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МЕХАНІЗМ ЗАБЕЗПЕЧЕННЯ ПРАВА ПРАЦІВНИКА НА ГІДНЕ СТАВЛЕННЯ НА РОБОТІ

Анотація
У статті аналізуються юридична природа і зміст права працівника на гідне ставлення на роботі, його місце в системі трудових прав. Звертається увага на огляд витрат, причин і наслідків морального переслідування на робочому місці. Надається характеристика представленої Україною другої доповіді щодо реалізації положень Європейської соціальної хартії (переглянутої). Формулюються пропозиції, спрямовані на більш ефективне забезпечення цього особистого немайнового трудового права. Підкреслюється важливість забезпечення особистих немайнових трудових прав судами загальної юрисдикції, органами державного контролю та нагляду, Уповноваженим Верховної Ради України з прав людини.
Ключові слова: гідність, особисті немайнові трудові права, моральне переслідування на робочому місці, способи захисту.

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МЕХАНИЗМ ОБЕСПЕЧЕНИЯ ПРАВА РАБОТНИКА НА ДОСТОЙНОЕ ОБРАЩЕНИЕ НА РАБОТЕ

Аннотация
В статье анализируются юридическая природа и содержание права работника на достойное отношение к работе, его место в системе трудовых прав. Обращается внимание на обзор расходов, причин и последствиям морального преследования на рабочем месте. Охарактеризован представленный Украиной второй доклад относительно реализации положений Европейской социальной хартии (пересмотренной). Формулируются предложения, направленные на более эффективное обеспечение этого личного неимущественного трудового права. Подчеркивается важность обеспечения личных неимущественных трудовых прав судами общей юрисдикции, органами государственного контроля и надзора, Уполномоченным Верховной Рады Украины по правам человека.
Ключевые слова: достоинство, личные неимущественные трудовые права, моральное преследование на рабочем месте, способы защиты.

REGIONAL DEVELOPMENT AND SPATIAL DISTRIBUTION OF CRIME IN UKRAINE

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Crime is a complicated phenomenon that needs a complex of temporal, structural and geographical approaches of analysis. The specific issue addressed in this paper concerns the expediency of scientific study of the nexus between crime spatial distribution and regional socio-economic development (or underdevelopment). The study includes a number of quantitative techniques and criminometric methods that combine correlation, regression and cluster analysis. The obtained results are helpful for identifying the most significant clusters of crime with regard to uneven regional development. Three crime clusters were formed with explicit pattern − a higher level of crime corresponds to a higher level of social and economic indicators and vice versa. Nevertheless the economic development in regions of Ukraine is considerable, but not the most influential determinant of crime distribution. According to the regression coefficients the predictor of urbanization has the most significant response: for each 1 increase of urbanization, crime increases by 0.79.
Keywords: crime, development, urbanization, region, geography of crime, criminometrics, cluster analysis.

Introduction. In the transition to the post-industrial type of operation, many communities have faced the paradox that in contrast to the expected positive and progressive impact created a number of socio-economic and derived there from criminogenic threats and risks, which reflect the adaptive nature of criminal activity to the development. Currently popular concept of sustainable development has evolved from the environmental problems to the problems of security, including the component of criminological security. Accordingly, one of the defining challenges of modern criminol-

ogy, which focuses on the nature and conditionality of crime, is to identify the dialectical interactions between the indicators of social and economic development and crime rate in order to work out an adequate prevention strategy and minimize factors of criminal acts reproduction on the individual and mass levels.

The overarching message from the 13th UN Congress on Crime Prevention and Criminal Justice (will be held in Doha, Qatar, 12-19 April 2015) is that there can be no sustainable development without effectively tackling crime and having respect for the rule of law. Crime destroys livelihoods and has an impact on development. To help countries achieve successful sustainable development, they need to tackle crime and ensure they have effective criminal justice systems in place and respect for the rule of law [1].

Literature Review and Unsolved Questions. Contemporary scholars suggested both theoretical and empirical theses based on criminometric methods describing and predicting the patterns of crime and deviance under development.

The modernization approach emphasized the influence of economic institutional and social structural changes (increased socioeconomic development, rapid urbanization, population growth but breakdown in family relations) on criminal behaviour. It was based on the assumption that modern transformation results in social disruption that produces alienation and, in the end, criminal activity [2; 3; 4].

One of the greatest achievements in the elaboration of criminological modernization theory belongs to L. Shelley (1981). „Crime has become one of the most tangible and significant costs of modernization", – she deduced in the fundamental study [5, p. 137]. Her analyses divided countries into three groups: developing countries, developed countries, and socialist countries. The level and distribution of criminality were examined in terms of the extent and speed of the urbanization process, the degree of industrialization, changes in the social structures and the impact of the criminal justice system.

The issue of reciprocal connection between crime and development was scrutinized not only at macro level, but also at local communities primarily in the environmental criminology field. According to Kick and Lafree (1986) "opportunity" theory, modernization and development enhanced urbanization, which decreased interpersonal ties and contact among intimates and acquaintances, thereby reducing interpersonal violence, while development increased opportunities for theft by providing a vast supply of readily available commodities in a time where surveillance and social control was lower [6]. Freedman and Owens (2011) estimated that constructing low-income housing in disadvantaged communities reduced robberies and assaults by about 2% [7].

Over the past decades, many fundamental scientific criminological works have appeared in Ukraine. They have made a significant contribution to the understanding of crime modifications in connection with the current social and economic processes. The importance of the scientific work of Prof. V. Dryomin (2009) [8] is undoubted. He considered crime as a kind of social practice and also mechanism of criminal activity institutionalization. A. Boyko (2008) [9] researched the economic crime determinants as an inherent part of the transition period of the Ukrainian state. V. Shakun (1996) highlighted the impact of urbanization on crime [10].

Nevertheless in Ukrainian modern criminology the influence of social and economic factors on crime is traditionally assumed an axiom and has been recognized both among policymakers and in academic circles. On the background of numerous theoretical studies the lack of research giving the empirical evidence of the nexus, as well as the connections' tightness between the indicators and certain crime is observed. The qualitative analysis prevails to the detriment of complex data analyzing. The negative impact of crime on societal development is also undoubted among the scholars. But the absence of elaborated methodology of crime cost and harm estimation leads to the inconclusive empirical evidence and to the weak criminological policy.

The aim of the article is to test the following hypotheses: crime distribution patterns reflect/ do not reflect uneven regional development in Ukraine; criminological (criminometric) monitoring of threats and risks of development should/should be assumed as a basis of criminological forecast in order to work out the look-forward strategy of crime prevention and ensure the criminological security.

Methodology. In order to test the hypothesis of the study and prove or disprove the main questions raised, primarily the criminometric methodology will be employed. Criminometrics is an example of interdisciplinary scientific synthesis and represents a quantitative (mathematical) analysis of criminological data. This methodology originates from econometrics and exploits the statistical methods adapted to criminological issues. It allows the construction of complete and reliable quantitative models of complex social processes.

The present study is focused on the regional distribution of crime and regional uneven development. Cross-regional analysis of the following data of 2010 is going to be performed: the number of detected crimes in 24 regions (oblasts), Kiev and Sevastopol cities, Autonomous Republic of Crimea per 100000 population as dependent variable; Material Welfare Index, Education Index, Labor Market Development Index, Human Development Funding Index and Urbanization rate calculated according to National methodology by State Statistics Service of Ukraine as explanatory variables (see appendix).

Modern statistical analysis package STATISTICA (version 13) that implemented the latest computer and mathematical data analysis will be employed as a software for the research.

Exposition of the Main Substance. The criminometric study of crime and development interactions is perceived to be quite operational in the regional context of crime distribution and in the context of the crime rate geography. Typically, the highest crime rates is registered in Eastern Ukraine, which is also associated with densely populated areas and high level and pace of industrial development.

The calculation of correlation coefficients allows identifying a relatively strong positive correlation of crime registered in regions (oblasts) of Ukraine with the level of urbanization of regions, an average-strong correlation with material welfare, education and development funding and a weak correlation with the labour market. For this reason, last figure will be excluded from the multiple regression model for the regions.

Multiple regression model where the crime rate in the region was taken as the dependent variable is quite reliable in R2 parameter. The predictor of regional urbanization has the most significant response. Thus, according to the regression coefficients, for each 1 increase of urbanization, crime increases by 0.79. The most important finding is the fact that economic development in regions in Ukraine is considerable, but not the most influential determinant of crime distribution.

The study also used non-hierarchical cluster analysis, k-means method, for crime distribution and hot spots detection.

As a result of cluster analysis (module Multivariate Exploratory Techniques) three relatively homogeneous groups of regions on indicators of crime and development were formed.

The graph of mean values of variables in each cluster displays a clear unambiguous picture of di-

rect matching: a higher level of crime corresponds to a higher level of social and economic indicators and vice versa.

Plot of Means for Each Cluster
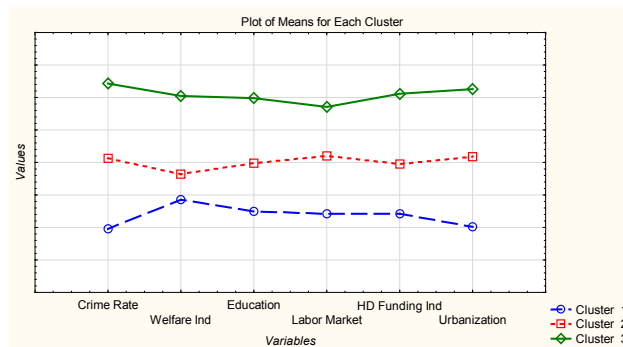
The distinguishing feature of the first cluster that comprised mostly western regions is lowered crime rate in relation to the development dimensions.

The second cluster is the most numerous in the number of regions and the least stable and therefore controversial in estimations as welfare index is relatively low then labor market, and means of crime rate is almost identical to the means of urbanization.

The third cluster, which included most of south-eastern regions and cities of Kyiv and Sev-

Table 1

Correlations (regional)

Variable N=27	All correlations are significant at p < ,05000				
	Material Welfare Index	Education	Labour Market	Human Development Funding Index	Urbanization
Crime Rate	,5326 p=,004	,5038 p=,007	,4653 p=,014	,6329 p=,000	,7845 p=,000

Table 2

Regression Summary for Dependent Variable: Crime Rate (regional)

N=27	R= ,81211377 R?= ,65952877 Adjusted R?= ,59762491 F(4,22)=10,654 p * marked as significant					
	b*	Std.Err. of b*	b	Std.Err. of b	t(22)	p-value
Intercept			-262,534	222,4518	-1,18018	0,250531
Urbanization	0,787410*	0,198920	17,404	4,3968	3,95843	0,000667
Human Dev-nt Funding Ind	0,214835	0,228078	829,933	881,0914	0,94194	0,356454
Education	0,088492	0,201306	248,910	566,2337	0,43959	0,664523
Welfare Ind	-0,260486	0,209186	-814,271	653,9095	-1,24523	0,226146

Table 3

K-means clustering results

Members of Cluster 1 9 cases	Members of Cluster 2 11 cases	Members of Cluster 3 7 cases
Chernivtsi	Khmelnytskyi	Kiev sity
Ivano-Frankivsk	Chernihiv	Dnipropetrovsk
Lviv	Kiev	Autonomous Republic of Crimea
Rivne	Sumy	Sevastopol
Ternopil	Zhytomyr	Zaporizhia
Volyn	Kirovohrad	Donetsk
Zakarpattia	Poltava	Kharkiv
Vinnytsia	Kherson	
Cherkasy	Mykolaiv	
	Odessa	
	Luhansk	
Solution was obtained after 3 iterations		

astopol, is the absolute leader in terms of development and crime; its crime means are ahead of all other investigated development parameters, which is not typical for the other two clusters.

Conclusions. Despite the popularity of sustainable development concept and the aspiration for it in modern communities many criminogenic threats and risk of social changes are being neglected; development is not sufficiently appreciated as a context for crime. Meanwhile crime patterns and development transformations have an interaction and a mutual influence that should not be ignored by local preventive and punitive policies. Disorganization and crime are the side effects of developmental transformations and can in some ways serve as a barometer of change.

Assuming that crime as well as society is developing in a spiral, it would be logical to predict that at a certain level of economic and social development the intensity of crime should decrease. In this case, the classical modernization theory is to be fairly criticized. A failure to explain the diversity of societies in transition with inherent internal dynamics, as well as the possibility of independent development of modern differentiated political and economic systems are the main focuses of this criticism. The academic competence of the modernization theory in criminology is measured by primarily descriptive analysis. There is a need to widen it to explanatory and predictable one. The criminometric methodology has a great potential to fill this gap by monitoring the developmental changes and criminological expertizing of the risks of transformations.

Crime distribution reflects uneven regional development in Ukraine. The analysis allowed forming three clusters of regions regarding to the ratio of regional crime rate and regional development with explicit pattern − a higher level of social and economic indicators corresponds to a higher level of crime and vice versa.

However, it should be admitted that obtained results can't be applied in construction of general deterministic effects theory. The causal impact of development is not systematic and cannot be used as explanatory factor in description of crime etiologic. In addition, a weak point of criminometric analysis in the context of development and crime is the multicollinearity of variables. Socio-economic indicators are often commonly interdependent.

The transformation of society and development conditions require a new approach to crime monitoring and control, based on effective predicting and justification of proactive value of preventive policies. Therefore, criminometric study of the nexus between crime and development has practical relevance. It creates the opportunities for risk monitoring and forward planning while making public decisions.

When choosing alternatives between criminal or legal behaviour crime becomes understandable reactive reflection on reality and disadvantages of development. Development means not only quantitative changes but also the quality of life and quality come under replacement in the nature of crime. The monitoring of crime patterns in the context of development impact is able to perform the right balance of crime prevention strategies regarding to the regional peculiarity. It could help to find out what economical and social (consequently not punitive) measures are capable to reduce the attractiveness of criminal activity and also to institutionalize the general social prevention instead of increasing the expenditures on law enforcement and criminal justice.

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Appendix. Variables' definitions

Variable	Definition	Data Source
Crime Rate	The number of detected crimes in a region (oblast) per 100000 population. Data of 2010.	Злочинність в Україні: Стат. Збірник/ Державна служба статистики України. Відповідальний за випуск Калачова I., 2011 − 117 c.
Material Welfare Index 2010	Index is compiled on the basis of average monthly salary, the average pension, the average total costs per adult, the ratio of total costs and revenue, the difference between cash expenditures and revenues, the share of cash in total revenues, poverty level, poverty gap, Gini coefficient, purchasing power per capita income, the amount of the minimum consumer basket, provision with private cars, the number of cars per 100 families.	National methodology of State Statistics Service of Ukraine .---Регіональний людський розвиток: Статистичний бюлетень / Державна служба статистики України. − Київ − 2011. − 44 c.
Education Index 2010	Index is compiled on the basis of enrollment to pre-school institutions, to primary education, to basic secondary education, completed secondary education, the number of students aged 17-23 years at the universities, the average duration of training; the proportion of persons with higher education in the population over 25.	
Labor Market Development Index 2010	Index is compiled on the basis of economic activity level, unemployment rate, employment rate, the average duration of job search, the proportion of part-days workers (a week) in total employment, the share of workers under conditions that do not meet sanitary standards in total employment, the ratio of registered unemployment and ILO specified coefficient; labor turnover.	
Human Development Funding Index 2010	Index is compiled on the basis of local budget expenditures for education; local budget expenditures for health; local budget expenditures for social protection; state budget transfers; the share of expenditure on education in total social expenditures of local budgets, the share of health expenditure in total social expenditures of local budgets; the share of social protection expenditure in total social local budget; state budget transfers value from the social costs of local budgets.	
Urbanization	Urban population (% of oblast total) Data of 2014.	Кількість постійного населення за типом поселень // http://database.ukrcensus.gov.ua/

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РЕГІОНАЛЬНИЙ РОЗВИТОК ТА ПРОСТОРОВИЙ РОЗПОДІЛ ЗЛОЧИННОСТІ В УКРАЇНІ

Анотація
Злочинність є складним феноменом, аналіз якого потребує комплексу часових, географічних та структурних підходів. Особлива увага у статті адресована доцільності вивчення взаємозв'язку між просторовим розподілом злочинності та регіональним соціально-економічним розвитком (або недорозвиненістю). Дослідження включає ряд технік обробки кількісних даних та кримінометричних методів, які поєднують кореляційний, регресійний та кластерний аналіз. Отримані результати є корисними для виявлення найбільш значущих кластерів злочинності у зв'язку з нерівномірним регіональним розвитком. Три кластери злочинності були сформовані з явною особливістю − більш високий рівень злочинності відповідає більш високому рівню соціальних і економічних показників розвитку, і навпаки. Проте економічний розвиток в регіонах України є значним, але не найвпливовішим чинником, що визначає розподіл злочинності. За коефіцієнтом регресії урбанізація як предиктор має найбільш значимий відклик: при кожному зростанні рівня урбанізації на 1, рівень злочинність збільшується на 0,79.
Ключові слова: злочинність, розвиток, урбанізація, регіон, географія злочинності, кримінометрія, кластерний аналіз.

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РЕГИОНАЛЬНОЕ РАЗВИТИЕ И ПРОСТРАНСТВЕННОЕ РАСПРЕДЕЛЕНИЕ ПРЕСТУПНОСТИ В УКРАИНЕ

Аннотация
Преступность является сложным феноменом, анализ которого требует комплекса временных, географических и структурных подходов. Особое внимание в статье адресовано целесообразности изучения взаимосвязи между пространственным распределением преступности и региональным социально-экономическим развитием (или недоразвитостью). Исследование включает ряд техник обработки количественных данных и криминометрических методов, сочетающих корреляционный, регрессионный и кластерный анализ. Полученные результаты полезны для выявления наиболее значимых кластеров преступности в связи с неравномерным региональным развитием. Три кластера преступности были сформированы с явной особенностью − более высокий уровень преступности соответствует более высокому уровню социальных и экономических показателей развития, и наоборот. Однако экономическое развитие в регионах Украины является значительным, но не самым влиятельным фактором, определяющим распределение преступности. Согласно коэффициенту регрессии урбанизация как предиктор имеет наиболее значимый отклик: при каждом росте уровня урбанизации на 1, уровень преступности увеличивается на 0,79.
Ключевые слова: преступность, развитие, урбанизация, регион, география преступности, криминометрия, кластерный анализ.

DOCTRINE OF SEPARATION OF POWERS AT THE LOCAL GOVERNMENT LEVEL: THE UKRAINIAN EXPERIENCE

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Nowadays Ukraine has the municipal reform; a lot of attention is paid to improving the functioning of local government, including through decentralization in order to implement the principle of subsidiary. To achieve this, some scientists propose to apply the theory of separation of powers to local government. However, at the level of individual monographs, articles studied this problem. This article analyzes the possibilities of the theory of separation of powers at the local government level (mainly the example of municipal government in the US). The author argues that the theory of separation of powers in its present form can't be applied to the Ukrainian local government. But it seems that the adaptation is possible, when it comes about some elements of the system of checks and balances. The author also proposes to study how the ideas checks and balances are used in local government of foreign countries − in future this might help to use their experience in Ukraine.
Keywords: local government, municipal government, public power, municipal power, separation of powers.

Scientific and practical problem. Nowadays the municipal reform as the part of the administrative reform is being carried out in Ukraine and many efforts are taken to increase the efficiency of the local government. To achieve this goal some researchers recommend that the doctrine of separation of powers should be applied to the local government (see more about this [1; 2]). Regarding the communist past of Ukraine as one of the former republics of the USSR, the studies of the foreign experience in this field are vital. It is obvious, that the national historical experience isn't relevant to solve the current issues. So it is up to the scholars to provide the scientific basis for the politicians, who are active in lobbying the decentralization of the public power in Ukraine and wide usage of the subsidiary principle. The decentralization of the public power and the implementation of the subsidiary principle are very essential for the Ukrainian European integration perspectives.

Overview of the relevant researches. In fact, currently a few Ukrainian authors are investigating thoroughly this problem. But such phrases as "the legislative and the executive branches of municipal power" [3, p. 28; 4, p. 12], "the representative and the executive branches of local government" [5, p. 233-234] give reason to consider that some researchers think the doctrine of separation of powers could work when it refers the municipal power.

But thesaurus of the works of M.P. Orzikh [6], I.M. Vail and V.V. Smirnov [7, p. 53], other scientists show opposite points of view. N.I. Kornienko is among these authors − he thinks that "on the local government level the doctrine of separation of powers doesn't works". But he doesn't deny "the advisability of the rational separation of functions in the local government system between its representative and executive parts, if the unity of these parts will be ensured" [8, p. 16].