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OBJECTIVES OF CRIMINOLOGY AT THE CURRENT STAGE OF DEVELOPMENT OF UKRAINE AND IN THE PERSPECTIVE

Віталій Примаченко, Володимир Шаблістий. ЗАВДАННЯ КРИМІНОЛОГІЇ НА СУЧАСНОМУ ЕТАПІ РОЗВИТКУ УКРАЇНИ І В ПЕРСПЕКТИВІ. У статті констатовано, що важливим завданням кримінології на сучасному етапі розвитку державності в Україні є запровадження в діяльність уповноважених державних органів та громадських організацій генеральної лінії розуміння того, що рівень правопорушень можна знизити двома шляхами: шляхом мінімізації причин протиправної поведінки і шляхом посилення заходів в тому числі кримінальної репресії. Набагато легше усунути причину, ніж потім боротися із наслідками. Злочинність не можна побороювати чи викоринити, можна лише на декілька показників її знизити до соціально терпимого або краще соціально прийняттого рівня. Саме тому слід приділяти основну увагу кримінологічному прогнозуванню та індивідуальній профілактиці правопорушень з тими особами, які схильні до їх вчинення.

Акцентовано, що кримінологія є наукою, яка постійно розвивається та дуже тісно пов'язана із життям людей, функціонуванням суспільства і держави. Відповідно одним із головних її завдань є забезпечення належної якості та балансу роботи саме цих сегментів цивілізації. Широко використовуючи досягнення інших наук, зокрема соціології, психології, кримінального права, кримінального процесу, кримінально-виконавчого права кримінологія створює свої теорії, які відносяться виключно до її предмету і методу. Вона певним чином визначає стратегію і тактику кримінальної політики, сприяючи таким чином гармонійному розвитку як країни в цілому, так і окремих її складових. Загалом науки кримінально-правового напрямку основним своїми завданнями проголошують удосконалення відповідного законодавства та практики його застосування. Кримінологія у свою чергу повинна бути максимально адаптованою до всіх процесів, що полягають у модернізації правової системи нашої держави та мати реальний вплив на формування ефективної кримінальної політики України.

Ключові слова: *людина, права і свободи, кримінологія, злочинність, загроза, профілактика правопорушень.*

Relevance of the research. Criminology is a science that is constantly evolving and is very closely related to the lives of people, the functioning of society and state. Correspondingly, one of its primary objectives is to ensure appropriate quality and balance in the work of these particular civilizational domains. Extensively employing the achievements from other scientific fields, specifically sociology, psychology, criminal law, criminal procedure and criminal executive law the criminology devises its own theories related exceptionally to its subject and methodology. In a particular way it determines strategy and tactics of the criminal policy thus contributing to the harmonious development of the country as a whole as well as its indi-

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vidual constituents. Overall, the sciences related to criminal and legal fields declare among their primary objectives the improvement of the corresponding legislation and its enforcement practices. Criminology in its turn must be maximally adapted to all processes involved in the modernization of the legal system of our state and must have a real impact upon the formulation of an effective criminal policy in Ukraine.

Recent publications review. Among notable criminologists of contemporary Ukraine, the works of which lay the groundwork for our research, it is worth to note O.M. Bandurka, V.V. Golina, V.S. Batyrgareyeva, B.M. Holovkin, V.M. Dryomin, O.M. Dzhuzha, A.P. Zakalyuk, O.M. Kostenko, O.M. Lytvynov, P.L. Fris et al.

The article's objective is to determine the objectives of criminology both at the current stage of development of the Ukrainian state and in the perspective.

Discussion. In considering the primary objectives of criminology in their entirety it proves expedient to identify two levels within them. The first provides for:

- analysis of existing concepts and programs in the field of criminology with the purpose of optimizing their quality;
- formation of an in-depth substantiated analysis of the current situation with criminality and its trends, identification of particular criminogenic determinants;
- evaluation of corresponding normative legal acts for the purpose of determining their criminological substantiation and the likely impact on the change in the crime rate.

The second level of objectives:

- obtaining reliable knowledge, primarily the one which constitutes the subject of criminology;
- systematic identification and analysis of occurrences, facts, processes, situations, circumstances which determine the criminality;
- clarification and studying of contradictions and conflicts that lead to the emergence and realization of criminal intents and influence the process of development of the asocial, anti-social and socially dangerous behavior of certain individuals;
- elaboration of scientific recommendations with regard to eliminating, neutralizing or minimizing the consequences of events which contribute to the criminal activity of an individual.

The presented objectives of the criminology are static i.e., they almost always remain the same. However, the world is quite dynamic in its changes, societies transition from one stage of development into another, consequently the science must respond adequately to the new challenges in any sphere. Taking into consideration such a consistent process, in the current stage of development of the society the scholars most commonly include the following among the objectives of criminology:

- studying the factors, causes and conditions which promote or prevent criminality, influence its current state, rate, structure, regularities of its existence and development; determining the causes behind the increase in specific types of crime;
- conducting a comprehensive study of particular types of crime, the mechanism of committing them in order to determine efficient methods of counteraction to them;
- studying and classifying personality types of an offender, drawing up his social and psychological profile, defining the correlation between the individual and his environment, the interrelation and mutual influence of a biological and a social factor in identifying the perpetrator of an offence;
- determining principal directions and measures of crime prevention;
- investigating and summarizing foreign practices of crime prevention;
- developing a strategy to combat criminality with consideration for those social changes that occur in a particular society and across the globe, in general;
- improving the crime forecasting.

It is therefore worth to follow the viewpoint of Y. I. Hilinskyi who emphasized that history of criminology is comprised of several stages:

1. Classical school of criminology (18th century). The development of criminological concepts and ideas are connected with the names of C. Beccaria (1738-1794) and J. Bentham (1748-1832).

The main methodology: philosophy, social philosophy, law.

2. The Positivism (19th-20th century) incorporates biological (anthropological) positivism starting from C. Lombroso (1835-1909) and until present; psychological positivism starting from G. Tarde (1843-1904) and sociological positivism with its numerous schools and theories.

The main methodology: methods of natural, «positive» sciences (observation, interview, survey, experiment, etc.)

3. Critical criminology and postmodernist school (end of 20th - 21st century)

The main methodology: negative aspect – rejection of all past concepts and developments; positive aspect – methods from modern natural sciences (catastrophe theory, chaos theory, synergetics, «strange attractor», bifurcations, etc.)

Critical (radical) and postmodern criminology are characterized by:

- critical attitude to all previous theories;
- harsh criticism of contemporary public, economic, political and power structures;
- relativistic approach to the notions of «criminality» and «crime» as social constructs;
- assurance that social and economic inequality is the principal cause of crime;
- critical attitude to traditional methods and means of social control over criminality; acknowledgement of the «crisis of punishment»;
- updating of methodological tools [1].

The results of the study by I.I. Hylynskyi published in 2011 correlate with the research conducted by O.M. Lytvynov and Yu.V. Orlov in 2019 where the authors indicate that the postmodern interpretation of place, role and significance of the criminological science is realized within a context of those particular transformations that have occurred in the modern science, its methodology and philosophy. One of such radical transformations is a different interpretation of thinking which is henceforward perceived as a non-linear process that incorporates not only gaps but also sudden «breakthroughs» in understanding. Contrary to a classical perception of thinking as a linear chain of thoughts and reflections (conveyed in the most evident form through axiomatic-deductive method of presentation, primarily in Euclidean geometry, which is prevalent in modern middle school) the thinking starts to be treated as a non-linear arrangement of acts of thought embodied within a discourse – a new unit of analyzing the acts of reflection and comprehension of various meanings [2, c. 7].

At the same time, criminology possesses its own specific range of issues in every country. Providing solutions to problems that a particular science faces stipulates corresponding objectives for it. In 2002 the Coordination Bureau for Criminology of the National Academy of Legal Sciences of Ukraine developed and adopted the Concept for development of criminological science in Ukraine at the beginning of the 21st century which addresses major problems and challenges of Ukrainian criminology, namely:

- ensuring an adequate understanding of the nature and scope of criminality in Ukraine;
- elaborating a more profound treatment and modern interpretation of an identity of the criminal, determination and mechanism of manifestations of criminality;
- establishing correlation and interconnection between manifestations of criminality and non-criminalized (background) conduct, preventing criminalization of the latter and extending its determining impact upon criminality;
- determining the causes and conditions of crimes and manifestations of criminality;
- creating a steady groundwork for modern scientific elaboration on the issue of prevention of crimes and criminality;
- self-improvement of criminological science [3, c. 366].

It is obvious that the identified issues are characteristic of the domestic criminology and solving those determines its present objectives. However, in order to formulate a more precise and complete picture that would reflect the objectives of criminology in contemporary Ukraine it is essential to further define what is referred to as special objectives of criminology which denote the directions for prevention and counteraction to the most dangerous manifestations of criminality within our society.

For instance, special objectives of Ukrainian criminology currently consist in the development of appropriate measures for prevention and counteraction to:

- terrorism;
- separatism;
- organized crime;
- corruption;
- illegal trafficking of arms;
- illegal trafficking of drugs;
- economic crimes;
- serious violent crimes;
- cybercrime.

Furthermore, back in 2013 V.I. Shakun emphasized – in order not to once again lag behind social and economic processes the criminological science by its own specific means must ensure high quality of functioning of networked information economy. A criminological paradigm of preventing crimes in this sphere is still being formulated and requires extensive research. In order that such approach would have an objective foundation for its realization it is imperative to use modern forms of organization of scientific research related to the information sphere in its diverse manifestations. It is certain that the obtained theoretical models of crime prevention in this sphere must be formalized by means of concepts, monographs, theses, legislative proposals. It is also worth taking into account the global dominants of cybercrime prevention which display intrinsic features and peculiarities in means and mechanisms of solving the problems that the criminological science is facing. A targeted, scientifically substantiated system of crime prevention is non-existent in Ukraine. The scope of shadow economy poses a threat to national security and promotes illicit behavior within the society while such a behavior, in its turn, triggers criminality. Shadow economy, inefficient government and imperfect legislation enable the development of the «shadow law» which undermines the legal system of Ukraine [3, p. 375].

Proceeding from the fact that the essence of criminology still lies in the development of corresponding recommendations aimed at prevention of criminality and negative social phenomena it is apparent that this, namely, represents criminology's principal objective. As noted by V. V. Golina the practical realization of the constitutional provision concerning Ukraine as a law-based state, where affirming and ensuring human rights and freedoms is the main duty of the State, stipulates in the first place the creation therein of a dependable system for prevention of criminal offences in various spheres of material and spiritual life of the people [4, c. 12].

The text of the Constitution of Ukraine contains five instances of the phrases «preventing crime» or «preventing disturbances» in the context that such prevention serves as grounds for restricting rights and freedoms of a human and a citizen thus guarding against arbitrary interference of the state into the activity of its primary subject – its citizen that must acquire a new property in the 21st century. The concern is about a long-overdue necessity to leave behind the presumption of a human as a sentient being and to dwell solely upon the presumption of a responsible human – rights and freedoms without duties and responsibilities is a mere fiction.

Nonetheless, the Fundamental Law of our state contains the statement of a formally principal objective of criminology – prevention of crimes whereas crime is only one of the most dangerous forms of illicit behavior of an individual. It is apparent that preventive activity must encompass an entire range of offences in the country, particularly taking into consideration that the number of their varieties in Ukraine is expected to increase in the near future due to the introduction of the concept of criminal misdemeanor. It is furthermore viable to accept the view of those criminologists (Batyrgareyeva V.S., Holovkin B.M., Dzhuzha O.M., Lytvynov O.M., Tytarenko O.O., Shakun V.I., et al.) who emphasize that the prevention of offences in Ukraine must be programmatic in its form and occur within the framework of law. The current programme for crime prevention as a constituent element of state policy in the corresponding sphere must be aimed at comprehensive security assurance and effective safeguarding of national interests against any encroachment, proactive functioning rather than reacting to a criminal or any other type of offence that has already been committed.

Therefore, at the current stage of Ukraine's development and in the near term the objectives of criminology must come to include a qualitative study of overall crime rates country-wide with account for their regionality and transnationality, establishing the peculiarities of offenders and victims in each type of offence and their determinative complex in order to elaborate scientifically grounded prevention measures at general social, special criminological and individual levels. A particular importance in this case must be attached to victimological prevention of crime and criminological activity of the state in temporarily occupied territories of Donetsk and Luhansk regions and annexed Autonomous Republic of Crimea.

For instance, one of the doctrines of criminological science is the statement that crime prevention is carried out at three levels – general social level (within the society as a whole), special level (with regard to particular types (groups) of offences) and individual (with a specific offender). Some of the scholars distinguish a fourth level of crime prevention – regional, or branch-related. Various scholars have somewhat differing titles for these levels however, their contents are approximately the same and most importantly they are all ultimately aimed at the development of the sense of security in each individual against violations of legal norms, morality, traditions, etc.

Obviously, all of these measures are employed as a complex whole, however the most efficient is namely the individual prevention given that it consists in the direct interaction between an authorized official and an offender. Types of such measures are as well diverse: from interviews and clarification of existing legislation (predominantly educational activities) to adoption of a formal decision to institute the preventive supervision for offenders. It is without doubt that such activity is restrictive in terms of rights therefore it must be precisely regulated by acts of legislation and other subordinate normative legal acts.

It must be further emphasized that only under the condition of formulation and implementation into the law-enforcement of new approaches to the activity of law enforcement and judicial authorities and, most importantly – new approaches to the assessment of their performance, will it become possible to ascertain the achievement of a particular level of sense of security for each individual in Ukraine. Crime prevention must become a similarly substantial performance indicator for corresponding entities as the number of identified offences and individuals who committed them, and the quantity of individuals against whom various forms of legal action were instituted, etc.

Further implementation is required for the forms of primary recording of offences related to the information about the victim – education, family status, relations with the perpetrator, commission of crimes against the victim in the past, – what would additionally expand the opportunities for the purpose of presenting the population with comprehensive information related to the place and ways of searching for a victim that the offender may utilize, defining the characteristics of victims and manifestations of the victimity behavior and formation of certain measures for victimological prevention. The identity of the victim must be studied to the same extent as the identity of the offender.

Naturally, the formula of efficiency of law enforcement agencies should primarily be derived not by means of statistics and quantitative indicators but through qualitative indicators the thorough analysis of which would result in understanding the essence of problems related to obtaining a certain required level of such efficiency. The quality of preventive activities relies upon effectiveness, impartiality and professionalism of government authorities and their officials whose work furthermore impacts the level of confidence in government institutions on the part of citizens.

The declared objectives can be realized in conjunction with the adoption by the Verkhovna Rada of Ukraine of the laws of Ukraine, namely «On prevention of offences», «On statistical recording of offence» and «On criminological expertise of projects of normative legal acts» the contents of which to a significant extent depend on the participation of representatives from the Ukrainian criminological science. It must be separately noted that scientific provisions for fulfilling the objectives of criminology in Ukraine may be entirely accomplished by a sufficiently high quality of network of corresponding entities and institutions involved in such activity, for instance the National Academy of Legal Sciences of Ukraine, Academician Stashis Scientific Research Institute for the Study of Crime Problems of the National Academy of Law Sciences of Ukraine, the Criminological association of Ukraine, the Ukrainian Association of Criminal Law, higher legal educational institutions and others.

In conclusion, it is once again viable to accept the viewpoint of those scholars who consider that the modern-world criminology is characterized by the following:

1. The majority of criminologists have no doubt in the social nature of criminality and regard it as a product of society, culture, whereas criminology is regarded as a sociology of criminality.

2. Criminality is in essence a social construct, which is «devised» by the legislator partly in view of a real social danger of unlawful acts, partly - in fulfillment of political intents and to the benefit of authority structures, political regimes.

3. Commonly, criminology studies criminality as one of the varieties of deviant activities along with other offences as well as drug addiction, suicide, prostitution, alcohol abuse and other negative deviant manifestations.

4. Further development is granted to theories which consider the principal cause of criminality and its particular types to be in the very structure of society, in social and economic inequality, in culture. Structural deficiencies are further augmented by globalization leading to an objective division of people, groups, classes, states into those «included» into modern economic, social, political and cultural processes and those «excluded» from them.

5. Criminology is increasingly involved in particularly thorough studies of such «novel» criminal phenomena as «hate crimes», «stalking», computer-related crimes (cybercrime).

6. Over the past two decades an increasing attention is given to the problems of social control over the criminality. Traditional measures proved their inefficiency. Prevention, which raised so much hope, is also not always efficient. The «crisis of punishment» becomes increasingly evident [1].

Another «trend» among the objectives of criminology in the near term must be a complete rejection against use in the studies of vestiges of soviet legal legacy represented by legal norms adopted in the times of the Soviet Union or in the times of independent Ukraine which, despite continuing to formally regulate and protect social relations, exert negative impact upon doctrinal, law-making and law-enforcement levels altogether. One obvious instance of such vestiges is the concept of «social danger», the formalization of which enabled to implement a criminal law by analogy with the Criminal Code of the Ukrainian SSR of 1922 with its main objective being declared as the legal protection of workers' state against crimes and socially dangerous individuals (article 5), while in article 6 the notion of crime was defined as any socially dangerous act or omission which poses a threat to the foundations of the soviet system and rule of law established by workers'-peasants' authorities for the period of transition to the communist system [5, c. 98-99].

Conclusions. Taking into consideration the above-presented, it must be acknowledged that the important objectives of criminology at the current stage of development of Ukraine's statehood consist in the implementation into the activities of authorized government authorities and public organizations of a major guideline related to understanding of the fact that there exist two ways in which the crime rate can be decreased: by minimizing the causes of illicit behavior and by intensifying measures including the criminal repression. It is far easier to eradicate the cause than to combat its consequences. Criminality cannot be defeated or eradicated, it can only be decreased by a certain degree to reach a socially tolerable or, far better, a socially acceptable level. Therefore, it is essential to place major emphasis on criminological forecast- and individual prevention of offences with regard to individuals predisposed to crime.

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Taking into consideration the above-presented, it must be acknowledged that the important objectives of criminology at the current stage of development of Ukraine's statehood consist in the implementation into the activities of authorized government authorities and public organizations of a major guideline related to understanding of the fact that there exist two ways in which the crime rate can be de-