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DOI <https://doi.org/10.32849/2663-5313/2021.10.14>**Khrystyna Stetska,***Postgraduate Student at the Department of Criminology and Criminal Executive Law, National Academy of Internal Affairs, 1 Solomianska square, Kyiv, Ukraine, postal code 03035, stetskakristina@gmail.com***ORCID:** [orcid.org/0000-0001-9305-2720](https://orcid.org/0000-0001-9305-2720)

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## FOREIGN EXPERIENCE IN PREVENTING LUCRATIVE VIOLENT CRIMES COMMITTED BY CHILDREN

**Abstract. Purpose.** The aim of the article is to analyse foreign experience in preventing lucrative violent crimes committed by children.

**Results.** The article establishes that respect for international norms and principles in the protection of the rights and interests of the child requires appropriate political will and a willingness to update national legislation and reform social institutions, ensuring the stable development of the State and the modernization of the system for the prevention of crime and the protection of the rights of underaged persons in criminal proceedings. International standards are aimed at giving priority to educational and social measures over punitive measures with forced isolation from society. Therefore, it is important, in the process of implementing international standards, to preserve the distinctiveness of the means for protecting the rights and freedoms of the child in Ukraine; of measures to prevent and combat child crime; and of the juvenile criminal justice system, which reflects Ukraine's economic, political, ideological, religious, educational and cultural characteristics and identity. The importance of long-term interventions, corrective measures and influencing the criminal delinquency of children, while maximizing all resources, including the family, education, community volunteers, with a view to promoting the well-being of the child and reducing interference by the law, and the effective, fair and humane treatment of underaged persons involved in juvenile criminal proceedings are indisputable.

**Conclusions.** It is concluded that foreign experience has shown the efficiency of the adoption of specialized legal instruments to create a legal basis for specific criminological measures to prevent lucrative violent crimes committed by children. There is a trend to reduce the role of the police in the prevention of children crime and to concentrate these functions in specialized social and educational institutions, while activities of the police and other law enforcement bodies are primarily aimed at stopping crimes as well as their recidivism. The prevention of child delinquency is based mainly on measures of assistance, education and upbringing, and the priority of educational measures over correctional measures. It is proved that in order to further improve and develop the domestic system for the prevention of juvenile delinquency, to make and implement new effective forms and methods of prevention into the activities of preventive entities, it is necessary to study and implement certain foreign methodological developments and practical techniques in this field, considering the national peculiarities resulting from the previous development of our State and the modern transformational processes in all sectors of social life.

**Key words:** child, lucrativeness, violence, crime, lucrative violent crime, prevention, foreign experience.

### 1. Introduction

Modern socio-economic and political transformations in the country, connected with reforming of all sectors of social life, inevitably lead to significant changes in society, breakage of former moral values, norms, traditions, stereotypes of thinking. These transformations have a negative impact on the formation of the personality of children and contribute to their criminal and other violations. According to the State Target Social Programme "Youth

of Ukraine" for 2021-2025, approved by the Resolution of the Cabinet of Ministers of Ukraine of December 23, 2020, the necessity of self-realization and development of the potential of youth in Ukraine, their participation and integration into society, which will develop their national consciousness on the basis of social and State values and responsible citizenship, will provide young people with opportunities for successful realization and socialization, will increase the level of their civic competence, ability to

be independent, life-proof, active, patriotic and responsible participants of social life, is one of social values, and its social support is one of the main priorities of public policy. There is a need to solve problems related to the low level of participation of young people in public life, in the activities of institutions of civil society; civil competence, including respect for legal provisions, human rights standards, first of all tolerant attitude and mutual respect; preparing young people for family life, responsible attitude of young people to family planning and their own reproductive health; socialization, reintegration and adaptation of young people living in difficult circumstances, vulnerable and marginalized groups in society, especially youth with disabilities; conscious choice of profession and career development and development of leadership qualities (Resolution of the Cabinet of Ministers of Ukraine State Target Social Programme "Youth of Ukraine" for 2021-2025, 2021).

On the background of a general decrease in the number of registered criminal offenses committed by children, the lucrative violent encroachments have a steady tendency to increase, in particular, the share of the robberies has increased from 19,2 to 21.1 %; the robbery with extreme violence – from 4.8 to 5.4 %, extortion – from 1.8 to 2.1 %, misappropriation of a vehicle – from 3.9 % to 4.3 %), among which every third crime is committed in the state of alcohol or drug intoxication, almost 70 % of them by a group of persons (in particular, adults and organized groups) and repeatedly. It is a concern to the downward shift in the age of the person guilty. According to statistical data of the State Judicial Administration of Ukraine, the juvenile's sentences have certain positive dynamics, in particular: in 2017, 1025; in 2018, 1185; in 2019, 1766; and in 2020, 1377. However, the proportion of underaged persons who committed lucrative violent crimes among convicted persons shows negative trends in their number: in 2017, 1.2 %; in 2018, 1.4 %; in 2019, 1.4 %; and in 2020, 1.6 %. These data make it clear that the development of effective measures to prevent lucrative violent crimes committed by children is not only an effective means of protecting children, but it must also become a priority of criminological policy and an effective means of protecting the nation's gene pool (Website of the Office of the Prosecutor General of Ukraine, 2021; Certificate of crimes committed in Ukraine in 2014-2020, 2021).

This is why further reform of existing legislation in the field of criminal policy on children as one of the most vulnerable sectors of the population, is particularly relevant: bringing legislation into line with international standards and its effective implementation in practice.

## 2. Laws and regulations against lucrative violent crimes committed by children

According to the State Target Social Programme "Youth of Ukraine" for 2021-2025, the need for the full development and self-realization of youth is one of the social values, and its social support is one of the main priorities of public policy. There is an urgent need to address the problem of the low employment of young people in the labour market in the chosen profession and the practical skills of young specialists (in 2021, in Ukraine the unemployment rate among young people aged 15-24 was 23.1 %); low motivation of young people to adopt healthy and safe lifestyles; lack of a sustainable downward trend in youth crime, violence and systemic prevention (Resolution of the Cabinet of Ministers of Ukraine State Target Social Programme "Youth of Ukraine" for 2021-2025, 2021).

The United Nations and UNESCO, the UNICEF and other international organizations focus on the *prevention of negative phenomena in the youth environment*. Many efforts have been made to find new or adapted approaches to the prevention of juvenile delinquency. In this regard, other countries, in particular the United States of America and the United Kingdom, have considerable experience in juvenile delinquency prevention, which is of interest in this field. The Anglo-American system of crime prevention is dominant and leading in Europe, the USA and Japan (Vedernikova, 2005, 43), which takes three main forms: situational, social, community-based prevention.

Crime prevention specialists, depending on their perception of the causes of the offence, identify the following approaches to prevention: *a structural approach* linking effective crime prevention to significant social and economic changes in society; *a psychological approach* that recognizes the crucial preventive importance of influencing the personality of the potential offender as well as of persons who have already committed offences (in order to prevent recidivism); *a situational approach*, where the decisive role is the social and physical factors of the external environment, totally enabling criminal manifestations (Konovalova, 2007, pp. 61-62).

This is the way to differentiate the concepts that focus on general prevention (the structural approach) and those that justify special prevention measures (the psychological and situational approach). In addition, British and American criminologists pay particular attention to special prevention measures.

Special prevention is carried out at three levels:

- *Primary prevention*, aimed at eliminating environmental factors that encourage the commission of offences;

- *Secondary prevention*, aimed at preventing the criminalization of potential offenders and involving influence on unstable persons, including children of “risk groups”;

- *Tertiary prevention*, aimed at preventing recidivism by persons who have already committed offences.

*Primary offending prevention* is considered crucial in British (as well as in American) criminology and is based on the assumption that most offences are of a situational nature and are committed as a result of certain opportunities, provided a specific enabling environment for the offences. The very situation instigates and provokes the commission of certain types of offences. Situational prevention, as opposed to the above-mentioned forms aimed at blocking the causes of crime, primarily affects the reduction of opportunities to commit individual crimes. The essence of this method is to organize State support for crime prevention campaigns, to consider urban planning and development projects in order to create a crime-free environment, focusing on identifying and preventing opportunities for youth to commit crimes, and, more recently, pressure on business and industry to change practices if they can affect the growth of crime. Nowadays, in the United Kingdom, France, the Netherlands and some other countries, this form of prevention is part of official anti-crime policy (Vedernikova, 2014, p. 278).

Therefore, the most effective area of prevention is the timely elimination of criminogenic environmental factors, as well as the creation of an anti-crime environment in which the offender will abandon the intention to commit an offence, that is, the conditions that will make the commission of offences more difficult and thus make the target less vulnerable, which will make the commission of offences more risky and less rewarding.

### 3. Specificities of global experience in preventing child-related violent crimes

Recently, British and American scholars have focused on the implementation of participatory social prevention measures. Delinquency is a social problem in which entire society must participate.

The tasks of social prevention are:

- Improvement of social conditions;
- Strengthening the role of social institutions;

- Increased opportunities for education, decent employment, recreation (Luneev, 2012, p. 687).

This type of prevention focuses on working with children, as the adolescent environment

is considered the most problematic in terms of the potential offending. One way of implementing social prevention is to work with children in schools. Children receive basic information in schools. School curricula should include subjects that contribute to the upbringing of the child as a law-abiding citizen, lectures and talks on the prevention of offences will help to properly shape the child's personality.

It should be noted that British and American scholars have come to the conclusion that citizens should unite at their place of residence (the entrance, house, yard, city, etc.) in order to maintain cleanliness, order in their territory and ensure the safety of their members, which will reduce the number of offences. This type of prevention is called “community-based prevention.” Police officers take an active part in organizing the preventive activities of citizens' associations. They provide citizens with advice and practical assistance. The most common forms of this type of prevention are the implementation of programmes of “neighbourhood watch,” “Stop an offender,” etc.

*Secondary prevention* is aimed at preventing the criminalization of those whose behaviour and way of life indicate that they may commit offences. In contrast to primary prevention measures, which are general in nature and aimed at eliminating the causes and conditions of the offence, secondary prevention measures are individual in nature and are related to the impact on the personality, its negative features, determining wrongful conduct. Secondary prevention measures are based on the prediction of the individual behaviour of a person, that is, a study of persons prone to offences and the sources of negative influence on them.

A variety of school programmes for the education and control of the behaviour of underaged persons of the “risk group” and programmes for preventive work with their parents are specific measures of individual prevention. Abroad, such programmes are implemented jointly by the police, educational institutions and social services. Individual prevention measures should be used with great caution, as they can stigmatize underaged persons and accelerate the commission of offences.

*Tertiary prevention* is aimed at preventing recidivism by persons who have already committed offences. The prevention of recidivism is linked to the application of police, judicial and penal measures aimed at the timely identification of the perpetrators of offences, their prosecution and the application to them of the appropriate means while serving their sentences. In the prevention of recidivism, special emphasis is placed on criminal law measures. In order to prevent recidivism, measures

of increased control over the behaviour of persons who have served their sentences, as well as programmes for their individual rehabilitation, are also widely used (Dzhuzha, Vasylevych, & Hida, 2011, pp. 497-498).

It should be noted that the United Nations has had specialized crime prevention structures for over 50 years. Thus, in accordance with the United Nations General Assembly Resolution of 1 December 1950, every five years international congresses are held as forums for the exchange of policies and for stimulating and preventing crime. The importance and popularity of these congresses is reflected in the increase in the number of participating countries. For example, while 40 countries attended the First UN Congress in 1955 in Geneva, 145 countries attended the First UN Congress in Vienna in 2014 (Kruter, 2015, p. 144).

Examples of foreign programmes aimed at preventing juvenile delinquency include:

*Truancy and Disaffected Pupils Programmer* is a program aimed at reducing absenteeism and the number of students who are negative attitudes toward school. This programme implements activities aimed at improving the registration of pupils who are absent from school; responding to the absence from school on the first day; and implementing educational programmes for parents; prevention of school hooliganism, threats and bullying of classmates; treatment of truancy and supervision of truancy; organization of training programmes for teachers and staff of children's organizations, with a view to mastering special methods for positively influencing the behaviour of underaged persons and responding to deviant behaviour; improvement of the school teaching system (United Kingdom, United States of America);

*Students for Justice* is a programme implemented by police officers in cooperation with teachers of educational institutions to familiarize students with different aspects of the law enforcement system. The programme uses role-playing games with students. Students are divided into groups representing police, prosecutors and judges. They inspect the scene of the offence, question witnesses, suspects, apply for an arrest warrant, conduct court proceedings, etc. The school authorities assist the police in organizing the games. The programme fosters students' respect for law enforcement, eliminates mistrust of the police and creates an atmosphere of trust and understanding (United States) (Moroz, Koval & Tychyna, 2008, p. 89).

The most effective programmes are based on a multi-factor approach and apply from early childhood onwards and are not so much oriented to the individual (aggressive behaviour, stress,

coping skills) but rather to the unfavourable characteristics of the nearest family and social environment. We believe that such programme can be used for the prevention of child delinquency, since it is quite often the defects in family education that cause deviant behaviour.

Some promising programs include the Seattle Social Development Project (Hill et al., 2001), Youth Violence Prevention Project *PeaceBuilders* (Embry et al., 1996), The programme *Family and School together* (FAST), which combines parents' education and home visits with school activities aimed at improving the social functioning of teenagers in school. The latter was introduced in half of US schools and showed high rates of abstinence even after the programme (Cornell, 2000) (Moroz, Koval & Tychyna, 2008, p. 93).

In order to prevent robberies by school-age children, two projects are mainly mentioned: Youth Positive Employment (a wide range of development activities, especially holiday programmes) and Safer School Partnership including police duty in schools, buses, and other mediation, extra-curricular activities, boxing, tourism, individual work with risk groups, interactive website. It is important that the deterrent intervention do not interfere with other initiatives, and that many agencies have been involved in the partnership (Moroz, Koval & Tychyna, 2008, 103).

In the United Kingdom special units of "children's police" have been created to prevent crimes committed by children, working with young people up to the age of 17, whose behaviour indicates their demoralization. Regular contacts have been established between the school administration and the "children's police." With the assistance of the community, the British Police practises three types of contact. Individual contact, which is a policeman's moral and psychological, controlled action on a specific person. Some cities have established special services for police officers in relation to the community. Anyone wishing to do so may attend a reception, receive advice or provide information of interest to the police. The most promising group contacts between the police and the community are thematic meetings at universities, colleges and primary schools. In some regions, the course "Protection of Public Order" is introduced into the school curriculum. The Metropolitan Police trains lawyers to speak on radio and television. The Police Five Minute TV programme has been popular for many years (Matvitckii, 2016, pp. 58-59).

In Canada, long-term interventions focus on helping children who are in a socially unsuitable environment for their personal development, or who are prone to antisocial or socially hazard-

ous activities. The programme activities are mainly designed to foster a positive attitude towards social norms, rules, the law and public morals, education and to correct juvenile delinquency and crime, as well as to foster responsible behaviour. Preventive measures against socially unacceptable behaviour on the part of underaged persons include the legal, medico-biological and social aspects.

Social prevention implies examination of children and involves social organizations, parents, teachers and neighbours that ensure early prevention of criminal behaviour of children. In addition, Girls Club of Canada/America Programs and Services for At-Risk and Families are created, implemented, funded directly by volunteer organizations, and schools engage local self-government bodies and local budgets. The Youth Inclusion Program is based on good-neighbourliness and is used in high-risk areas. (Public Safety Canada Ottawa, 2014: pp. 84–85). It aims to reduce child delinquency and anti-social behaviour by creating safe spaces where young people can acquire special skills and learning assistance. Positive examples provided by workers and voluntary programme participants help change the attitudes of young offenders towards learning and delinquency.

The social focus of the Boston Gun Project and Operation Ceasefire and Seattle Social Development Project reflects the clear interaction between educational institutions and State authorities regarding children, law enforcement and juvenile justice, the social welfare authorities, as well as the parents of the children participating in the programme. The Canadian prevention program has a steady trend to involve the public in the implementation of measures to prevent juvenile delinquency, which is prone to criminal behaviour, or to commit offences or crimes, under the criminal justice (Matvitckii, 2016).

Most programmes are comprehensive, with concentrated educational, observation and corrective measures to influence socially unacceptable behaviour, including criminal behaviour.

Educational, observation and corrective programmes are generally of a long duration (Fast Track, Olweus Bullying Prev Program, Life Skills Training, Leadership and Resiliency Program). They are designed to have a two- and three-year impact on the development process of a child who is prone to anti-social behaviour (such as alcohol and drug abuse, violence towards peers or younger pupils and aggression towards animals, etc.) during their schooling.

Each component of the education and observation programme includes a separate curriculum, which provides for: a programme descrip-

tion, a detailed description of individual groups of measures, and a sample of forms (questionnaires), the necessary materials for the implementation of these components and replicas, as well as appropriate professional and personnel support or coordination.

These programmes are aimed at preventing juvenile delinquency by involving the public in these activities and by seeking new opportunities for adolescents from risk groups to realize themselves. These programmes are purely preventive and produce the expected results only with the active participation of all actors involved in prevention (Moroz, Koval & Tychyna, 2008, p. 103).

#### 4. Conclusions

Therefore, it should be noted that foreign experience has shown the efficiency of the adoption of specialized legal instruments to create a legal basis for specific criminological measures to prevent lucrative violent crimes committed by children. There is a trend to reduce the role of the police in the prevention of children crime and to concentrate these functions in specialized social and educational institutions, while activities of the police and other law enforcement bodies are primarily aimed at stopping crimes as well as their recidivism. The prevention of child delinquency is based mainly on measures of assistance, education and upbringing, and the priority of educational measures over correctional measures.

On the basis of the review of foreign experience, the Recommendations of the European Union, United Nations and UNICEF documents, the innovative model proposed in this article of three-level prevention of lucrative violent crimes committed by children should be adopted, due to the need for a new, more effective response to such crimes and their prevention, with a view to minimizing punishments.

Therefore, in order to further improve and develop the domestic system for the prevention of juvenile delinquency, to make and implement new effective forms and methods of prevention into the activities of preventive entities, it is necessary to study and implement certain foreign methodological developments and practical techniques in this field, considering the national peculiarities resulting from the previous development of our State and the modern transformational processes in all sectors of social life.

The review of foreign experience enables to highlight the main areas of social rehabilitation for children who have committed lucrative violent crimes in Ukraine: 1) establishment and development of preventive services for working with children; 2) the diagnosis of the social environment; 3) community

assistance and mentoring to address the most important issues for children; 4) mediation by “patronage” services in the form of support for children particularly sensitive to conflict in the family, school, in the street; 5) ensuring an appropriate place of residence capable of replacing the family; 6) the use by family social workers of special psychological cards for each child in a given neighbourhood from the moment of birth to take timely precautions until he reaches the age of majority;

7) establishment of the institution of family social workers and assigning each family with a child, at the place of residence, to a specific social worker, who cooperates with the health authorities and institutions; 8) legal propaganda by employees of the Juvenile Prevention Service among students of educational institutions, which is an essential component of both educational programmes and the activities of the National Police to stop deviant behaviour among children (Semenyshyn, 2018, p. 191).

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#### **Христина Стецька,**

здобувач кафедри кримінології та кримінально-виконавчого права, Національна академія внутрішніх справ, площа Солом'янська, 1, Київ, Україна, індекс 03035, [stetskakristina@gmail.com](mailto:stetskakristina@gmail.com)  
**ORCID:** [orcid.org/0000-0001-9305-2720](https://orcid.org/0000-0001-9305-2720)

### **ЗАРУБІЖНИЙ ДОСВІД ЗАПОБІГАННЯ КОРИСЛИВИМ НАСИЛЬНИЦЬКИМ ЗЛОЧИНАМ, ЩО ВЧИНЯЮТЬСЯ ДІТЬМИ**

**Анотація.** *Метою статті* є аналіз зарубіжного досвіду запобігання корисливим насильницьким злочинам, що вчиняються дітьми.

**Результати.** У статті з'ясовано, що дотримання міжнародних норм і принципів у сфері захисту прав та інтересів дитини потребує відповідної політичної волі й готовності до оновлення національного законодавства, реформування соціальних інститутів, що забезпечують стабільний розви-

ток держави, модернізації системи запобігання злочинності та захисту прав неповнолітніх у сфері кримінального судочинства. Міжнародні норми спрямовані на пріоритетність освітніх, виховних, соціальних заходів над каральними з примусовою ізоляцією від суспільства. Тому у процесі імплементації міжнародних норм важливе збереження своєрідності засобів охорони прав і свобод дитини в Україні, заходів запобігання та протидії злочинності дітей, власної системи ювенальної кримінальної юстиції, які відображають економічні, політичні, ідеологічні, релігійні й культурно-виховні особливості та самобутність України. Не викликає сумнівів важливість запровадження заходів тривалого втручання, корекції та впливу на кримінальну протиправну поведінку дітей за умови максимальної мобілізації всіх ресурсів, у тому числі сім'ї, освіти, громади, волонтерів, з метою сприяння благополуччю дитини та скорочення втручання з боку закону, а також ефективного, справедливого й гуманного поводження з неповнолітніми, що перебувають у сфері ювенального кримінального судочинства.

**Висновки.** Зарубіжний досвід свідчить про дієвість прийняття спеціалізованих нормативно-правових актів із метою створення правового підґрунтя спеціально-кримінологічних заходів запобігання корисливо-насильницьким злочинам, що вчиняються дітьми. Спостерігається тенденція до звуження функцій поліції з профілактики злочинності дітей та зосередження цих функцій у спеціалізованих соціальних та освітніх установах, а діяльність поліції та інших правоохоронних органів спрямовується переважно на припинення злочинів та їх рецидиву. Запобігання злочинності дітей ґрунтується здебільшого на заходах допомоги, навчанні та вихованні, пріоритеті виховних заходів над виправними. Визначено, що для подальшого становлення й розвитку вітчизняної системи профілактики правопорушень серед дітей, а також для розроблення й запровадження в діяльність суб'єктів профілактики правопорушень нових, ефективних форм і методів запобігання необхідно вивчати та впроваджувати певні закордонні методичні напрацювання і практичні прийоми в цій сфері, проте робити це необхідно з урахуванням національних особливостей, зумовлених попереднім розвитком нашої держави та сучасними трансформаційними процесами, що відбуваються в усіх сферах суспільного життя.

**Ключові слова:** дитина, користь, насильство, злочин, корислива насильницька злочинність, запобігання, зарубіжний досвід.

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