

Biopsychosocial factors of the prosecutor's professional activity

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Abstract. The research subject is relevant to legal professionals, as Ukrainian society is increasingly emphasising the factors that determine the professionalism of all participants in legal practice, including judicial proceedings. Particular attention is devoted to non-standard approaches, one of which is proposed in the research. The purpose of the study is to examine the professional activity of the prosecutor in the biological, psychological and social context; based on this, to identify and describe the factors of internal and external influence on it. The key research methods include observation and monitoring of prosecutorial activity. The research presents a triune (biopsychosocial) foundation of human essence, in which philosophy is a methodology for structuring the three main sciences of human behaviour. The specific features of this behaviour are identified depending on the elements of the subject matter (for example, instincts in biology, conscious and subconscious in psychology, adaptation to the team in sociology), and the holistic subject of study is a person. Based on various descriptions of “professional formulas” and “profesiograms”, the research schematically presents a model of the prosecutor's professional activity, considering the subject of work – a person and sign systems; working conditions with increased moral responsibility; functional and automated working conditions, and the gnostic and transformational purpose of work. Without diminishing the importance and influence of each of the factors of professional activity, the dominance of social factors is determined. This dominance is explained by the rapid rise of the role of information and information technology, increased concern for human life and the preservation of the gene pool, non-standard working conditions, crises and pandemic challenges, military conditions, and other related issues. After all, all of this has a specific impact on professional activities in various fields, including the protection of human rights and freedoms, where the prosecutor's office occupies an important niche. The research reflects the author's position and innovative approach considering the importance of the research area, disclosure of the grounds and factors of developing the prosecutor's worldview and determining their professional orientation in the modern world. The practical value of the study is that it identifies the factors that influence the professional activity of prosecutors, knowledge of which will allow learning how to neutralise those that have an adverse impact and enhance the effect of positive ones

Keywords: biological factor, psychological factor, social factor, verbal behaviourism, professionalism, professional environment

Introduction

A professional activity implies that a specific person performs specific duties and tasks within a particular field, applying specific knowledge and skills previously specifically acquired through training and/or experience. Therewith, professional activity is intended to perform several different functions: first, to produce a specific result through the work performed; second, to provide for the specific needs of the employee through payment for the work performed; third, to enable the employee to implement their desires and ambitions (ideally, to do what they like and are good at). Professional activity to a certain extent represents the employee's personality (life values, personal interests, social choice, and thus moral and psychological, social and regulatory, qualification and competence characteristics). Considering this, the professional activity of the prosecutor involves the performance of specific functions enshrined in Article 131-1 of the Constitution of Ukraine (1996) and specified in Article 2 of the Law of Ukraine “On the Prosecutor's Office” (2014) in the field of justice with using special knowledge and skills in the field of law.

The judiciary, still in the process of reform, is increasingly attracting public attention to the professionalism of lawyers. Almost everything that affects the development and implementation of professional competencies of representatives of the judiciary is considered meticulously and scrupulously. After all, the new challenges of modern times (the legal regime of martial law) and the urgent need for impartial justice significantly actualise the necessity to explore what exactly has the strongest impact on the professional activities of all components of the system of protection of human and civil rights and freedoms, including prosecutors as subjects of public prosecution in court).

This issue is tangentially addressed by several scientific studies that demonstrate the impact of biological and physiological factors on the professional actions of law enforcement and human rights agencies and units (Balynska, 2007; Malakhov, 2002); describe the psychology of personality, in particular, of a civil servant (Katolyk & Kalka, 2022; Psychological types of professions..., n.d.; Shydelko, 2016);

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demonstrates the personality in the context of ethical provisions and the conditions of social adaptation (Malakhov, 2009; Mikheiev, 2001); highlights the characteristics of social modelling and the signature features of social conformism (Dembitskyi, 2019; Liubyva, 2014); describes the signs of the influence of society and the sociological features of the response of professional environments (Kozyriev, 2013; Otreshko, 2014; Otreshko, 2022).

Particularly interesting, considering the professional specifics of the prosecutor's service, are researches in the field of neuropsychology as one of the potentially "auxiliary" areas of prosecutors' professionalisation. O. Balynska *et al.* (2019) in their review research presented a broad critical review of the relevant literature and analysed neurolaw as an interdisciplinary, intersectoral discipline, the essence of which is the implementation of medical achievements (anatomy, neurology and biochemistry) in legal practice. According to the researchers, this new area of medical law is an additional source of evidence, but since neurolaw is still underdeveloped, it should be treated with caution to prevent it from becoming a way for criminals to avoid proper punishment.

M. Lenca (2021) noted that, since the methodological apparatus of neurolaw is not yet sufficiently developed, confusion and ambiguity in academic terminology are possible, which can cause both difficulties in conducting scientific discussion and adverse consequences in practice. Thus, in his research, the scientist conducted a comprehensive regulatory, ethical, historical, and conceptual analysis of neuro rights. In particular, he attempted to reconstruct the history of neuro rights and assess their place in the history of ideas in general; outlined a systematic conceptual taxonomy of neuro rights; summarised existing policy initiatives in this area; proposed solutions to certain ethical and legal problems; and outlined priorities for further research and policy work in this area. M. Lenca emphasised that today the protection of neuro rights is a fundamental task of international human rights law, as it can contribute to the expansion of the protection of other rights and freedoms.

R. Sapolsky (2021) explored the various factors that influence the behaviour of individuals, groups of people, and even entire states: genetic, social, psychological, and evolutionary. The scientist sees these motives as motives for violence, aggression, and competition. It is the work of different parts of the brain and hormonal processes that affect both the short-term behaviour of a person and programme actions for decades to come. Thus, Sapolsky's work prompts an interesting and crucial discussion, particularly in the legal field, on whether free will exists and to what extent a person is responsible for aggression and violence.

However, a comprehensive (biopsychosocial) approach to the study of factors influencing the professional activity of a prosecutor has not been applied.

The purpose of the research is to identify and describe the factors of external and internal influence on the professional activity of a specialist, adapting them to the professional environment of the prosecutor's office, which involves consideration of the subject studied in the biological, psychological and social context.

Materials and Methods

Appropriate methods were chosen to structure the research material. Among the empirical methods, *observation* and *monitoring* were the leading ones (the study is based on the

author's experience of professional practice as a prosecutor: in particular, empirical material from service in the military prosecutor's office, the department for supporting public prosecution and supervising the execution of court decisions in criminal cases, the department for organising prosecutors' participation in court and supervising the execution of court decisions in criminal proceedings, for supervising the observance of laws in the military sphere, and the department for procedural guidance of troops was used). Among the theoretical methods used are *analysis* (for exploring professional activity by mentally dividing it into its constituent elements, highlighting their features, properties, and relations, and for considering each of the selected elements separately, but within a single unit); *synthesis* (for exploring the prosecutor's professional activity in its integrity, in a single and mutual relationship of its parts); *comparison* (for comparing the properties of the factors influencing the prosecutor's professional activity and establishing common and distinctive features between them); *analogy* (to establish equivalence, correspondence and similarity between the theoretical concepts under consideration and the real manifestations of the prosecutor's professional behavior); *classification* (to conduct the research considering the main types of professional activities based on the types of relations between a person and the environment – nature, society, technology, etc.) and *modelling* (to reproduce the most important links between the key elements of the prosecutor's office as a professional environment with forecasting its further development). It allowed abstracting various factors of influence on the professional activity of a prosecutor from the general public relations, grouping them into groups based on the subject of influence and by analogy with those already described in the works of previous researchers, classifying them by areas of influence, and then modelling the professional actions of a prosecutor as probable and expected results of the influence of various biopsychosocial factors.

In addition, since the reference books name several tens of thousands of types of professions, to organise them, a multifactorial (multivariate) principle was applied and five main types of professional activities were introduced, organised by types of relationships: "man – nature", "man – man", "man – technology", "man – sign systems", "man – artistic image" (Psychological types of professions..., n.d.).

Results and Discussion

The main criteria for identifying the factors of the prosecutor's professional activity

According to the above classification, the prosecutor's profession is of the "person-to-person" type, as the main object with which they work is a person (accused, investigator, lawyer, judge, etc.).

Considering this, it is believed that the main factors of the prosecutor's professional activity are conditioned upon the need for immediate communication: to establish psychological contact, maintain communication, understand the characteristics of different psycho-types of people and be able to verbally influence them, be observant – i.e., have knowledge both in the field of law and in psychology, sociology, neurolinguistics, etc. Therewith, they must know and strictly comply with the requirements for their behaviour, emotional state, good memory, etc.

According to O. Balynska, a Lviv researcher of legal communication issues (and the professional activity of a prosecutor is one of the options for demonstrating this process),

“intersubjective behaviour belongs to those phenomena of existence that are the main causal models of social actors’ activities and their interaction with the environment. Therewith, behaviour is a subject of research in many sciences, primarily philosophy, psychology and sociology” (Balynska, 2007). In general, supporting this position, it can only be partially clarified: since philosophy explores generalised but very important features, properties, and fundamental principles of reality and its comprehension, human life, its relations with the world around them, perception of nature, society, and spirituality in all its manifestations (Blikhar *et al.*, 2021), it is quite justified to consider it an integrative basic science and to add biology as a science of life in all its manifestations to psychology and sociology as doctrinal dominants in the study of human behaviour. Then the absolute triune (biopsychosocial) foundation of the essence of man is quite clearly manifested, where philosophy is a methodology for structuring these three sciences of human behaviour (depending on the side of the multifaceted subject of research), for highlighting the features and specifics of behaviour (for example, instincts in biology, conscious, unconscious and subconscious in psychology, adaptation to the collective in sociology), and for mutual coordination based on a single subject of study – man.

From a biological perspective, then, human behaviour should be understood as a “generic concept that encompasses various reactions of a living organism and involves physiological and neurological processes” (Malakhov, 2002). From the psychological standpoint, it is “a purposeful activity of a living organism that serves to contact the world around it to meet individual needs” (Katolyk & Kalka, 2022). Therewith, it should be noted that it is psychologists who emphasise using signs and symbols in human behaviour, including language, to regulate and manage it. And in sociology, behaviour is considered as an interaction that “has a clearly defined two-vector character: first, the environment about a person is the cause, the impetus for an activity or verbal behaviour; second, human behaviour is designed to adapt to this environment, and to change it” (Kozyriev, 2013). A generalised (philosophical) view of human behaviour evaluates it as “the ability to act in the material, intellectual, and social spheres of life” that “never reaches a stage where development stops” and is “combined influenced by natural and environmental factors” (Blikhar *et al.*, 2021).

Biological factors of the prosecutor's professional activity

At first glance, it can seem that biological factors in any professional activity (i.e., in the process of producing a certain socially significant result and staying in a professional environment, or professional community) are limited to life-saving and physiological needs or emotional reactions. But the latest research in the field of behavioural biology is opening the veil to the eternal problems of human relationships. “Why do people save and kill, forgive and take revenge, love and hate? How to explain the passive aggression of the ‘cut-off’ driver? Why do children ‘lose their minds’ in adolescence and run away from home or get involved in dubious companies? Why do we get sick from spoiled food, and from events? How could one person’s manifestation of rage turn into a 20-million-strong protest, the Arab Spring?” It and other things in human behaviour are comprehensively explained by American neuroendocrinologist, professor of biology and neurosurgery R. Sapolsky (Sapolsky, 2021).

The fact is that a person controls their behaviour based on knowledge and learned rules, and neurophysiological stimuli influence them (with no less force). The first high-profile example of this (in 1978) is the case of American T. Harrington, who was sentenced to life imprisonment for murder, and 23 years later provided the results of an electroencephalogram (EEG), a record of bioelectrical activity of the brain, as proof of his innocence. According to the research, the brain automatically reacts to a person’s visual perception of familiar images, and when the prisoner was presented with footage from the scene, his brain did not react but instead reacted to footage from a concert he said he was at when the murder occurred. Harrington was acquitted and released (Tkach, 2017).

A year later, in 2003, neuroscientist Elizabeth Sowell published her research on brain maturation (Sowell *et al.*, 2003), which resulted in the U.S. Supreme Court’s ban on the execution of minors a few years later. But there is a downside: her experimental evidence that humans are capable of bad deeds both of their free will and due to the features of their brains have been used to exonerate real criminals.

Thus, since the 1990s, researchers in the United States, and later around the world, have begun to consider the specifics of human gyrus as a new aspect of legal phenomena. For this purpose, a special term “neurolaw” was coined, which means an interdisciplinary field of knowledge that is developed in the interaction of neuroscience and legal practice. Proponents of neuro practice insist that as much information about the brain as possible should be considered in court (Blanco-Suarez, 2020; Luterbacher, 2021; Lenca, 2021).

However, it is crucial to find a balance between brain characteristics (since human behaviour, especially when it demonstrates abnormalities, can sometimes be explained only by the data of anatomy, biochemistry and physiology of the nervous system) and liability issues (based on the application of research results in the field of medicine, in particular, neurology, in law). Currently, “neurolaw, as a theoretical construct and a practical phenomenon, is under study and requires detailed and thorough research so that its implementation in the justice system does not threaten to violate the basic legal principles of equality and justice” (Balynska *et al.*, 2019).

This knowledge is necessary for the prosecutor for two reasons: first, to understand the neuro bases of their behaviour and, therefore, to develop skills to manage it; second, to distinguish between lawful and unlawful behaviour of suspects/accused.

Psychological factors of the prosecutor's professional activity

The second group of factors that influence the professional behaviour of a prosecutor is psychological. The main areas of psychology that explore behaviour and that can be useful in the field of professional activity of a prosecutor are behaviourism (which explains human behaviour by mechanical, reflective acts in response to external stimuli) and verbal behaviourism (which puts the influence of speech into the previous context). Considering this, the developed “matrix” for identifying lawful/unlawful behaviour as a causal manifestation, which was proposed by O. Balynska in her study, which is thematically closest to the prosecutor’s field of activity, “Verbal Behaviorism in the Activities of Internal Affairs: Philosophical and Legal Aspect” (Balynska, 2007),

should be used. The researcher writes: “Based on the various causal objects in the analysis of the level of awareness of an individual’s behavioural manifestations, among the theories of identifying lawful and unlawful behaviour, considering the verbal behaviourist aspect, the following are distinguished: environmental theory (1), theory of adaptation (2), theory of external manifestation (3), theory of choice (4), theory of free will (5), theory of dualism (6), theory of materialistic monism (7), theory of alienation (8), theory of sublimation (9), theory of structural anthropology (10), theory of ethics (11) and sociological theory (12)” (Balynska, 2007). All of the above theories can be grouped into psychological, sociological, and boundary theories (on the borderline between them) according to the fields of knowledge used. The psychological theories include the theories of choice, free will and sublimation (they will be adapted to the analysis of psychological factors of the prosecutor’s professional activity); the theories of adaptation, environment, external manifestation, ethics and the sociological theory will be considered in the context of sociological factors; the remaining theories – dualism, materialistic monism, alienation and structural anthropology – should be considered as containing characteristics of both psychology and sociology, thus, they can be considered as boundary (psychosocial).

Thus, the psychological factor of choice, which affects the success, self-realisation and further fate of a person, is equally important for a prosecutor in their professional activities. Therewith, different contexts of choice are important at different stages of a prosecutor’s development:

1) the choice at the pre-professional stage is to understand the feasibility of choosing the profession itself, it is here that professional guidelines and expectations should be set to avoid disappointment and unwanted coercion to perform the assigned functions;

2) the choice at the stage of entering the profession can relate to several aspects: the field of activity (“regular”, military, specialised anti-corruption prosecutor’s office), the desire to develop a career (local, regional, “general” level), the desire for development (advanced training, participation in research projects, conducting own research, preparing analytical studies, etc), professional decision-making (pleading guilty and prosecution).

In almost every context, the opportunity (or need) to make a choice contributes to the development of analytical skills, the awakening of the evaluative dominant, and the development of predictive skills in the prosecutor. Therewith, notably, the possibility (i.e., freedom) of choice exists at both stages of the prosecutor’s professional activity, while the need for choice appears only at the second (actual professional) stage, and not everyone has the need to choose the prosecutor’s profession at the pre-professional stage. The choice made by the prosecutor can be considered their self-determination, which, in turn, is manifested in their behaviour through the resolution of each situation. Prosecutors seeking self-determination in their professional activities must, first of all, understand that they are determined to become the person they chose to become and that they are a kind of legislator of their private behaviour and life. Therewith, the prosecutor must always remain free to make their own choices and exercise their own free will.

The psychological factor of free will balances the ability to do what you want and a sense of duty. The fact that a person has free will distinguishes them from other living

organisms in society. The will is one of the functions of the human psyche, which consists primarily of the ability to control oneself, manage one’s emotions and actions, and consciously regulate one’s behaviour. On the one hand, free will is unlimited (as it is an a priori feature of a person from birth), and on the other hand, it is manifested within the framework of human self-control. It is free will that makes a prosecutor responsible for everything they allow themselves and others to do to themselves and others.

Therewith, the concept of “will” is opposed to “duty” – something that must be unconditionally observed, that must be performed without fail according to the requirements of society or based on one’s conscience. Thus, “the will becomes one of the means of observing and performing a duty. The will can be considered a set of emotions that are purposefully oriented toward a conscious willingness to act” (Balynska, 2007). Thus, in the professional activity of a prosecutor, the main importance of volitional acts belongs to legal consciousness, which, in turn, ensures the development of professional needs and “suggests” a choice in deciding on a legal situation. For a prosecutor to perform professional activities, they must be resistant to unlawful motives and have a stable lawful orientation; in other words, “it is necessary to form conscious control over direct behaviour through the assimilation of specific rules of lawfulness. Only under the condition of a strong law-oriented emotional construct does the will acquire the characteristic of ‘freedom’. Free will enables a person to make a free legal choice; lawful free will facilitates the choice of a lawful type of behaviour” (Balynska, 2007).

The psychological factor of sublimation (according to Sigmund Freud) in the professional activity of a prosecutor should be understood as one of the mechanisms of psychological protection of an adult, which consists in overcoming internal tension by redirecting energy to socially acceptable purposes. S. Freud believed that sublimation is a sign of maturity and civility, which allows people to function properly in a culturally acceptable way. He defined sublimation as the process of redirecting sexual instincts into acts of higher social value, which are “a special feature of cultural development; it is what enables higher forms of mental activity, such as scientific, artistic, or ideological, to play such an important role in civilized life” (Freud, 1961). To prevent sexual needs from becoming an impetus for the development of neurotic disorders (as discussed earlier in the context of biological factors), a prosecutor must consciously abstract, distract, and shift attention to another object – professional activity (in other words, “immerse himself in work”). Therefore, it is very important in the process of professional development and professional socialisation of a prosecutor to develop “frustration tolerance”, i.e. resilience to adverse emotions that can occur in a situation that a person perceives as “an imminent threat to the achievement of a significant purpose or task” (Katolyk & Kalka, 2022). To prevent even the slightest manifestation of unlawful behaviour, a prosecutor must develop “stable forms of emotional response to life’s difficulties, the ability to foresee a favourable way out of a frustrating situation. ... If certain aspirations cannot be implemented due to various objective or subjective reasons, they (aspirations) are pushed into the sphere of the unconscious, and their access to consciousness is possible only in a symbolic form, in particular in the form of neurotic symptoms or reservations. A seemingly mistaken word or

phrase can serve as an impetus to identify the true cause of unlawful behaviour” (Balynska, 2007). It is this method of applying the knowledge of the psychology of speech behaviour (verbal behaviourism) that should be tested in interrogation or the analysis of testimony in court.

Limiting factors of the prosecutor's professional activity

It is no coincidence that the factor of dualism was chosen first to analyse the boundary factors of the prosecutor's professional activity, since the name itself contains a dual approach and recognition of two fundamentals – psychology and sociology, defined not by opposition, as in the encyclopedic definition of dualism (Lisovyi, 2008), but by combination. The professional activity of the prosecutor occurs simultaneously in the natural and socio-cultural space, manifests its vitality and sociality, and is guided by moral and legal provisions (natural and positive law). Therefore, it is the factor of human dualism that can become the main cause of legal and tort conflicts in the activities of the prosecutor. The legitimacy of behaviour depends on whether the social subject “is capable of coping with its internal contradictions, finding optimal, socially approved ways, means and methods of resolving them” (Balynska, 2007).

Man, according to Durkheim, – *homo duplex*, a dual creature in which two beings live, interact, and struggle: social, moral, intellectual (altruist) and individual, selfish, and natural (egoist) (Durkheim, 2005). Hence the two sources of behaviour development (including professional behaviour): “the nature of the body forces a person to implement their aspirations and desires, even by restricting the desires and aspirations of another person (illegal behaviour); the intelligence of the soul, which is essentially developed in society, under the influence of its morality, law, etc., controls behaviour and corrects it according to the simplest moral and legal provision “do unto others as you would like them to do unto you” (lawful behaviour under natural law), and according to the legal provisions accepted in society and established by law (lawful behaviour under positive law)” (Balynska, 2007). There is no sharp and absolute distinction between the influence of the “body” and the “soul” as regulators of behaviour. Instead, uniting the psychosocial (or socio-psychological, depending on the factor emphasised) essence of a person will contribute to overcoming unlawful aspirations in favour of lawfulness.

The factor of materialistic monism in the analysis of the prosecutor's professional activity is borrowed from the relevant theory of B. Spinoza, which interprets the essence of man as “bodily and spiritual integrity and thinking (activity of the mind, intellect) and movement (bodily activity, externally manifested behavioural reflections) as an attribute of one substance” (Balynska, 2007). The combination of the doctrines of materialism and idealism within a single psychophysical (psychosocial) essence of a person in the context of any legal practice demonstrates the unity of perception and assimilation of legal information (both positive law and natural law, moral and ethical requirements), which contributes to the development of legal consciousness and legal outlook as internal regulators of a person's behaviour, especially of a lawyer, in society. And in the context of the professional activity of a prosecutor, this theory presents the mental and social aspects of human nature as authentically equal factors in the holistic process of a specialist's behaviour. If any of these factors begin to dominate, psychosocial balance

is disrupted and priorities shift either toward “privacy” or “professionalism”. If private interests prevail, professional activity will take a back seat and the performance of professional tasks will be of poor quality. In the second case, excessive standardisation of conduct contributes, in the words of the American sociologist P. Sorokin, to the transformation of specialists into “organised, automated individuals” (Uebersax, 2021). A prosecutor needs to maintain this psychosocial balance.

Another limiting factor of the prosecutor's professional activity is alienation. It is “a philosophical, sociological, and socio-psychological category that means the relationship between a subject and a certain function of the subject that arises as a result of the loss of their initial unity; the process of breaking the initial unity of subject and object; a characteristic of the life situation of an individual or social group caused by the transformation of the life process into an independent force that is above the person” (Hrabovska & Hrabovskyi, 2005). Accordingly, relations of alienation in the professional environment of the prosecutor's office would mean the loss of connection between the prosecutor and his professional functions, i.e. the levelling of his social purpose, and his professional essence. There can be many reasons for this state of affairs: for example, a feeling of uselessness, professional unsuitability, inability to change anything for the better, dependence on external circumstances (war, inflation, rising prices against the background of decreasing wages, etc.), a feeling of the absurdity of any initiatives, failure to achieve expected results, destruction of individual, corporate, social, national values, a feeling of loneliness or self-isolation, emotional burnout, loss of one's self, etc. It should be avoided, and if it does happen, it is necessary to help eliminate such feelings to preserve the professional fitness of the prosecutor.

There are many reasons for alienation and ways to overcome it. For example, K. Jaspers saw ways to overcome alienation in the development of communication, in individual and collective communication, in self-education of the ability to discuss, in confronting manifestations of bigotry (Jaspers, 2009) (excessive professional dedication of a prosecutor bordering on self-denial is considered alienation). J.-P. Sartre argued that alienation is generated by unlimited human freedom and the conflict of interpersonal relations, and impersonal, inert social existence (Sartre, 2016) (therefore, by resorting to coordination and harmonisation of subject-subject relations, professional alienation of prosecutors can be avoided). M. Heidegger interpreted alienation as a form of human existence in the impersonal world of everyday life, which is manifested in the performance of social roles by an individual, in submission to social behavioural, thinking, and speaking provisions (Heidegger, 2007) (considering this, the prosecutor should be a person with a clear social status, which is respected in society and properly financially assessed by the state). They were opposed by G. Marcuse, who developed the concept of a “one-dimensional person” who is not capable of critical comprehension of reality and struggles for its transformation (Marcuse, 1996) (the ability to critically evaluate, appropriately compare and analyse in detail can ensure that the prosecutor avoids alienation or overcomes it). Proponents of alternative sociology and ideology note that humanistic culture is being replaced by its ersatz forms – mass and elite culture, ideological clichés and stereotypes of thinking are being established through

the media, and a cult of false spiritual values is being imposed, conformism is flourishing (Hrabovska & Hrabovskyi, 2005) (thus, it is crucial to develop a positive attitude of Ukrainian civil society towards the prosecution as a professional environment that represents the interests of the state in court and an individual prosecutor who performs these functions).

The theory of structural anthropology proposed by J. Lévi-Strauss reflects the relationship between the psychological and the social. This approach in the context of the prosecutor's professional activity is manifested through the emphasis on the mandatory presence of "formal institutions" in legal relations, which, according to Lévi-Strauss, are governed by traditions and myths that "model the structure of social institutions" (Yosypenko, 2000). This theory is based on the "principle of authentic human communication". In the process of communication (legal relations), communicants (subjects of legal relations) develop a certain method of thinking ("resettlement technique"), i.e., there is a mutual influence of the participants of communication and certain stereotypes of moral and legal provisions of coexistence (establishment of positive law based on natural law) are developed, which, in turn, determine a certain type of lawful behaviour and require its observance. Thus, "the principles of truly human communication – the cultivation of compassion for another person and living creatures in general, selfless comprehension of other people through identification with them" (Yosypenko, 2000) should be considered indisputably necessary for cognition of legal reality and conscious entry into it (provided that the behaviour is lawful). It can be said that these are the general principles of intersubjective legal communication, where no one is subject to manipulation and all participants are equal in importance. Such a position contributes to the development of a clear algorithm of legal behaviour that excludes invariant connections of elements of legal relations with a categorical focus on legality.

Social factors of the prosecutor's professional activity

The most socially oriented factor in human activity is the environment. According to I. Tenet's theory, a specialist always depends on the mental, spiritual, cultural, and social environment (Blikhar *et al.*, 2021). In addition to acknowledging that humans are deeply dependent on the world around them, environmental theory exempts them from any moral responsibility due to this. According to this theory, the prosecutor, being involved in the sphere of legal relations, is completely dependent on external influence in the development of their behaviour, and, therefore, should not be accused of unlawful actions (if any) or inaction.

On the one hand, it cannot be categorically denied that the professional activity of a prosecutor is developed in the context of the environment (they acquire skills of a certain type of behaviour under the influence of the psychological climate in the family, school, at work, at home, etc., spiritual and cultural heritage, socio-economic conditions, and moral and legal principles on which legal relations in a particular society are based). On the other hand, a prosecutor, being part of a professional community, loses their individuality to a certain extent and acquires similar feelings, instincts, aspirations, and volitional motives. This "mass" approach to the prosecutor's behaviour reduces the mechanism of interaction with the subjects of the professional environment to purely mechanical functions, and the environment itself

(mental, spiritual, cultural, social, including legal) to certain functional processes and connections. In this case, it can be assumed that each prosecutor does not have their autonomous power of influence and the ability to independently shape and produce their behaviour. A prosecutor is a kind of filter through which cases pass, leaving their mark (through experience) on their behaviour. And the main "sieve" that can distinguish between lawfulness and unlawfulness is the phenomenon of their consciousness, including legal consciousness, which makes the prosecutor dependent on the environment and able to adapt to a particular environment.

The factor of social adjustment (adaptation) in the professional activity of a prosecutor implies that the prosecutor has mastered "certain provisions of the environment, social stereotypes and attitudes, acceptable forms of behaviour in this environment, including communication, life options, etc." (Shydelko, 2016). Interestingly, the concept of "adaptation" originated in biology and was introduced to the social sciences by scholars who tried to reduce psychological and social phenomena to biological ones. In essence, social adaptation is closely related to the process of socialisation, internalisation of provisions and values of the social environment, ways of subject activity, and forms of social interaction (Mikheiev, 2001).

Generally agreeing with the opinion of O. Balynska that "personal adaptive potential is closely related to the effectiveness of lawful behaviour: intelligence as the highest form of adaptation is the key to choosing the most lawful option of externally manifested actions and deeds" (Balynska, 2007), more attention should be paid to the prosecutor's professional adaptation, which is facilitated by proper professional training for the performance of their work, professional aptitude for it, and responsibility, intelligence, independence, and assistance from seniors and colleagues. The professional adaptation of a prosecutor should be designed to achieve a balance between the professional interests and capabilities of a person and the needs of society in this type of professional activity, which are constantly being improved, integrated and changed accordingly. It is believed that, ideally, professional adaptation lasts throughout the entire career, from the first job to retirement, and sometimes it continues into the retirement phase of a person's life. However, one should not forget about the specifics of the prosecutor's professional environment, which to some extent limits the "interference" of the external environment and even in some cases categorically prohibits it.

Professional adaptation is usually facilitated by the following qualities of a person: "independence, creative initiative, professional mobility, high personal responsibility for the results of one's work, for the quality of work performed, for one's destiny and well-being; competitiveness, psychological readiness for business rivalry, and victories and possible defeats; desire for continuous self-improvement, self-education, mastering new technologies, improving professional skills, learning during one's working life; communication skills, tolerance, intolerance of violence, arbitrariness and, therewith, tolerance and respect for people who have different opinions and styles of individual behaviour; respect for the interests of other people, ability to reach consensus in professional interaction" (Mikheiev, 2001).

The social factor of external manifestation within the framework of the prosecutor's professional activity openly demonstrates the prosecutor's legal experience, intentions

and aspirations through external behavioural responses. According to O. Balynska, “the theory of external manifestation is connected with the methodology of behaviourism as a field that explores the externally manifested behavioural reactions of the body to influence (stimulation). The essence of the theory of external manifestation is that it is impossible to detect lawful or unlawful behaviour through self-observation: a social subject (even a highly conscious one) cannot be authoritative in determining the legitimacy of their thinking or behaviour. Nevertheless, the assessment of legitimacy is based solely on established and described behaviour without penetrating the internal mental processes behind it. Being behaviourist, the theory of external manifestation advocates the position of the necessity to derive a categorisation of legality according to the conditions of certain legal situations and, based on it, to develop rules of conduct for social actors in the legal field” (Balynska, 2007). The methodology of behaviourism in developing the desired reaction of a social actor is advocated by many researchers, in particular as the psychology of targeted influence (Moskalenko, 2008), as a scientific foundation for the philosophy of political activity (Tolstoukhov, 2002) or specifically for the electoral behaviour of social actors (Vladlenova & Smolyaga, 2022). The behaviour of a prosecutor cannot be the same under different conditions, in different situations, as each legal situation forces them to look for solutions and make appropriate decisions.

The social factor of ethics, borrowed from the theory of ethics of the development of lawful behaviour of a social subject (Balynska, 2007), in the professional activity of a prosecutor should include judicial ethics – “a set of provisions of the behaviour of professional participants in legal proceedings; the doctrine of moral principles, norms of professional activity of judges, prosecutors, investigators, lawyers, which explores the moral foundations of procedural rules, and moral ways of their application in investigation and trial. Procedural law determines the form and content of the proceedings, while judicial ethics is the moral foundation for the activities and behaviour of judges, prosecutors, investigators, and lawyers. These principles are interrelated. Clarification of the moral meaning of procedural rules contributes to their correct application” (Malakhov, 2009).

The ethics factor requires the prosecutor to strictly adhere to the established rules and principles, many of which have a pronounced moral aspect that enhances their effect. Strict adherence to moral provisions ensures the realisation of the principle of justice in the prosecutor's activity, which is necessary for the efficiency of procedural activities and the maintenance of the high authority of the prosecution authorities. This explains the establishment of various rules and codes of professional conduct, including the Code of Professional Ethics and Conduct for Prosecutors.

P. Sorokin's theory of sociology reflects “the ethics of regulating legal relations, thinking and behaviour of society members”. According to it, only society is capable of producing “meanings, provisions and values” that are reflected in the legal worldview of society's members (Uebersax, 2021). Therewith, in the context of professional activity, it is rather necessary to talk about several other social factors, such as:

- social modelling, which is the reproduction of the most important relationships between the key elements of the social community being studied, such as the prosecutor's office, to explain its current functioning and predict its further development (Dembitskiy, 2019);

- social trust, which implies the development of confidence in the reliability of the prosecutor, demonstrates a clear understanding or provides comprehensive knowledge of their social purpose, is based on the synthesis of personal and group experiences of perception of prosecutors and is associated with specific expectations of them (Ursulenko, 2008);

- social conformism – uncritical perception and imitation of opinions, standards, stereotypes, traditions, authorities, principles, and attitudes prevailing in society or a group; especially manifested during the period of adaptation to the service, when a young prosecutor tries to develop a type of behaviour that corresponds to the provisions of the professional environment, but can frequently result in lack of initiative, indifference, and adaptability; it is important to maintain tolerance and solidarity, but not to let oneself be absorbed by the team (Liubyva, 2014);

- social control is the maintenance of social/corporate order through institutional influence on the behaviour of individuals; thus, the collective/corporation tries to control the behaviour of the prosecutor through normatively fixed directives, orders, instructions, etc., and compliance with these provisions is encouraged by positive incentives: recognition, reward, authority, prestige, and the choice of other ways of behaviour is limited through certain sanctions: from informal prohibitions to explicit coercion and pressure (Otrushko, 2014);

- social expectations – a set of social attitudes, stereotypes of behaviour, assessments of social processes and significant phenomena that support and develop members of the professional environment and society in general; due to the awareness of social expectations, the prosecutor is prepared to perceive the consequences of various social events and can perceive social reality, becomes emotionally prepared for future events and can adapt their behaviour to new conditions; but on the other hand, social expectations are closely related to informal social/corporate control, the requirements imposed on the prosecutor by the environment regarding their actions, thoughts and feelings in a particular situation (Otrushko, 2022).

Such a selection of social factors is not accidental, as they are all reasons that demonstrate the nature of the prosecutor's professional actions depending on different conditions, circumstances, situations, etc.

Thus, it can be assumed that these (biological, psychological, and social) factors influence behaviour and activities in general, including professional ones. It is appropriate to analyse the professional activity of the prosecutor from these perspectives, considering the context of the branch of law in which it is implemented.

Considering the various descriptions of “professional formulas” and “professiograms”, the model of the prosecutor's professional activity can be schematically reproduced as follows:

- the subject of work – a person (the prosecutor works primarily with people, communicates with them and analyses their testimony, implements their main purpose by assisting in finding the perpetrator of an offence), and sign systems (the prosecutor reads, studies and analyses documents, compares real events with the described provisions of laws, relies on statistical data as the most generalised and systematised information);

- working conditions – increased moral responsibility (for human life and honour) and, therewith, domestic disorder (irregular working hours, work with criminogenic objects, etc.);

– means of labour – functional (developed intelligence, style of speech, manner of behaviour) and automated (gadgets and professional office equipment);

– the purpose of the work – gnostic (to determine the cause of the offence, determine the type of legal situation, and find a legal analogue of this situation to determine the level of responsibility) and transformational (to turn things into evidence, choose the most appropriate way to present information, restructure social relations – by restoring justice, change the status of the offender – by applying responsibility).

Conclusions

The study outlines various groups of factors and their interaction in developing a prosecutor's personality. As a result of the analysis of biological factors, the author substantiates the importance of being aware of the neuro bases of one's behaviour, which will allow, on the one hand, developing skills to manage it, and, on the other hand, learning to understand the behaviour of suspects and accused persons. The key psychological factor is the necessity to maintain a balance between free will and a sense of duty. The social factors of the prosecutor's professional actions are defined as dependence on various conditions, circumstances, situations, etc.

It is proved that all three main groups of factors of influence that mostly affect each person: biological, psychological

and social – were not chosen by chance, but with consideration of the verbal behaviourist (speech and behavioural) priority of the prosecutor's professional activity; they demonstrate their biopsychosocial predetermination as a physically healthy person, a mentally appropriate social subject and a socially adapted specialist.

Without diminishing the importance and influence of other factors of professional activity, including those previously analysed, it is necessary to acknowledge the dominance of social factors, considering the constant dynamic development of humanity. To some extent, it is explained by the rapid rise of the role of information and information technology, increased concern about the problems of human life and the preservation of the gene pool, non-standard working conditions, crises and pandemic challenges, military conditions and all related problems. After all, all of this has a certain impact on professional activities in all areas, including the protection of human rights and freedoms, where the prosecutor's office occupies an important niche.

Further investigation of this subject involves a detailed study of the prosecutor's office as a professional environment with its specific features, institutional and legal guarantees, and personal and moral mechanisms for implementing the functional purpose of the prosecutor in Ukraine.

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Біопсихосоціальні чинники професійної діяльності прокурора

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Анотація. Досліджувана тема варта уваги правників, адже українське суспільство дедалі частіше зважає на чинники, що формують професіоналізм усіх учасників юридичної практики, зокрема судочинства. Особливу актуальними стають нестандартні підходи, один з яких запропоновано в статті. Мета дослідження – розглянути професійну діяльність прокурора в біологічному, психологічному й соціальному контексті; на основі цього визначити й описати чинники внутрішнього та зовнішнього впливу на неї. Серед ключових методів дослідження – спостереження та моніторинг прокурорської діяльності. У статті відтворено триєдину (біопсихосоціальну) основу сутності людини, у якій філософія виступає методологією структуризації трьох основних наук про людську поведінку. Виокремлено особливості цієї поведінки залежно від елементів предмета вивчення (наприклад, інстинктів – у біології, свідомого і підсвідомого – у психології, адаптації до колективу – у соціології), а також цілісного предмета вивчення – людини. На основі різних описів «професійних формул» і «професіограм» у статті схематично відтворено модель професійної діяльності прокурора з огляду на предмет праці – людину та знакові системи; умови праці з підвищеною моральною відповідальністю; функціональні й автоматизовані умови праці, а також гностичну і трансформаційну мету праці. Не применшуючи важливості та впливовості кожного із чинників професійної діяльності, визначено домінування саме соціальних чинників. Таке домінування пояснено стрімким піднесенням ролі інформації та інформаційних технологій, підвищеною стурбованістю проблемами життєдіяльності людини та збереженням генофонду, нестандартними умовами праці, кризами та викликами пандемій, воєнними умовами та іншими супутніми проблемами. Адже все це певним чином впливає на професійну діяльність у різних сферах, зокрема у сфері захисту прав і свобод людини, де важливу нішу займає прокуратура. Стаття відображає авторську позицію і новаторський підхід з огляду на важливість сфери дослідження, розкриття підстав і чинників формування світогляду прокурора та визначення його професійної орієнтації в сучасному світі. Практична цінність дослідження полягає в тому, що воно розкриває чинники впливу на професійну діяльність прокурорів, знання про які допоможе навчитися нівелювати ті з них, які мають негативний вплив, і посилювати дію позитивних

Ключові слова: біологічний чинник, психологічний чинник, соціальний чинник, вербальний біхевіоризм, професіоналізм, професійне середовище