

Ulyana Kovna, PhD in Law

Ivan Franco National University of Lviv, Ukraine

THE SYSTEM OF LEGAL MEANS TO PREVENT UNLAWFUL BEHAVIOR OF MINORS

The article investigates reasons of deviations in behavior of minors and their relation to offenses, analyzes international practice and national legislation on the subject, and seeks ways to effectively prevent unlawful behavior. The role of school, family and special educational institutions was defined in preventive work with juveniles. It was suggested to adopt diverse preventive measures of a social nature, aimed at eliminating causes of offenses and special preventive measures intended to reduce opportunities and means of committing offenses.

Key words: prevention, offense, criminality, minors.

Formulation of the problem. Increased level of offences among youth remains an urgent problem in complex economic and legal conditions of modernity. One of the ways of combating criminality in general and juvenile delinquency in particular, is prevention activities. Prevention of juvenile delinquency is primarily a socio-educational problem related to addressing specific range of educational objectives. A special role belongs to early prevention, which should be started since kindergarten and elementary school, when the foundations of teenager character, relationship to others, behavior at home are laid. The factor influencing appearance of deviations in behavior of youth is the lack of social adaptation. Therefore, on the one hand, preventive measures should be aimed at elimination of external causes, conditions, circumstances which promote deviations; on the other hand, it is important to consider internal psychological factors that occur in the structure of personality. Crime prevention requires a comprehensive, educational, social, political, economical and systematic approach to coordinate actions based on selected priorities.

Analysis of recent research and publications. Prevention of illegal behavior of minors is considered very intensively in recent years. It was studied by Ukrainian and foreign scientists: psychologists, teachers, doctors, lawyers, philosophers.

In particular, philosophical aspects of illegal behavior were analyzed in works of S. Anisimov, E. Erickson, J. Locke, A. Skrypnyk, J.-P. Sartre.

Legal aspects of offences were studied in works of such lawyers as Yu. Antonian, I. Bashkatov, K. Ihoshev, M. Kostetskyi, V. Kryvusha, V. Kudriavtsev, T. Perepelytsia, O. Tuzov, V. Tiurina, V. Minkovskyi, V. Nor and others.

Psychological and pedagogical aspects of crime prevention among adolescents were developed in research of M. Alemaskin, O. Zmanovska, L. Ziubin, V. Kondrashenko, P. Liesgaft, N. Maksymova, S. Nemchenko, T. Tytarenko, E. Kostishkin, G. Bochkarev, B. Baiev, V. Tatenko, Z. Zaitseva, H. Kord, I. Domin, M. Synovat and others.

Medical aspects of the problem were covered in works of V. Lebedynskyi, M. Buianov, H. Felinska, O. Seletskyi, S. Tararuhin and others.

The efforts of these scientists were focused on studying causes of deviations in juvenile behavior, developing of methods to diagnose deviations in mental development and behavior, analyzing of education process and its interrelation with legal offences, finding ways to effectively prevent unlawful behavior, defining the role of school, family and extracurricular children institutions and special educational institutions in preventive work with minors.

The purpose of the article is to analyze and systemize legal acts regulating activity of state bodies, public associations and citizens in prevention of juvenile delinquency and to explore common problems of legal regulation of crime prevention in Ukraine.

Presentation of the basic material. Considering the specificity of the study, the essence and the concept of "prevention" is considered in many senses.

The term "prevention" in legal literature is most commonly used about crimes and offenses and considered as part of any activity aimed at preventing emergence and development of social issues and problems of personality.

Social prevention operates in two relatively independent blocks of activities, including: prevention of immoral acts and prevention of offences. Prevention of immoral acts involves prevention of possible

violations of public mechanism and moral rules of social life, prevention of violations of moral rules in various spheres of life. Prevention of criminality also involves various aspects of this activity, namely prevention of public offenses, disciplinary and administrative offenses and crime prevention¹.

The feature of social and educational prevention is that, on the one hand, it aims at forming positive values and social experiences of a teenager, on the other hand, the object of its attention are teenagers who have received negative experience and find themselves in socially dangerous situations. So, depending on the degree of violated social norms measures for prevention, preclusion or cessation of deviant behavior are used in socio-pedagogical preventive work².

According to experts, 80% of all minors in the European Union in the age of formation commit a particular offense. It should be noted that this percentage mainly consists of offences for which no criminal responsibility is prescribed, but commission of such offenses is a way of self-affirmation for a teenager. Among all offenses committed by children and young people, 18% can be classified as pathological behavior and about 12% of these cases draw attention of enforcement agencies and juvenile courts. Within this 12%, classified as criminal, about 45% are thefts, 30% of cases associated with storage or distribution of drugs, the remaining 25% is violence (both physical and sexual). Therefore, among children and young people (age group 12-21 years), only 6% of offenses are serious, i.e., those for which criminal responsibility begins. The system of delinquency prevention among children and young people in the EU are more focused on those 18% of young people who have pathological propensity to crimes, although children who commit offenses also do not remain out of school or attention of relevant organizations working with children and youth. Generally it is believed that task of working with children and youth and in particular of education system is to detect susceptibility to child offenses and provide conditions that will allow a child most easily adapt the system of social values and not to commit illegal actions in future³.

Considering the increase in the number of offenses committed by minors, in Ukraine there is no single system of carrying out preventive activities, and a single law that would regulate this activity.

In 2009 the National Program "National Action Plan to implement the UN Convention on Children Rights" was adopted for the period until 2016⁴. The program was designed to combine government efforts to protect children's rights into a single system. Accordingly, four priorities were identified: promotion of healthy lifestyles; provision of high-quality education; protection of children from abuse, violence and exploitation; combating HIV/AIDS and global plan of action that focuses on development and protection of the rights and interests of young people and challenges that international community should perform for children and with children.

Paragraph 4.8 of the Plan "Protecting the rights of children who have committed offenses" defined a goal: prevention of children offenses, a significant decrease in the number of crimes committed by children, bringing detention conditions in special institutions for children in a line with international standards.

Previously the state implemented strict control over employment of school graduates, unemployed were affected both by state and public organizations, but now this system has completely collapsed. Currently, any of state structures has no data on employment of 9-11 grades graduates and is not responsible for their future place in society. The criminal police for children was unable to influence these processes, and therefore to prevent commission of offenses by this youth category. Unemployment and crime are interrelated social phenomena.

Research of causes of offenses indicates that adolescents have completely changed norms, values, attitudes, attributes of leisure and choosing profession. This was resulted by significant failures in state regulation of circulation of products, which adversely affect public morality, implementation of minors' rights in information space free from products posing a threat to their physical, intellectual, moral and psychological condition.

¹ Линник, Л.М. (2006). *Соціально-педагогічні засади профілактичної роботи з важковиховуваними підлітками*. Луцьк: Тріада плюс.

² Федорченко, Т.Є. (2011). Профілактика девіантної поведінки школярів в умовах соціокультурного середовища: соціально-педагогічний аспект. Черкаси: ФОВ Чабаненко Ю.А.

³ Прокопенко, Н. (2009). Профілактика правопорушень серед дітей та молоді у Швейцарії. Україна: *Відновне правосуддя в Україні*, 1-2, 44-50.

⁴ Закон про Загальнодержавну програму "Національний план дій щодо реалізації Конвенції ООН про права дитини" на період до 2016 року 2009 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon3.rada.gov.ua/laws/show/1065-17>>.

Inspections conducted by prosecution authorities on preventing distribution of products, which negatively affect minds of minors found violation of the Law of Ukraine "On Protection of Public Morality"; executive authorities and local governments actually removed themselves from state regulation and control over circulation of erotic and pornographic products, promoting violence and cruelty¹.

Today, among minors, there are such signs of demoralization as alcoholism, drug addiction, substance abuse, homelessness, vagrancy, beggarism, prostitution, growth of various informal groups converting into antisocial-criminal community. All this is reflected in increased number of offenses among teenagers.

Admittedly, the authorities entrusted with the duty of crime prevention and eradication of juvenile delinquency exercise its powers quite formally with an emphasis on writing, performing tasks in the form of plans, reports, guidelines and more.

The Law of Ukraine "On social work with families, children and youth"² provides a system of social protection for children. It is a set of socio-economic and legal measures and means, which implementation is in the competence of entities defined by the Law on children's rights to life, development, education, medical care and material support. A system of social prevention is also defined as a kind of social work aimed at preventing difficult circumstances of families, children and youth; immoral and illegal behavior in families. The law provides detection of any negative impact on lives and health of children and young people, prevention of such influence and spread of socially dangerous diseases among children and youth.

The main directions of the state policy in the field of social work with families, children and youth should be:

- development and implementation of national and regional programs of social support for families, children and youth, social formation of youth and other programs;
- definition of social prevention in family, children and youth environment as comprehensive measures to preclude family problems, social abandonment, domestic violence and child abuse;
- system accounting and care for children and young people who have revealed inclination to anti-social behavior;
- information and educational activities for families, children and young people at home, work or study, aimed at developing positive personal standards of behavior, healthy lifestyle.

Social services for family and children today are the part of a new direction of social policy. The essence of this service is targeted assistance at individual level in solving life's problems, starting with the payment of cash benefits to provide psychological, legal, social and consumer self-help.

A key challenge in improving financial situation of minors is to provide their employment. Today, perspectives for minors in the labor market, conditions for productive employment of minors, professional mobility depend, above all, on the dynamics of changes in the economy of Ukraine. Minors, as the least qualified, the least professionally prepared of workforce is one of the most vulnerable groups in the labor market, especially in times of economic crisis.

As it was noted, one of the determinants of juvenile delinquency is poor organization of free time. Therefore, a task of the relevant authorities, children's and youth organizations is to promote more effective implementation of this policy. But it should be noted that due to lack of funding, low salaries, depreciation of equipment (material-technical base of many cultural institutions are not updated for more than 15 years; technical condition of 40% of institutions was recognized emergency), Ministry of Culture of Ukraine does not create leisure industry that would meet time requirements and could attract attention of today's teens.

The practice of educational and preventive measures that were previously held by the state, showed their ability to counter juvenile delinquency. It would be useful to take into account experience of all agencies and institutions, community groups and organizations, various associations, societies, unions ... Forms of public participation is very diverse and allow to cover almost all parts of preventive work, from identifying and eliminating causes and circumstances contributing to commission of criminal offenses and ending with correction, re-arranging and juvenile offenders.

In modern conditions of establishment of new social and economic relations the role of public should focus on cooperation with law enforcement agencies, development and implementation of comprehensive and local programs for prevention of juvenile delinquency.

¹ Закон про захист суспільної моралі 2003 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon2.rada.gov.ua/laws/show/1296-15>>.

² Закон про соціальну роботу з сім'ями, дітьми та молоддю 2001 (Верховна Рада України). Офіційний сайт Верховної Ради України. <<http://zakon3.rada.gov.ua/laws/show/2558-14>> .

The Decree of the President of Ukraine on the decision of the National Security and Defense Council of Ukraine¹ "On measures to strengthen the fight against criminality in Ukraine" involves taking additional measures to reduce the level of crime in the country and to take all necessary measures to ensure combating criminality.

The concept of public policy in the area of crime prevention for the period up to 2015, approved by the Cabinet of Ministers in 2011² contains a provision that existing legal order in the state requires a system of preventive measures of social nature, aimed at eliminating the causes of offenses, and a system of special preventive measures intended to reduce opportunities and means of committing. These preventive measures are included in common national criminality prevention program for 2010-2015. That refers to systematic, institutional, comprehensive approaches; approaches of human rights protection are power, informational, political, economic, balanced; the specific scientific approaches are approaches of social work, social pedagogy, theory of education, law. The Program's aim is to add political and government approach; the Program implements state policy aimed at preventing of crime by eliminating or weakening the causes of crime, conditions conducive to their occurrence, possibilities and means of committing crimes.

As for prevention of children offenses, it is the aim of school centers and councils on crime prevention that can be created in schools on the initiative of teaching staff, teachers, school social workers and psychologists.

Theoretically, there are next modern approaches to prevent violations of human rights, which should be used in practice:

- 1) biological (physiological) - correction or control over conditions that cause criminal behavior;
- 2) psychological (psychiatric) - change of psychological condition and elimination of reasons that caused it;
- 3) social - to strengthen relations and cooperation between juvenile offenders and law-abiding peers, parents and other adults;
- 4) criminal behavior is defined by a lack of control in microenvironment where an adolescent lives, so strengthening the influence of a group to which he/she belongs is important;
- 5) a reason of criminality is inability to perform personal role of an individual, within legality, so criminality should be reduced by expanding role and development opportunities;
- 6) organization of juvenile leisure;
- 7) increase of educational and professional level of adolescents, because according to this approach the keypoint of criminality is lack of life skills of adolescents;
- 8) according to economic approach the reason of criminality is low material living conditions of young people and their families that require assistance;
- 9) deterrent approach the reason of criminality is the ease of committing criminal acts, therefore it is necessary to limit these opportunities, in particular through severe punishment³.

These approaches provide the opportunity to see a variety of reasons for delinquent behavior, hence the diversity of opportunities for their prevention, the need to work in a team of disciplinary employees of different institutions.

Conclusions. Prevention of offences is a multifaceted problem that requires coordinated interaction between all actors of social life.

Among the measures of social prevention it is necessary to give priority to measures of early prevention, which provide early detection and rapid response to any facts of individual deformation in early stages of formation and development.

Achievement of significant results in the area of social prevention requires applying of combined preventive methods and means of influence.

In order to improve efficiency of preventive measures there is a need to overcome formalism and systemize legal acts in accordance with European legislation.

¹ Указ про рішення Ради національної безпеки і оборони України про заходи щодо посилення боротьби зі злочинністю в Україні 2015 (Указ Президента). Офіційний сайт Президента України. <<http://www.president.gov.ua/documents/3412015-19136>> .

² Розпорядження про схвалення Концепції реалізації державної політики у сфері профілактики правопорушень на період до 2015 року 2011 (Кабінет Міністрів України). Офіційний сайт Верховної Ради України. <<http://zakon3.rada.gov.ua/laws/show/1209-2011-%D1%80>> .

³ Федорченко, Т. Є. (2011). Профілактика девіантної поведінки школярів в умовах соціокультурного середовища: соціально-педагогічний аспект. Черкаси: ФОБ Чабаненко Ю.А.

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