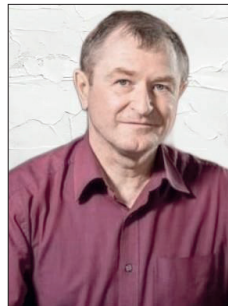


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EDUCATION AS A PRECONDITION FOR ACCESS TO LEGAL AID IN THE PENITENTIARY CONTEXT

Abstract: Access to state-guaranteed legal aid for prisoners remains a complex issue, particularly within the specific constraints of the penitentiary environment. Although this right is formally recognized, its practical exercise is often hindered by institutional isolation, restricted access to information and limited legal awareness. In this context, the education of prisoners acquires a meaning that goes beyond the traditional understanding of rehabilitation.

The purpose of this study is to examine education as a practical precondition for prisoners' access to legal aid and, consequently, to justice. The analysis draws on international standards, doctrinal writings and judicial practice, highlighting the gap between the formal recognition of the right to legal aid and its effective use in penitentiary institutions. The findings indicate that without a basic level of education and legal awareness, legal aid tends to remain formal and underutilized, failing to provide real protection of rights. From both a theoretical and practical perspective, the study supports the idea that education and legal awareness should be viewed as integral components of access to justice mechanisms for prisoners, contributing to a more effective and meaningful exercise of their rights.

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Keywords: prisoners; right to education; legal aid; access to justice; legal awareness; penitentiary system.

EDUCAȚIA CA PREMISĂ A ACCESULUI LA ASISTENȚĂ JURIDICĂ ÎN MEDIUL PENITENCIAR

Abstract: Problema accesului persoanelor condamnate la asistență juridică garantată de stat rămâne una sensibilă, mai ales în condițiile specifice mediului penitenciar. Deși acest drept este recunoscut la nivel normativ, în practică el este adesea dificil de exercitat din cauza izolării instituționale, a limitării accesului la informație și a nivelului scăzut de informare juridică. În acest context, educația persoanelor private de libertate capătă o semnificație care depășește cadrul clasic al resocializării.

Scopul prezentului studiu este de a analiza educația condamnaților ca premisă reală a accesului la asistență juridică și, implicit, la justiție. Analiza se bazează pe standarde internaționale, lucrări doctrinare și exemple de practică judiciară, evidențiind discrepanța dintre recunoașterea formală a dreptului la asistență juridică și posibilitatea efectivă de utilizare a acestuia în penitenciare. Rezultatele cercetării arată că, în lipsa unui nivel minim de educație și de informare juridică, asistența juridică riscă să rămână un mecanism formal, greu accesibil și insuficient valorificat de beneficiari. Din perspectivă teoretică și practică, concluziile susțin necesitatea integrării educației și a informării juridice în structura mecanismelor de acces la justiție destinate persoanelor condamnate.

Cuvinte-cheie: persoane condamnate; dreptul la educație; asistență juridică; acces la justiție; informare juridică; sistem penitenciar.

1. INTRODUCTION.

In contemporary legal systems, state-guaranteed legal aid is widely regarded as a core mechanism for ensuring access to justice and for giving practical effect to the principle of equality before the law. International standards emphasise that legal aid cannot be reduced to the formal appointment of legal counsel; rather, it must secure a genuine and effective opportunity for individuals to protect their rights and legitimate interests, particularly where they find themselves in a vulnerable social or institutional position¹. From this perspective, the situation of convicted persons serving custodial sentences warrants particular attention, as their access to law is objectively constrained by custodial regimes, institutional isolation and pronounced information asymmetries.

Although deprivation of liberty lawfully entails restrictions on certain rights, international penitentiary standards are premised on the principle that convicted persons retain all fundamental rights not expressly limited by a judicial sentence. In particular, it is stressed that prisoners must have access to education, information and legal remedies, since these elements are essential to the preservation of human dignity and legal personality in the context of sentence enforcement². Accordingly, access to justice and to legal aid within the penitentiary environment cannot be viewed as an optional privilege but

¹ United Nations. (2013). United Nations principles and guidelines on access to legal aid in criminal justice systems. United Nations. [online], [quote 12.11.2025]. Available: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

² Council of Europe. (2006). European Prison Rules (Recommendation Rec (2006)2 of the Committee of Ministers to member states). Council of Europe Publishing. [online], [quote 19.11.2025]. Available: <https://www.refworld.org/legal/resolution/coeministers/2006/en/11978>

must be understood as a legal obligation of the state.

At the same time, empirical studies and analytical reports examining mechanisms of access to justice for convicted persons consistently point to a persistent gap between the normative recognition of the right to legal aid and its practical realisation. The mere formal existence of state-guaranteed legal aid does not necessarily translate into effective protection of rights. Prisoners frequently encounter limited access to legal information, procedural barriers to initiating legal action and a structural dependence on the administration of penitentiary institutions³. Under such conditions, legal aid tends to assume a predominantly reactive and formalised character.

Against this background, the analysis of prisoners' education as a factor influencing the effective exercise of the right to state-guaranteed legal aid acquires particular scholarly significance.

Within academic discourse, the right of convicted persons to education has traditionally been justified primarily through the objectives of resocialisation and the reduction of recidivism. However, a philosophical and legal perspective highlights the autonomous value of education as a social right that does not lose its relevance as a consequence of imprisonment and is directly linked to the preservation of individual legal subjectivity⁴. Moreover, contemporary research increasingly conceptualises education within the penitentiary system as a foundational condition for prisoners' meaningful participation in legal and social processes⁵.

International and comparative studies further underline that levels of legal awareness and access to educational resources have a direct impact on prisoners' ability to identify violations of their rights and to seek legal aid. Legal literacy and basic legal education are thus viewed as integral components of a broader conception of access to justice, complementing institutional mechanisms of publicly funded legal aid⁶. In the absence of such elements, state-guaranteed legal aid risks losing its substantive content and degenerating into a purely formal procedural safeguard.

Against this backdrop, the present article aims to provide a socio-legal and institutional analysis of prisoners' education as a factor in the realisation of the right to state-guaranteed legal aid. It advances the argument that education within the penitentiary environment performs not an ancillary but a structural function, by establishing the cognitive and informational prerequisites necessary for prisoners' effective access to legal aid.

The object of the research comprises the social relations arising in the process of

³ Irish Penal Reform Trust. (2012). The rule of law and prisons: Barriers to accessing justice. IPRT. [online], [quote 19.11.2025]. Available: https://www.iprt.ie/site/assets/files/4064/the_rule_of_law_and_prisons_-_barriers_to_accessing_justice.pdf; Lajeunesse, T. (2002). Study of the legal services needs of prisoners in federal penitentiaries in Canada. Department of Justice Canada. [online], [quote 18.10.2025]. Available: https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rr03_la19-rr03_aj19/rr03_la19.pdf

⁴ Vorhaus, J. (2014). Prisoners' right to education: A philosophical survey. *London Review of Education*, 12 (2), 162–176. [online], [quote 19.11.2025]. Available: <https://doi.org/10.1080/14748460.2014.929819>

⁵ Rangel Torrijo, H., & De Maeyer, M. (2019). Education in prison: A basic right and an essential tool. *International Review of Education*, 65(5), 671–685. [online], [quote 12.11.2025]. Available: <https://link.springer.com/article/10.1007/s1159-019-09809-x>

⁶ United Nations. (2013). United Nations principles and guidelines on access to legal aid in criminal justice systems. United Nations. [online], [quote 12.11.2025]. Available: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf; Yin, E. T., Korankye-Sakyi, F. K., & Atupare, P. A. (2021). Prisoners' access to justice: Family support, prison legal education and court proceedings. *Journal of Politics and Law*, 14(4), 113–126. [online], [quote 19.11.2025]. Available: <https://doi.org/10.5539/jpl.v14n4p113>

implementing the right of convicted persons to state-guaranteed legal aid in conditions of deprivation of liberty.

The subject of the research is the role of prisoners' education and their level of legal awareness in ensuring genuine access to legal aid within the penitentiary context.

2. METHODS AND MATERIALS APPLIED

In this study, formal legal, systemic and comparative law methods are employed in order to examine the normative content of the right of convicted persons to education and to state-guaranteed legal aid, as well as to identify their interrelationship within the broader mechanism of access to justice. In addition, a doctrinal analysis of academic literature, international standards and analytical reports is undertaken. The application of these methods makes it possible to provide a comprehensive assessment of the role of prisoners' education in the realisation of the right to legal aid within the penitentiary environment.

3. DISCUSSIONS AND RESULTS OBTAINED

3.1 The Right of Convicted Persons to Education as a Socio-Legal Category

The right to education is traditionally classified among fundamental social rights aimed at ensuring the comprehensive development of the individual and their capacity to participate in social and legal life. Within human rights theory, this right is understood as universal and indivisible, independent of a person's social status and not extinguished by criminal conviction or the execution of a sentence. Accordingly, deprivation of liberty cannot be regarded as a legitimate ground for excluding convicted persons from the scope of the right to education.

International penitentiary standards consistently proceed from the principle that convicted persons retain all rights that have not been expressly and lawfully restricted by a judicial sentence. In this context, the right to education occupies a distinctive position, as it is linked not only to preparation for release but also to the preservation of human dignity and legal subjectivity under conditions of institutional isolation. The European Prison Rules explicitly impose an obligation on states to ensure prisoners' access to education as an integral component of the regime for the execution of sentences⁷.

Legal doctrine and academic literature generally identify two principal approaches to substantiating the right of convicted persons to education. The first, instrumental approach conceives education primarily as a means of resocialisation and the reduction of recidivism. Notwithstanding its practical relevance, this approach has been criticised for reducing education to a managerial tool and for substituting the legal nature of education with considerations of criminal policy efficiency.

By contrast, the normative-value-based approach recognises the right of convicted persons to education as an autonomous social right grounded in the continued legal subjectivity of the individual. Within this framework, education in custodial settings is understood as a form of recognising the prisoner as a bearer of reason and of moral and

⁷ Council of Europe. (2006). European Prison Rules (Recommendation Rec (2006)2 of the Committee of Ministers to member states). Council of Europe Publishing. [online], [quote 19.11.2025]. Available:<https://www.refworld.org/legal/resolution/coeministers/2006/en/11978>

legal judgement, rather than as an object of exclusively disciplinary control⁸. Deprivation of liberty, therefore, does not negate the cognitive and legal autonomy of the person and cannot serve as a justification for excluding convicted persons from the educational sphere.

Contemporary international research reinforces this conclusion by emphasising the complex character of the right to education in the penitentiary context, which encompasses not only formal instruction but also access to knowledge and skills necessary for meaningful participation in social and legal processes. Education is thus conceptualised as a foundational condition for active citizenship and as a factor shaping prisoners' ability to navigate systems of rights and obligations⁹.

Of particular importance in this regard is the connection between education and the development of prisoners' legal awareness. Under conditions of institutional isolation, the absence of basic knowledge concerning legal status, mechanisms for the protection of rights and avenues for seeking legal aid effectively transforms formally guaranteed rights into declaratory constructs. It is for this reason that recent Council of Europe documents increasingly frame education within the penitentiary system as a component of a broader infrastructure of access to justice, rather than as an isolated domain of penitentiary policy¹⁰.

Accordingly, the right of convicted persons to education should be understood not only as an independent social right but also as a functionally significant element in the mechanism for the realisation of other rights. Such an understanding provides the theoretical basis for analysing the role of education in ensuring prisoners' effective access to state-guaranteed legal aid and enables a transition to the examination of the relevant institutional constraints.

3.2 State-Guaranteed Legal Aid for Convicted Persons: Normative Content and Institutional Constraints

State-guaranteed legal aid is recognised in international legal standards as a key component of access to justice and of the effective implementation of the right to a fair trial. United Nations instruments emphasise that legal aid must go beyond the formal presence of legal counsel and ensure a genuine ability for individuals to understand and utilise legal mechanisms of protection, particularly in situations of institutional vulnerability inherent in deprivation of liberty¹¹.

Normatively, the right of convicted persons to legal aid derives from the principle that they retain all rights not restricted by a judicial sentence. Its scope extends beyond criminal proceedings *stricto sensu* to encompass issues related to the execution of sentences, conditions of detention and the judicial review of actions taken by penitentiary

⁸ Vorhaus, J. (2014). Prisoners' right to education: A philosophical survey. *London Review of Education*, 12 (2), pp. 163–166. [online], [quote 19.11.2025]. Available: <https://doi.org/10.1080/14748460.2014.929819>

⁹ Rangel Torrijo, H., & De Maeyer, M. (2019). Education in prison: A basic right and an essential tool. *International Review of Education*, 65(5), pp. 672–675. [online], [quote 12.11.2025]. Available: <https://link.springer.com/article/10.1007/s11159-019-09809-x>

¹⁰ Council of Europe. (2025). Draft explanatory memorandum on education in prison. Council of Europe. [online], [quote 27.11.2025]. Available: <https://rm.coe.int/draft-explanatory-memorandum-on-education-in-prison-12-january-2025/1680b355a1>

¹¹ United Nations. (2013). United Nations principles and guidelines on access to legal aid in criminal justice systems. United Nations. [online], [quote 12.11.2025]. Available: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

authorities. This expansive understanding is consistent with international standards and reflects a substantive, rather than purely formal, conception of access to justice¹².

At the same time, comparative and analytical studies point to systemic institutional constraints affecting the realisation of this right within the penitentiary context. One of the central factors is a narrow procedural understanding of state-guaranteed legal aid, under which legal assistance is provided only within the framework of formalised judicial proceedings. As a result, a significant proportion of prisoners' legal needs arising during the execution of sentences remain outside the scope of effective legal support¹³.

A further substantial barrier to the effective exercise of the right to legal aid lies in the deficit of legal information and the low level of prisoners' legal awareness. Empirical research demonstrates that a lack of knowledge regarding legal status, protection procedures and avenues for seeking legal aid significantly reduces the likelihood of initiating legal action, even where formal guarantees exist¹⁴. Under conditions of institutional isolation, this factor is exacerbated by prisoners' structural dependence on penitentiary administrations.

Reports by human rights organisations additionally indicate that procedural and financial barriers, coupled with the absence of specialised legal aid mechanisms tailored to the needs of convicted persons, hinder effective access to courts in matters concerning detention conditions and the execution of sentences¹⁵. As a consequence, the right to legal aid often assumes a predominantly declaratory character.

National judicial practice further underscores that the right to defence must be ensured with due regard to an individual's actual capacity to make use of the guarantees provided. The Supreme Court of Justice of the Republic of Moldova has consistently affirmed the need for a substantive understanding of the right to defence, oriented towards effective access to legal aid rather than the mere formal observance of procedural requirements¹⁶.

Accordingly, state-guaranteed legal aid for convicted persons is confronted with a complex set of institutional constraints that cannot be overcome solely through the normative recognition of corresponding rights. These constraints create a compelling rationale for examining prisoners' education as a factor capable of establishing the cognitive and informational conditions necessary for the effective realisation of the right to legal aid.

3.3 Prisoners' Education and Legal Awareness as Preconditions for the Realisation of the Right to Legal Aid

The relationship between education and the realisation of the right to state-guaranteed legal aid manifests itself primarily through the concept of legal awareness. Access to

¹² Ibidem.

¹³ Lajeunesse, T. (2002). Study of the legal services needs of prisoners in federal penitentiaries in Canada. Department of Justice Canada. [online], [quote 18.10.2025]. Available: https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rr03_la19-rr03_aj19/rr03_la19.pdf

¹⁴ Yin, E. T., Korankye-Sakyi, F. K., & Atupare, P. A. (2021). Prisoners' access to justice: Family support, prison legal education and court proceedings. *Journal of Politics and Law*, 14(4), 113-126. [online], [quote 19.11.2025]. Available: <https://doi.org/10.5539/jpl.v14n4p113>

¹⁵ Irish Penal Reform Trust. (2012). The rule of law and prisons: Barriers to accessing justice. IPRT. [online], [quote 19.11.2025]. Available: https://www.iprt.ie/site/assets/files/4064/the_rule_of_law_and_prisons_-_barriers_to_accessing_justice.pdf

¹⁶ Curtea Supremă de Justiție a Republicii Moldova. (2010). Hotărîrea Plenului Curții Supreme de Justiție nr. 11 din 24 decembrie 2010 privind practica aplicării legislației pentru asigurarea dreptului la apărare. [online], [quote 10.10.2025]. Available: https://jurisprudenta.csj.md/search_hot_expl.php?id=347

justice theory consistently emphasises that the formal existence of a right and the presence of an institutional mechanism for its protection are not equivalent to an individual's capacity to make effective use of that right. For convicted persons held in conditions of institutional isolation, educational attainment and access to legal information constitute decisive factors shaping their ability to seek legal aid and to participate meaningfully in legal procedures.

Empirical research demonstrates that low levels of legal awareness significantly reduce the likelihood that prisoners will resort to legal protection mechanisms, even in legal systems where state-guaranteed legal aid is formally well developed. In particular, it is noted that convicted persons often remain unaware of their subjective rights or lack an understanding of the procedures for their enforcement, which results in the effective exclusion of a substantial proportion of legal issues from the sphere of legal response¹⁷. In this sense, a deficit of legal knowledge operates as an autonomous barrier to access to legal aid.

From a philosophical and legal perspective, this problem is closely connected to the question of individual legal subjectivity under conditions of deprivation of liberty. Education within the penitentiary environment is conceptualised not merely as a means of transmitting knowledge, but as a mechanism for sustaining the prisoner's capacity for rational and normative reasoning. As legal doctrine suggests, recognising the right of convicted persons to education necessarily entails acknowledging their ability to comprehend legal norms and to engage in legal communication; absent such capacity, procedural guarantees inevitably lose their substantive meaning¹⁸.

Contemporary research on prisoners' education further underlines that educational programmes aimed at developing basic cognitive and legal skills exert a direct influence on prisoners' ability to interact with legal institutions. In this context, education is understood as an element in the formation of an active stance towards one's own rights, rather than as a passive instrument of correction. It is through the educational component that the transition from the formal status of a rights-holder to the practical exercise of rights is made possible¹⁹.

At the national and regional levels, similar conclusions are reached in studies devoted to education within penitentiary systems. These analyses highlight that the absence of systematic legal education for prisoners leads to a perception of legal aid as an exceptional measure dependent on the discretion of prison administrations or external actors, rather than as a guaranteed right. In this regard, educational programmes are regarded as a necessary condition for the formation of legal culture and for fostering trust in rights-protection mechanisms²⁰.

¹⁷ Yin, E. T., Korankye-Sakyi, F. K., & Atupare, P. A. (2021). Prisoners' access to justice: Family support, prison legal education and court proceedings. *Journal of Politics and Law*, 14(4), 113–120. [online], [quote 19.11.2025]. Available: <https://doi.org/10.5539/jpl.v14n4p113>

¹⁸ Vorhaus, J. (2014). Prisoners' right to education: A philosophical survey. *London Review of Education*, 12 (2), pp. 165–169. [online], [quote 19.11.2025]. Available: <https://doi.org/10.1080/14748460.2014.929819>

¹⁹ Rangel Torrijo, H., & De Maeyer, M. (2019). Education in prison: A basic right and an essential tool. *International Review of Education*, 65(5), 672–676. [online], [quote 12.11.2025]. Available: <https://link.springer.com/article/10.1007/s11159-019-09809-x>

²⁰ Георгиева, С. (2023). Образование в пенитенциарной системе: международные стандарты и опыт Республики Молдова. В Материалах международной научно-практической конференции, посвящённой 33-летию Комратского государственного университета (с. 720–725). Комратский государственный университет. [online], [quote 22.10.2025]. Available: https://ibn.idsi.md/sites/default/files/imag_file/720-725_1.pdf

The institutional dimension of this issue is of particular importance. Analytical and comparative reports emphasise that effective models of prisoners' access to legal aid presuppose the integration of educational and legal literacy components into the activities of penitentiary institutions. This does not entail substituting professional legal assistance with education; rather, it involves creating the cognitive prerequisites that enable prisoners to seek such assistance in an informed manner and to interact effectively with lawyers and other actors within the system of state-guaranteed legal aid²¹.

Accordingly, prisoners' education and legal awareness should be regarded as indispensable conditions for the realisation of the right to state-guaranteed legal aid. In the absence of educational support, legal aid risks remaining a purely formal guarantee that fails to fulfil its compensatory function. Conversely, the integration of an educational component into the infrastructure of access to justice facilitates the transformation of state-guaranteed legal aid into an effective mechanism for the protection of prisoners' rights under conditions of deprivation of liberty.

3.4 Prisoners' Education as a Structural Factor in the Effectiveness of the State-Guaranteed Legal Aid System

Examining prisoners' education through the lens of access to legal aid makes it possible to move beyond the identification of isolated barriers towards a broader institutional analysis. At the theoretical level, education should be understood not as an auxiliary element of penitentiary policy, but as a structural factor shaping the overall effectiveness of the system of state-guaranteed legal aid. Framing the issue in this way necessitates a reconsideration of the very model of legal aid as applied to conditions of deprivation of liberty.

International standards conceptualise legal aid as a comprehensive mechanism encompassing not only the provision of professional legal representation, but also the creation of conditions under which individuals are able to understand the legal significance of ongoing processes and to participate actively in the protection of their rights²². For convicted persons living in conditions of institutional isolation, this dimension acquires particular importance. In the absence of a basic level of general and legal education, legal aid becomes functionally constrained, as its beneficiaries are unable to initiate or sustain legal interaction in a meaningful manner.

Access to justice theory further emphasises that the effectiveness of legal aid depends not solely on the institutional availability of a lawyer, but also on the individual's capacity to act as an active subject of legal relations. In this sense, education performs a mediating function between the formal recognition of a right and its practical realisation. A prisoner possessing a minimum level of legal awareness is able to identify a violation of rights, articulate a legal claim and seek legal aid. Where such cognitive prerequisites are

²¹ Human Rights Initiative. (2015). Legal aid clinics in prisons. HRI. [online], [quote 19.11.2025]. Available: https://www.humanrightsinitiative.org/publications/prisons/LAC%20Phamplet6_%2025March%202015%20curved-F.pdf; Productivity Commission. (2014). Access to justice arrangements (Submission No. 82). Australian Government. [online], [quote 19.11.2025]. Available: <https://lawcouncil.au/publicassets/2361483d-e1d6-e611-80d2-005056be66b1/140605-Submission-2837-Productivity-Commission-Draft-Report-Access-Justice-Arrangements.pdf>

²² United Nations. (2013). United Nations principles and guidelines on access to legal aid in criminal justice systems. United Nations. [online], [quote 12.11.2025]. Available: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

absent, legal aid loses its compensatory function and is reduced to a purely formal element of a procedural framework.

The institutional significance of education is also evident in the operation of national systems of state-guaranteed legal aid. Scholarly analyses addressing the criteria for granting legal aid and the organisation of relevant mechanisms stress that vulnerable categories of beneficiaries require not only financial support, but also special conditions that ensure the genuine accessibility of legal assistance. In this respect, education and legal literacy may be regarded as elements of the institutional design of legal aid systems, aimed at overcoming asymmetries between the state and the beneficiary²³.

Comparative and analytical reports confirm that the most resilient models of prisoners' access to legal aid incorporate educational and legal literacy components. The practice of legal clinics operating within custodial institutions demonstrates that combining legal education with professional legal assistance enhances the effectiveness of rights protection and reduces the number of purely formal or unsubstantiated applications²⁴. Similar conclusions are drawn in studies devoted to the institutional conditions of access to justice, which underline the importance of legal literacy as a factor in the effectiveness of state-guaranteed legal aid²⁵.

Accordingly, prisoners' education should be regarded as a structural component of the system of state-guaranteed legal aid, ensuring its functional viability. It neither replaces professional legal assistance nor diminishes the scope of the state's obligations to provide such assistance; on the contrary, it creates the conditions for its informed and effective use. Disregarding the educational dimension leads to the formalisation of the right to legal aid and undermines its social and legal value.

Incorporating education into the theoretical model of the realisation of the right to state-guaranteed legal aid allows the legal aid system in the penitentiary context to be understood as a multi-layered mechanism in which institutional, cognitive and normative elements are interlinked. This perspective provides a basis for drawing general conclusions regarding the socio-legal significance of prisoners' education and its role in ensuring genuine access to justice under conditions of deprivation of liberty.

4. CONCLUSIONS.

The socio-legal and institutional analysis conducted in this study supports the conclusion that prisoners' education and state-guaranteed legal aid are structurally interrelated in a manner that remains insufficiently recognised in both academic literature and law-enforcement practice. Treating these institutions as autonomous and functionally unrelated elements of the penitentiary system leads to the formalisation of the right to

²³ Сухов, В. (2023). Международные критерии предоставления гарантируемой государством юридической помощи в гражданском процессе и зарубежный опыт их применения. *Revista Institutului Național al Justiției*, 1(64), 53–56. [online], [quote 19.11.2025]. Available: [https://doi.org/10.52277/1857-2405.2023.1\(64\).09](https://doi.org/10.52277/1857-2405.2023.1(64).09)

²⁴ Human Rights Initiative. (2015). *Legal aid clinics in prisons*. HRI. [online], [quote 19.11.2025]. Available: https://www.humanrightsinitiative.org/publications/prisons/LAC%20Phamplet6_%2025March%202015%20curved-F.pdf

²⁵ Productivity Commission. (2014). *Access to justice arrangements (Submission No. 82)*. Australian Government. [online], [quote 19.11.2025]. Available: <https://lawcouncil.au/publicassets/2361483d-e1d6-e611-80d2-005056be66b1/140605-Submission-2837-Productivity-Commission-Draft-Report-Access-Justice-Arrangements.pdf>

legal aid and diminishes its capacity to perform a compensatory role in addressing the vulnerable position of convicted persons.

The examination of the right of convicted persons to education as a socio-legal category demonstrates that it cannot be reduced solely to an instrument of resocialisation or a component of penal policy. Education constitutes an autonomous social right, grounded in the preservation of individual legal subjectivity under conditions of deprivation of liberty and closely linked to the exercise of other rights, including the right of access to justice. In this respect, the educational dimension acquires independent legal significance that extends beyond utilitarian interpretations.

The analysis of the normative content and institutional constraints of state-guaranteed legal aid reveals that the formal recognition of relevant rights and procedures does not, in itself, ensure their effective implementation within the penitentiary context. Institutional isolation, information asymmetries, a narrowly procedural understanding of legal aid and deficits in prisoners' legal awareness create circumstances in which a substantial portion of legal needs remains outside the scope of legal response. As a consequence, the right to legal aid risks being transformed into a declaratory guarantee that fails to secure genuine access to justice.

Within this framework, prisoners' education is appropriately conceptualised as a structural factor in the effectiveness of the state-guaranteed legal aid system. The theoretical analysis demonstrates that it is precisely the educational component that establishes the cognitive and informational prerequisites for the realisation of the right to legal aid, enabling convicted persons to identify violations of their rights, to initiate legal protection and to interact meaningfully with institutions of state-guaranteed legal aid. Education thus performs a mediating function between the normative recognition of a right and its practical exercise, without which legal aid loses its substantive content.

Accordingly, state-guaranteed legal aid in the penitentiary environment should be understood as a multi-layered mechanism whose effectiveness depends not only on the institutional availability of legal representation and procedural guarantees, but also on the level of educational and legal preparedness of its beneficiaries. Disregarding the educational dimension leads to structural vulnerability within the legal aid system, whereas its integration strengthens the socio-legal significance of this institution and brings its operation closer to the objectives of access to justice and equality before the law.

The findings of the study confirm the article's initial thesis that prisoners' education constitutes not an ancillary, but a structurally significant factor in the realisation of the right to state-guaranteed legal aid. This perspective broadens the theoretical framework for analysing access to justice under conditions of deprivation of liberty and provides a foundation for further doctrinal and institutional research in this field.

BIBLIOGRAFIE

BIBLIOGRAPHY

Council of Europe. (2006). European Prison Rules (Recommendation Rec (2006)2 of the Committee of Ministers to member states). Council of Europe Publishing. [online], [quote 19.11.2025]. Available:<https://www.refworld.org/legal/resolution/coeministers/2006/en/11978>

Council of Europe. (2025). Draft explanatory memorandum on education in prison. Coun-

- cil of Europe. [online], [quote 27.11.2025]. Available: <https://rm.coe.int/draft-explanatory-memorandum-on-education-in-prison-12-january-2025/1680b355a1>
- Curtea Supremă de Justiție a Republicii Moldova. (2010). Hotărârea Plenului Curții Supreme de Justiție nr. 11 din 24 decembrie 2010 privind practica aplicării legislației pentru asigurarea dreptului la apărare. [online], [quote 10.10.2025]. Available: https://juris-prudenta.csj.md/search_hot_expl.php?id=347
- Human Rights Initiative. (2015). Legal aid clinics in prisons. HRI. [online], [quote 19.11.2025]. Available: https://www.humanrightsinitiative.org/publications/prisons/LAC%20Phamplet6_%2025March%202015%20curved-F.pdf
- Irish Penal Reform Trust. (2012). The rule of law and prisons: Barriers to accessing justice. IPRT. [online], [quote 19.11.2025]. Available: https://www.iprt.ie/site/assets/files/4064/the_rule_of_law_and_prisons_-_barriers_to_accessing_justice.pdf
- Lajeunesse, T. (2002). Study of the legal services needs of prisoners in federal penitentiaries in Canada. Department of Justice Canada. [online], [quote 18.10.2025]. Available: https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rr03_la19-rr03_a19/rr03_la19.pdf
- Productivity Commission. (2014). Access to justice arrangements (Submission No. 82). Australian Government. [online], [quote 19.11.2025]. Available: <https://lawcouncil.au/publicassets/2361483d-e1d6-e611-80d2-005056be66b1/140605-Submission-2837-Productivity-Commission-Draft-Report-Access-Justice-Arrangements.pdf>
- Rangel Torrijo, H., & De Maeyer, M. (2019). Education in prison: A basic right and an essential tool. *International Review of Education*, 65(5), 671–685. [online], [quote 12.11.2025]. Available: <https://link.springer.com/article/10.1007/s11159-019-09809-x>
- United Nations. (2013). United Nations principles and guidelines on access to legal aid in criminal justice systems. United Nations. [online], [quote 12.11.2025]. Available: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidlines_on_access_to_legal_aid.pdf
- Vorhaus, J. (2014). Prisoners' right to education: A philosophical survey. *London Review of Education*, 12 (2), 162–176. [online], [quote 19.11.2025]. Available: <https://doi.org/10.1080/14748460.2014.929819>
- Yin, E. T., Korankye-Sakyi, F. K., & Atupare, P. A. (2021). Prisoners' access to justice: Family support, prison legal education and court proceedings. *Journal of Politics and Law*, 14(4), 113–126. [online], [quote 19.11.2025]. Available: <https://doi.org/10.5539/jpl.v14n4p113>
- Георгиева, С. (2023). Образование в пенитенциарной системе: международные стандарты и опыт Республики Молдова. В Материалах международной научно-практической конференции, посвящённой 33-летию Комратского государственного университета (с. 720–725). Комратский государственный университет. [online], [quote 22.10.2025]. Available: https://ibn.idsi.md/sites/default/files/imag_file/720-725_1.pdf
- Сухов, В. (2023). Международные критерии предоставления гарантируемой государством юридической помощи в гражданском процессе и зарубежный опыт их применения. *Revista Institutului Național al Justiției*, 1(64), 53–60. [online], [quote 19.11.2025]. Available: [https://doi.org/10.52277/1857-2405.2023.1\(64\).09](https://doi.org/10.52277/1857-2405.2023.1(64).09)