way to implement the right to education. In such cases, additional interpretation of the law or the adoption of regulations may be required to guarantee this right through distance learning.

The current legislation of the Republic of Moldova, including the Education Code, does not define the concept of "distance learning". This leads to the fact that many practitioners and representatives of the scientific community interpret this term differently, sometimes in two ways, having only a general idea of this method of learning.

We consider it necessary to implement the term " *Distance learning* " with its explanation in the Code of the Republic of Moldova "On Education", and then include this concept in the Executive Code of the Republic of Moldova. This will allow convicts to receive education in the form of distance learning using information technologies in any form of education in accordance with the legislation on education. It is also necessary to define the mechanisms and procedures for implementing this right. In addition, the concept of "*Information technology"* should be included in the legislation in order to clearly define the role and use of IT in educational processes. At the moment, the legislation of the Republic of Moldova does not clearly regulate distance learning in penitentiary institutions, which creates obstacles to the organization and implementation of such educational programs.

It is necessary to develop and approve *a Regulation* that will regulate the organization of distance learning in penitentiary institutions using IT.

8. The education system in the penitentiary institutions of the Republic of Moldova still faces the problems of insufficient equipment and IT infrastructure to solve problems of such a scale. In order to fully cover students and teachers at all levels, significant investments in IT technologies and Internet connection are necessary. Financing this undertaking will not be easy, so it is important to establish close cooperation between organizations and the third sector to coordinate actions and provide comprehensive support to prisoners. It is necessary to mobilize donors, international financial institutions, the private sector and innovative financing schemes. In this regard, we propose to amend the «Law *on the Penitentiary Administration System* ", which will allow for the proper equipping of the entire auditorium fund (classrooms, offices, laboratories, centers) with IT equipment and connecting them to the Internet. This is important for the application of the studied material in isolation and will be a significant step towards the implementation of distance learning in places of detention. The introduction of electronic learning management platforms will also improve the organization of the learning process and simplify its control.

9. Engaging in scientific activity in penitentiary institutions can serve as an alternative to employment. Comparing the results of labor and scientific activity, one can note their similarity in effectiveness. Legislative permission for convicts with higher education to engage in scientific activity instead of labor is relevant and useful for improving their qualifications and intellectual development. This also contributes to the development of the scientific potential of penitentiary institutions, improves conditions of detention and reduces the risk of repeated crimes.

10. In the absence of the necessary literature in the library of the penitentiary institution, studying convicts should be given the opportunity to access books, teaching aids and other educational materials from educational institutions or public libraries via the Internet. This can be implemented through online access using computers. This approach will provide convicts with the necessary resources for their education, allowing them to effectively prepare for classes and complete educational assignments, which in turn will improve their educational level and prepare them for life after release.

The conducted research solved ***the main scientific problem***, which consists in developing legal and organizational mechanisms for the use of information technology in the education of convicts. The main goal of the research was to improve the legal support and conditions for the use of IT in educational processes for persons serving sentences in penitentiary institutions.

As a result of ***solving the main scientific problem, recommendations were proposed*** for improving the legislation of the Republic of Moldova, aimed at improving the legal regulation and practical application of IT in the education of convicts.

We recommend modernization of the legislation of the Republic of Moldova (de lege ferenda), namely:

1. Supplement **the Code of the Republic of Moldova No. 152 of 17.07.2014 "On Education"** in **Article 3** with the following concepts:

"Distance learning is a form of learning that represents interaction between a teacher and a student at a distance, containing all components of the educational process and implemented using information technologies and other means that ensure interactivity (e-mail, electronic platforms, the Internet)."

"Information technology (IT) is a set of processes, methods and tools used to collect, store, process, transmit and distribute information. It includes computer hardware, software, network technologies and telecommunications.»

2. Supplement **the Executive Code of the Republic of Moldova No. 443-XV of December 24, 2004**

a) To set out **part 3 of Article 240** in a new version: *"At the request of a convicted person, the administration of the penitentiary institution and local public authorities create conditions for him to obtain secondary vocational or higher education (1st cycle and 2nd cycle of study), as well as postgraduate education (3rd Cycle — doctoral studies), including distance learning using information technology."*

b) Supplement **Part 4 of Article 240** with the following content: "After the words 'a convicted person who has been forced to work', supplement with the syntagma *"and convicted persons engaged in scientific activities, as part of post-university education in the third cycle' are granted leave for the duration of exams in accordance with the Labor Code."*

c) Amend **Part 5 of Article 240:** "After the words 'sponsorship receipts and donations with the assistance of interested institutions and organizations', add the following syntagma: *'The administration of penitentiary institutions shall ensure unimpeded online access via the Internet to books, teaching aids and educational literature available in educational institutions or public libraries, taking into account the preferences of only those studying and engaged in scientific activities of convicted persons".*

d) Supplement **Part 6 of Article 240** with the following: *"The creation of conditions for convicts to obtain secondary and higher education, including distance learning using information technology, the establishment, reorganization and liquidation of educational institutions in the penitentiary administration system are carried out in the manner established by the Ministry of Justice in agreement with the Ministry of Education and Research of the Republic of Moldova."*

e) Supplement **Part 6 of Article 208 :** *"After the words 'The convicted person is prohibited from accessing the Internet', add the following syntagma: 'An exception is made for persons involved in the training process, with their written application and permission from the head of the penitentiary institution, subject to compliance with security and control measures' . "*

3. The following additional points shall be introduced into the Law **of the Republic of Moldova No. 300 of December 21, 2017 *"On the Penitentiary Administration System"*:**

a) In **Part 1 of Article 14,** add **paragraph (m [1])** with the following text: "Work with donors, international financial institutions, the private sector, and use innovative financing schemes to improve infrastructure and education programs."

b) In **Part 2 of Article 14** add subparagraph **(l[1]):** "Ensure the arrangement and improvement of premises for conducting educational classes, including group and individual distance learning classes, equipped with information technology and Internet connection."

4. We propose to consider and study the possibility of approving at the Board of the Ministry of Education and Research of the Republic of Moldova *the Regulation "On the organization of distance learning using information technologies in penitentiary institutions"* (Appendix No. 4). This Regulation systematizes the process of distance learning in penitentiary institutions, defining the rights and obligations of all participants in the educational process. It establishes mechanisms for monitoring and protecting data, ensuring the confidentiality and security of personal informa-

tion of convicts. The Regulation will serve as a fundamental document regulating all aspects of the organization and implementation of distance learning in penitentiary institutions. This will help structure and standardize the process, provide a legal and practical basis for the use of information technology in educational processes, and protect the rights of convicts to education.

These recommendations can significantly improve the organization of the educational process in the penitentiary system. Through the use of IT and effective interaction with educational institutions, convicts can be provided with access to quality education, which corresponds to their constitutional rights. Thus, these measures not only contribute to the rehabilitation of convicts, but also create conditions for their successful resocialization, which will ultimately have a positive impact on society as a whole.

All the above-mentioned proposals *de lege ferenda* , as well as other recommendations, were submitted to the relevant government bodies for consideration and inclusion in the process of modernizing legislation.

The prospective research plan includes the following stages:

a) Continue to study the practice of using information technologies in educational processes for prisoners in various countries, including those that have not been previously considered, with the aim of identifying best practices and adapting them.
b) To study in detail the evolution of the use of IT in the education of prisoners, including an analysis of current trends, innovations and prospects for further development and transformation of these technologies in the penitentiary system.
c) Develop proposals and recommendations for the modernization of the legislation of the Republic of Moldova (de lege ferenda) to improve legal regulation and the effective use of IT in the education of prisoners, including aspects of data protection, accessibility of resources and support for innovative teaching methods.

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ADNOTARE

Gheorghieva Svetlana, *Asigurarea juridică a utilizării tehnologiilor informaționale în instruirea condamnaților*. Teza de doctor în drept. Specialitatea 554.01 — Drept penal și execuțional penal, Chișinău, 2024

Structura lucrării constă din: adnotări (în trei limbi), lista abrevierilor, introducere, 3 capitole, concluzii generale și recomandări, bibliografie din 203 surse, 5 anexe, 172 pagini de text principal, declarație de responsabilitate, CV-ul autorului. Rezultatele obținute au fost publicate în 16 lucrări științifice.

Cuvinte-cheie: educație, condamnați, învățământ la distanță, instituții penitenciare, tehnologii informaționale (TI), asigurare juridică, resocializare, adaptare, legislație, proces educațional.

Scopul lucrării: Teza de doctorat are drept scop cercetarea complexă și multiaspectuală a cadrului asigurării juridice și a condițiilor de utilizare a tehnologiilor informaționale în instruirea persoanelor condamnate, care își ispășesc pedeapsa în instituțiile penitenciare.

Obiectivele cercetării: sintetizarea lucrărilor științifice în domeniul asigurării juridice și utilizării tehnologiilor informaționale în procesul de instruire a condamnaților; cercetarea activităților practice ale instituțiilor penitenciare în domeniul organizării educației și asigurării juridice a utilizării tehnologiilor informaționale în instruirea condamnaților; generalizarea experienței internaționale de organizare, asigurare juridică și utilizare a tehnologiilor informaționale în procesul de instruire a condamnaților; efectuarea unui sondaj în rândul condamnaților, personalului și specialiștilor din instituțiile penitenciare din Republica Moldova; pregătirea directivelor pentru îmbunătățirea activității instituțiilor penitenciare în ceea ce privește realizarea dreptului la educație și asigurarea juridică a utilizării tehnologiilor informaționale în instruirea condamnaților; elaborarea concluziilor, propunerilor și recomandărilor pentru perfecționarea legislației Republicii Moldova pentru eliminarea lacunelor în reglementarea și asigurarea juridică a utilizării tehnologiilor informaționale în educația condamnaților.

Noutarea și originalitatea științifică a rezultatelor obținute este determinată de sența cercetării, care reprezintă unul dintre primele studii complexe a asigurării juridice a utilizării tehnologiilor informaționale în procesele educaționale pentru condamnați în Republica Moldova, identificarea și propunerea unor modificări legislative concrete pentru eliminarea lacunelor existente, studiul și adaptarea experienței internaționale și a impactului tehnologiilor informaționale asupra resocializării condamnaților, contribuind astfel semnificativ la completarea teoriei și practicii dreptului execuțional penal și a tehnologiilor educaționale în sistemul penitenciar.

Problema științifică principală soluționată constă în elaborarea caracteristicilor specifice ale asigurării juridice privind utilizarea tehnologiilor informaționale în educația condamnaților. Aceasta presupune stabilirea unei reglementări juridice concrete, distincte de alte sisteme educaționale și juridice, pentru a fi aplicată corect în diverse situații legale. Studiul dezvoltă cunoștințele științifice despre conținutul și natura juridică a educației în instituțiile penitenciare, analizează experiența internațională și propune modalități de îmbunătățire a cadrului normativ pentru integrarea eficientă a TI în procesele educaționale.

Semnificația teoretică a cercetării derivă din necesitatea dezvoltării unor noi abordări conceptuale și justificarea schimbărilor sistemice în legislație în domeniul utilizării tehnologiilor informaționale în educația condamnaților. Concluziile și rezultatele cercetării pot fi aplicate la elaborarea și perfecționarea actelor normative în domeniul educației penitenciare.

Valoarea aplicativă: Concluziile și recomandările pot fi utilizate pentru reformarea sistemului penitenciar și perfecționarea legislației; rezultatele cercetării pot fi aplicate pentru organizarea procesului de învățământ în sistemul penitenciar și pregătirea personalului.

Implementarea rezultatelor științifice. Rezultatele acestei lucrări au fost prezentate în reviste, materiale ale conferințelor științifice și articole științifice. De asemenea, ele pot fi utilizate ca recomandări pentru îmbunătățirea legislației Republicii Moldova și pot servi ca bază pentru cercetări ulterioare în domeniul asigurării juridice a utilizării tehnologiilor informaționale în instituțiile penitenciare.

ANNOTATION

Svetlana Georgieva, *Legal Support for the Use of Information Technologies in the Education of Convicts*. Dissertation for the degree of Doctor of Law; Specialty 554.01 — Criminal Law and Penitentiary Law, Chișinău, 2024

The structure of the work consists of: annotations (in three languages), list of abbreviations, introduction, 3 chapters, general conclusions and recommendations, bibliography of 203 sources, 5 appendices, 172 pages of main text, declaration of responsibility, CV of the author. The results obtained have been published in 16 scientific papers.

Keywords: education, convicts, distance learning, penitentiary institutions, information technologies, legal provision, resocialization, adaptation, legislation, educational process.

Aim of the study: The aim of this dissertation is a comprehensive and multifaceted investigation of the legal framework and conditions for the use of information technologies in the education of individuals serving sentences in penitentiary institutions.

Research objectives: to synthesize scientific works in the field of legal provision and the use of information technologies in the process of educating convicts; to study the practical activities of penitentiary institutions in the field of organizing education and legal provision for the use of information technologies in educating convicts; to summarize foreign experience in the organization, legal provision, and use of information technologies in the process of educating convicts; to conduct surveys of convicts, staff, and specialists in penitentiary institutions in the Republic of Moldova; to prepare directives for improving the activities of penitentiary institutions in the implementation of the right to education and the legal provision for the use of information technologies in educating convicts; to develop conclusions, proposals, and recommendations for improving the legislation of the Republic of Moldova to eliminate gaps in regulation and legal provision for the use of information technologies in the education of convicts.

The scientific novelty and originality of the obtained results are determined by the relevance of the research, which is one of the first comprehensive studies on the legal framework for the use of information technologies in educational processes for prisoners in the Republic of Moldova. The study identified gaps in the legislation and proposed specific amendments to address them. It also examined and adapted international experience, as well as analyzed the impact of information technologies on the resocialization of prisoners, making a significant contribution to the development of the theory and practice of penal law and educational technologies within the penitentiary system.

The main scientific problem addressed in the study involves the development of specific features of the legal framework for the use of information technologies in the education of prisoners. This entails establishing distinct legal regulations that differ from other educational and legal systems to ensure their correct application in various legal contexts. The research deepens scientific knowledge about the content and legal nature of education within penitentiary institutions, analyzes international experience, and suggests ways to improve the regulatory framework for the effective integration of IT into educational processes.

Theoretical significance of the research derives from the need to develop new conceptual approaches and justify systemic changes in legislation in the field of using information technologies in the education of convicts. The conclusions and results of the research can be applied in the development and improvement of normative legal acts in the field of penitentiary education.

Practical significance: The conclusions and recommendations can be used for the reform of the penitentiary system and the improvement of legislation; the research results are applicable for the organization of the educational process in the penitentiary system and the training of staff.

Implementation of research results: The results of this work have been presented in journals, scientific conference materials, and scientific articles. They can also be used as recommendations for improving the legislation of the Republic of Moldova and serve as a basis for further research in the field of legal provision for the use of information technologies in penitentiary institutions.

АННОТАЦИЯ

Георгиева Светлана, *Правовое обеспечение использования информационных технологий в образовании осужденных*. Диссертация на соискание ученой степени доктора права; Специальность 554.01 — Уголовное право и уголовно-исполнительное право, Кишинев, 2024

Структура работы состоит из: аннотаций (на трех языках), списка сокращений, введения, 3-х глав, общих выводов и рекомендаций, библиографии из 203 источников, 5 приложений, 172 страниц основного текста, декларации об ответственности, CV автора. Полученные результаты опубликованы в 16 научных работах.

Ключевые слова: образование, осужденные, дистанционное обучение, пенитенциарные учреждения, информационные технологии (ИТ), правовое обеспечение, ресоциализация, адаптация, законодательство, образовательный процесс.

Цель работы: Целью данной диссертации является комплексное и многоаспектное исследование правового обеспечения и условий использования информационных технологий в обучении осужденных, отбывающих наказание в пенитенциарных учреждениях.

Задачи исследования: синтезировать научные работы в области правового обеспечения и использования ИТ в процессе обучения осужденных; исследовать реализацию практической деятельности пенитенциарных учреждений в области организации образования и правового обеспечения использования ИТ в обучении осужденных; обобщить зарубежный опыт организации, правового обеспечения и использования ИТ в процессе обучения осужденных; провести анкетирование осужденных, сотрудников и специалистов пенитенциарных учреждений РМ; подготовить директивы по усовершенствованию деятельности пенитенциарных учреждений по реализации прав на образование и правового обеспечения использования ИТ в обучении осужденных; разработать выводы, предложения и рекомендации по усовершенствованию законодательства Республики Молдова для устранения пробелов в регулировании и правовом обеспечении использования ИТ в образовании осужденных.

Научная новизна и оригинальность полученных результатов определяется актуальностью исследования, которое является одним из первых комплексных исследований правового обеспечения использования ИТ в образовательных процессах для осужденных в Республике Молдова. В работе выявлены пробелы в законодательстве и предложены конкретные изменения для их устранения, изучен и адаптирован международный опыт, а также проанализировано влияние ИТ на ресоциализацию осужденных, что вносит значительный вклад в развитие теории и практики уголовно-исполнительного права и образовательных технологий в пенитенциарной системе.

Основная решенная научная проблема в исследовании, заключается в разработке специфических особенностей правового обеспечения использования ИТ в образовании осужденных. Это предполагает установление конкретного правового регулирования, отличающегося от других образовательных и правовых систем, для их корректного применения в различных юридических ситуациях. Исследование углубляет научные знания о содержании и юридической природе образования в пенитенциарных учреждениях, анализирует международный опыт и предлагает пути улучшения нормативно-правовой базы для эффективной интеграции ИТ в образовательные процессы.

Теоретическая значимость исследования исходит из необходимости разработки новых концептуальных подходов и обосновании системных изменений законодательства в области использования ИТ в образовании осужденных. Выводы и результаты исследования могут быть применены при разработке и совершенствовании нормативно-правовых актов в сфере пенитенциарного образования.

Практическая значимость: Выводы и рекомендации могут быть использованы для реформирования пенитенциарной системы и совершенствования законодательства; результаты исследования могут быть применены для организации учебного процесса в пенитенциарной системе и подготовки персонала.

Внедрение научных результатов: Результаты данной работы были представлены в журналах, материалах научных конференций и научных статьях. Также они могут быть использованы в виде рекомендаций по улучшению законодательства Республики Молдова и служить основой для дальнейших исследований в области правового обеспечения использования ИТ в пенитенциарных учреждениях.

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LEGAL FRAMEWORK FOR THE USE OF INFORMATION TECHNOLOGY IN THE EDUCATION OF CONVICTS

554.01 CRIMINAL LAW AND PENAL ENFORCEMENT LAW

ABSTRACT
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