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SOCIAL MEASURES TO PREVENT LUCRATIVE VIOLENT CRIMES COMMITTED BY CHILDREN

Abstract. Purpose. The purpose of the article is to characterize and formulate the tasks of general social measures to prevent lucrative violent crimes committed by children. **Results.** The article establishes that the general social trend of prevention of lucrative violent crimes committed by children is a purposeful activity of State and non-State structures of society related to identifying, studying, and eliminating the causes of such actions, conditions conducive to their commitment. The actors of these activities are, first and foremost, educational institutions, guardianship and custody authorities, healthcare, employment bodies, cultural institutions, and the mass media. The adoption of the Strategy to combat crime in Ukraine until 2025 and follow-up development of forms and methods of result-oriented approach based on improvement of relevant processes, to significantly expand the range of law enforcement activities and the State Comprehensive Plan for the Prevention of Criminal Offences Committed by Children in Ukraine, which is medium-term and is the basis for the development of regional plans for the prevention of child delinquency. **Conclusions.** It is concluded that the system of measures of general social prevention of lucrative violent crimes committed by children should ensure: to include special sections aimed at concentrating the available forces and means to prevent poverty and unemployment, differentiated approach to the provision of social assistance to low-income families and those temporarily stranded that for objective reasons cannot emerge from the crisis on their own in the socio-economic development programmes of the regions; to provide of guaranteed level of legal, medical, cultural and domestic, etc. services for such families; to establish a network of State family planning centres, to provide socio-psychological assistance to families on the culture of family relations, intergenerational relations; to strengthen work with children and young people who neither work nor study; to maintain existing educational institutions and out-of-school children's institutions, prevention of their re-profiling; to develop and create new types of educational institutions; to establish a system of legal education and training and to involve not only police officers but also lawyers and prosecutors, courts and public and private legal services; to organise full-fledged recreational activities and to make cultural and recreational facilities accessible to families with children, to find the usage of State physical education and sports facilities for purposes other than those intended inadmissible; to restore the network of sports sections and facilities at the place of residence, in educational establishments and in rural areas; to establish medical and social rehabilitation centres for children in the health-care system; to prevent violence against children and to provide assistance to victims of violence.

Key words: child, lucrativity, violence, crime, lucrative violent crime, prevention.

1. Introduction

In modern Ukrainian society, a priority is to minimise and reduce the real level of such socially dangerous phenomenon as crime. This approach to the problem of combating crime in general and its prevention in particular is based on the concept of the integrated use of all the possibilities of society, the State, citizens in the implementation of measures to prevent criminal developments at the national, regional levels and in specific crime situations.

In criminology, general social measures to prevent crime are a set of promising socio-economic and cultural-educational measures aimed

at further development and improvement of social relations and the elimination or neutralization of the causes and conditions of crime (Holina, Holovkin, & Valuiska, 2014, p. 57).

According to O.M. Dzhuzha, this level of crime prevention is characterized by the fact that its components are an integral part of socio-economic development and improvement of the moral, psychological and spiritual spheres of society (Dzhuzha, Vasylevych, & Kolb, 2009, pp. 53–54). At the same time, in V.V. Holina's opinion, the main objectives of this

preventive area are to overcome or limit criminogenically dangerous contradictions in society, to gradually eradicate the negative phenomena known from biblical times and created by political, economic, psychological, ideological and other factors that contribute to the emergence of criminal potential in society (economic and political crises, dangerous material stratification of the population, unjustified, even criminal prevention of certain groups of citizens, unemployment, wage arrears, existence on the verge of survival of an overwhelming part of the population, moral decline, prostitution, drug addiction, alcoholism, homelessness, etc.) (Holina, 2011, p. 19). In turn, O.M. Lytvynov argues that the measures of general social (state) prevention are a set of effective socio-economic, legal, ideological, organizational and managerial, cultural and educational measures to further develop and improve social relations and to eliminate or neutralize the determinants of crime (Lytvynov, 2008, p. 116).

2. Ways to prevent crimes committed by children

General social crime prevention is, first of all, a set of promising socio-economic, cultural and educational measures aimed at further developing and improving social relations and eliminating or neutralizing the causes and conditions of crime. Therefore, a decisive role in the gradual reduction of social contradictions in all sectors of social life plays sound economic, organizational, cultural and educational activities of State bodies, enterprises, institutions, firms and public organizations (Bandurka, Davidenko, 2003, p. 177).

In 2020, the National Security Strategy of Ukraine was adopted (Decree of the President of Ukraine on the National Security Strategy of Ukraine, 2020); it focuses on human and civil rights and freedoms, a new quality of economic, social and human development and integration of Ukraine into the European Union and the creation of conditions for joining NATO. Next, the Law of Ukraine “*On Basic Principles of Youth Policy*” was adopted (Law of Ukraine On Basic Principles of Youth Policy, 2021).

The best solution is to ensure:

- Strengthening the role and responsible attitude of State and local self-government bodies at all levels of government and partner organizations to the implementation of the Program’s objectives, intensifying vertical and horizontal cooperation, exchange of experience between them for self-realization and development of youth potential in Ukraine;

- Raising the level of competence of youth and civil society institutions in the youth sector, development of youth centres, youth work, clubs, scouts, youth and children’s social move-

ments; assistance in the education and development of youth advisory bodies, bodies of student self-government, training of specialists who work with young people, including youth workers;

- Dissemination of existing and introduction of new models for the development, integration and participation of the youth in public life, using digital tools and taking into account the reform of local self-government and territorial organization of power;

- Development of civil society, introduction of civil education at all levels, extension of non-formal and information education;

- Promoting an inclusive approach and equal rights, as well as access to services and opportunities, information for different categories of youth, especially youth with disabilities.

This modality of implementation of the Programme involves the application of conceptually updated approaches and the use of a wide range of innovative mechanisms and tools introduced to work with young people by disseminating the best practices of recent years, implementing the recommendations of Ukrainian and international experts, the youth sector of the Council of Europe, the use of the experience of youth work of the European Union countries, UN recommendations related to supporting young citizens in all fields of life.

Moreover, the focus should be on the approved National Strategy for Reforming the Justice System for Children until 2023 (2018) (Order of the Cabinet of Ministers of Ukraine On approval of the National Strategy for Reforming the Justice System for Children until 2023, 2018) for the prevention of criminal offences committed by children, including lucrative and violent crimes. The Programme sets out a number of measures to prevent delinquency among children, such as: to establish an inter-agency coordination mechanism to prevent delinquency among children, which will include a procedure for information exchange; to agree on tasks for the prevention of delinquency among children between State authorities and local authorities; to develop recommendations for the territorial communities on the need to create such landscapes that contribute to a safe environment and reduce crime; to increase the number of preventive measures in the course of social and economic development programmes aimed at ensuring employment, education, health care, social services, beautification and poverty alleviation; to introduce assessment of the risk of delinquency by children and remedial programmes aimed at addressing the factors contributing to delinquency by children prone to misbehaviour, in difficult living circumstances, etc.

It should be noted that an essential component of social prevention consists of measures to enable citizens to fully exercise their political and personal rights, freedoms and legitimate interests. It is obvious that the dissatisfaction of interests in this sphere as a result prevents the establishment of an atmosphere of stability in the society, civil activity, public trust in the authorities, and readiness to support its efforts to protect the rule of law. At the same time, the success of prevention measures in the social sector is the most effective way to establish and maintain cooperation between the authorities and the population in the prevention, detection and suppression of crime.

At the same time, the absence of a unified national concept for the prevention of criminal offences, the lack of coordination between the national, regional and sectoral State targeted social prevention programmes in the relevant areas do not contribute to the prevention of lucrative and violent crime in the country. This situation is not in keeping with the constitutional provisions on a social, democratic and legal State, since the situation does not take into account the realities of today, because the fight against crime has long become a global problem which is not only national but also international, transnational (Verbenskyi, 2009, p. 7).

3. Current status of State programmes to prevent crimes committed by children

To date, the key to effective combating of crime in the State, countering external and internal threats that can affect the crime situation, raising children and young people depends on the quality programming of this activity at all levels. Therefore, development of a *State comprehensive programme to combat crime* is crucial, which, as of 2021, has not yet been developed.

Unfortunately, today there are no good reasons to emphasize significant changes in this field. The above analysis reveals that the policy documents reflecting public policy on combating crime have been mostly declarative, in some cases there is still a formalism of their implementation, however, the absence of a medium-term State comprehensive programme to combat crime is a significant problem. The increasing use of the result-oriented approach in crime prevention is indicative of a trend towards a change in the established scientific paradigm and towards a more substantive and effective form of knowledge on crime prevention programming (Tytarenko, 2019).

At the same time, the absence of such a programme is due to many economic, social, political, legal and other specificities and contradictions in the development of market rela-

tions in the country: the criminal justice system has not been completed; law enforcement bodies are being reformed; national legislation is being further developed; State institutions are being introduced to meet the best European and world standards in this field of public relations. Its absence also removes from the Government the obligation to report on the work done in this field, and this deprives the Verkhovna Rada of Ukraine, the President of Ukraine and the people of Ukraine, as the only source of power, of the opportunity to assess the work of the highest executive body in matters of organization, coordination and control regarding crime prevention. To a certain extent, one can speak of ineffective organization of public policy on crime prevention, and, consequently, the failure of State bodies to fulfil their obligations under the Constitution of Ukraine to protect the highest social value - the human being, his life and health, honour and dignity, inviolability and security (Svitlychna, 2019, pp. 8–9).

Youth programmes to prevent lucrative and violent crime among youth should cover three levels of formation and implementation: 1) General social prevention measures; 2) Improvement of the legal mechanism for the prevention of lucrative and violent crimes among young people and implementation of public policy on the youth in this field; 3) Special criminological measures to prevent lucrative and violent crimes.

The measures of the youth programme on the prevention of lucrative and violent crime among youth should be aimed at overcoming the objective and subjective causes of crime among youth. These are:

Factors shaping the personality of the young offender (family dysfunction, asocial environment, deficiencies in moral and legal education, criminal influence on adolescents by informal youth groups, involvement of minors in criminal activity by adults with criminal experience, difficulties in vocational training and employment, etc.);

Circumstances conducive to youth crime (inadequate protection of material assets, organizational shortcomings that help persons with established anti-social orientation to realize criminal intentions, victimization behaviour of the victim of crime, etc.) (Ianytska, 1998, p. 104; Holovkin, 2011, pp. 310-311);

Increasing the material, economic and psychological dependence of young people on society and parents, and the difficulty of acquiring the status of an independent autonomous person, that is, of attaining the status of adulthood;

Motivation for the commission of a crime (mental state of the person, his or her views

and attitudes, needs and value orientations, which were formed under the influence of preliminary objective reasons);

Low level of legal awareness and legal culture among young people;

Lack of visible social advancement and social status growth, insufficient incentives for continuing education.

Measures for the social prevention of crimes among young people are not aimed at immediate prevention but help to eliminate the objective causes of crime among young people and to reduce the overall level of crime.

General social measures for the prevention of crimes from the Youth Crime Prevention Programme are: 1) development of social and economic development programmes for specific categories of youth (for example, rural youth, "street children", etc.); 2) provision of social assistance to low-income families, targeted approach to ensuring the subsistence minimum income of families, observance of social guarantees and benefits established by legislation; 3) preservation of educational institutions, creation of new types of educational institutions for children of all ages, organization of their leisure time; 4) restoration of the network of sports clubs and sections at the place of residence, education in rural areas; 5) establishment of various advisory centres for young people, provision of psycho-correctional assistance to adolescents and their family members to resolve family conflicts (Ianytska, 2000, p. 142); 6) creation of a system to increase youth employment; 7) creation and implementation of public service announcements at the State level; 8) provision of financial support to youth and children's public organizations and the implementation of State-wide programmes and measures for children and young people; 9) implementation of public policy, aimed at overcoming children's neglect and homelessness; 10) identification and development of children's creative and intellectual abilities and the organization of their meaningful leisure time, etc.

Measures to improve the legal mechanism for the prevention of crimes among young people and the implementation of the State's youth policy in this field are: 1) improvement of legislation on the prosecution of juveniles not only for crimes, but also for administrative, disciplinary and civil offences (for example: the use of various types of community service aimed at correcting the harm caused by the unlawful actions of young people); 2) round tables with representatives of youth organizations in the course of formation of youth crime prevention programmes; 3) involvement of not only law enforcement bodies, but also public organizations in the implementation of measures

(including children and youth ones), the wide involvement of citizens (for example, in public patrolling in situational prevention of crime among youth); 4) introduction of subjects on legal education into the general education programme; 5) involvement of local executive authorities and local self-government in the measure of prevention, etc.

The typical model of a youth crime prevention programme is characterized by a strong link between the legal system of crime prevention and the realms of the extra-legal system and a balance between social and situational crime prevention.

The development and implementation of a targeted comprehensive education programme will help to fundamentally influence the solution of the problem of forming a positive legal awareness of citizens, since information provided in the right manner through journalism, analysis of specific court cases, statistics and materials, specific criminological research, consultations and televised messages can have a social impact.

The development of a legal framework to monitor the behaviour of those categories of persons who belong in one way or another to potential risk groups, and the prevention of such activities is a sufficiently effective measure to combat crime. At present, the risk group includes: persons who are without permanent sources of income for a long time; unemployed; those who systematic abuse alcohol and drugs; convicted, those of immoral or illegal lifestyle and others.

To date, the real steps of general social prevention are:

1) Adoption of the *Strategy to combat crime in Ukraine until 2025* and follow-up development of forms and methods of result-oriented approach based on improvement of relevant processes, to significantly expand the range of law enforcement activities.

There are some prerequisites for the development of such a Strategy to combat crime in Ukraine, but it requires: criminological forecasting of the state of crime in Ukraine, taking into account possible national threats, for the next 5-10 years (Law of Ukraine On State Forecasting and Development of Economic and Social Development Programs of Ukraine, 2000); integration of the strategic framework for crime prevention, strategy or criminological policy in law enforcement with the tactical framework for crime prevention that should be provided by this document; provision of real resources for the Strategy rather than general annual funding from the State budget for relevant crime prevention entities; public expertise on the draft Strategy; periodic (milestone) monitoring

of the implementation of the Strategy; exclusion of declarative character of the Strategy and its formation under “ambitions” of individual political forces (Tytarenko, 2012, pp. 375-376).

2) *Adoption of a State comprehensive plan for the prevention of criminal offences committed by children in Ukraine.* The specificity of the plan is that: it is a medium-term plan, since it will be adopted for a period of five years; it will serve as a basis for the development of regional crime prevention plans; the development of the plan should involve, in addition to law enforcement officials, psychologists, teachers, specialists in crime prevention theory, criminologists, juvenile scientists, victimologists and other experts whose knowledge will allow a qualitative change in the existing models of such documents, as well as contribute to the achievement of the objective of the Plan; unlike the Strategy, this document should not contain measures generally formulated, tasks with declarative tone such as “to improve”, “to advance”, “to promote”, “to provide”, etc.; the State Plan for the Prevention of Child Delinquency as a guide to the tactics of preventing certain types of crime and reducing the criminogenic impact of various negative social phenomena at the State level, should contain concrete and doable measures; it should provide for the possibility of introducing changes and additions depending on changes in the crime situation in the State, on the basis of which the forces and means of prevention of certain types of crime will be adjusted.

Criminological analysis of the legal framework for the prevention of crime by children at the national level during the period of Ukraine’s independence shows that an important stage in the development of approaches to preventing crime by children is activities of the State and its social institutions, aimed at an enabling environment for children, in which dignified development and protection of their rights are ensured in accordance with the principles of democracy, equality and social justice, taking into account the moral foundations and traditional values of Ukrainian society, aimed at strengthening the family and the moral health of children in Ukraine.

4. Conclusions

Therefore, the system of measures of general social prevention of lucrative violent crimes committed by children should ensure: to include special sections aimed at concentrating the available forces and means to prevent poverty and unemployment, differentiated approach to the provision of social assistance to low-income families and those temporarily stranded that for objective reasons cannot emerge from the crisis on their own (loss of breadwinner, forced relocation, etc.) in the socio-economic development programmes of the regions (oblasts, districts); to provide of guaranteed level of legal, medical, cultural and domestic, etc. services for such families; to establish a network of State family planning centres, to provide socio-psychological assistance to families on the culture of family relations, intergenerational relations; to strengthen work with children and young people who neither work nor study; to maintain existing educational institutions and out-of-school children’s institutions (both State and municipal), prevention of their re-profiling; to develop and create new types of educational institutions; to establish a system of legal education and training and to involve not only police officers but also lawyers and prosecutors, courts and public and private legal services; to organise full-fledged recreational activities and to make cultural and recreational facilities accessible to families with children (theatres, cinemas, concert halls, summer recreation bases, sports and recreation camps, etc.), to find the usage of State physical education and sports facilities for purposes other than those intended inadmissible; to restore the network of sports sections and facilities at the place of residence, in educational establishments and in rural areas; to establish medical and social rehabilitation centres for children in the health-care system; to prevent violence against children and to provide assistance to victims of violence; to provide social protection and assistance (financial, legal, psychological) to children who have lost their family or are left without care (street children, vagrants, lost, abandoned), who are in extreme psychological and material conditions.

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ЗАГАЛЬНОСОЦІАЛЬНІ ЗАХОДИ ЗАПОБІГАННЯ КОРИСЛИВИМ НАСИЛЬНИЦЬКИМ ЗЛОЧИНАМ, ЩО ВЧИНЯЮТЬСЯ ДІТЬМИ

Анотація. Мета. Метою статті є охарактеризувати та сформулювати завдання загальносоціальних заходів запобігання корисливим насильницьким злочинам, що вчиняються дітьми. **Результати.** У статті з'ясовано, що загальносоціальний напрям запобігання корисливим насильницьким злочинам, що вчиняються дітьми, є цілеспрямованою діяльністю державних і недержавних структур суспільства з виявлення, вивчення та усунення причин таких діянь, умов, що сприяють їх вчиненню. Суб'єктами цієї діяльності, насамперед, є заклади освіти, органи опіки та піклування, органи охорони здоров'я, зайнятості населення, установи культури, засоби масової інформації. У рамках загальносоціального запобігання корисливим насильницьким злочинам, що вчиняються дітьми запропоновано прийняття Стратегії боротьби зі злочинністю в Україні до 2025 року та подальший розвиток форм і методів програмно-цільового підходу на основі удосконалення відповідних процесів, аби суттєво розширити арсенал правоохоронної діяльності та Державного комплексного плану запобігання кримінальним правопорушенням що вчиняються дітьми в Україні, який характеризується середньостроковістю й є основою розробки регіональних планів запобігання злочинності дітей. **Висновки.** Зроблено висновок, що система заходів загальносоціального запобігання корисливій насильницькій злочинності дітей повинна забезпечувати: передбачення у програмах соціально-

економічного розвитку регіонів спеціальних розділів, спрямованих на концентрацію наявних сил і засобів щодо запобігання бідності та безробіттю, диференційований підхід до надання соціальної допомоги малозабезпеченим сім'ям і таким, які тимчасово опинилися у скрутному становищі та з об'єктивних причин не можуть вийти з кризи власними силами; забезпечення гарантованого рівня правового, медичного, культурно-побутового та ін. обслуговування таких сімей; створення мережі державних центрів планування сім'ї, надання соціально-психологічної допомоги сім'ям щодо культури сімейних стосунків, взаємовідносин різних поколінь; посилення роботи з дітьми та молоддю, яка не працює і не навчається; збереження існуючих закладів освіти та дитячих позашкільних закладів, недопущення їх перепрофілювання; розвиток і створення нових типів навчально-виховних закладів; створення системи правового навчання і виховання та залучення до цієї роботи не лише працівників міліції, й адвокатури та прокуратури, суду, державних та приватних юридичних служб; організацію повноцінного дозвілля, доступність закладів культури та відпочинку для сімей з дітьми, недопустимість використання державних об'єктів фізкультури і спорту не за прямим призначенням; відновлення мережі спортивних секцій та споруд за місцем проживання, у навчальних закладах, у сільській місцевості; створення центрів медико-соціальної реабілітації для дітей у системі органів охорони здоров'я, організацію профілактики насильства над дітьми та надання допомоги постраждалим від насильства.

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

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