

# КРИМІНАЛЬНЕ ПРАВО І КРИМІНОЛОГІЯ

УДК 343.9

Natalia S. Yuzikova,  
candidate of legal sciences

## DETERMINATION OF CRIMINAL BEHAVIOR OF MINORS

*Causes, conditions, determinants, which have high level of criminal influence on the child and generate minor criminal behavior were analyzed in the article. Economic, political, social, moral and psychological problems were explored in the context of the functioning of social institutions of society.*

**Key words:** determination, economics, politics, family, education, the causes of crime, trust.

### **Statement of the problem and its topicality.**

The term "determination" is derived from the Latin determinate, which means to define, to separate, to distinguish. As explained by experts in the old sense of the word, it explains the definition of the subject with detecting its characteristics different from other subjects. With the development of science term has been transformed, and it has lost its original meaning. Now determination doesn't mean delimitation and conditioning of some phenomena, processes, states other phenomena, in result the first take on the characteristics which can be fixed in the definitions [1].

In the modern sense of determinism is the doctrine of universal causality phenomena. Basic tenets of determinism are the communication and interaction [2, p. 17].

Juvenile delinquency in Ukraine is the most large-scale and social problem of a modern Ukrainian society. The nature of criminological situation in the country is largely provided due to the level and structure of crime among juveniles, which essentially determines the state of crime in general.

The current state of the juvenile delinquency (persons aged 14-18 years) is a warning for the future social development and at the same time, the need to work hard for the prevention of illegal behavior. Active search and preventive measures can localize the level of juvenile delinquency.

In recent years, the growth rate of crime among juveniles is suspended. According to the Ministry of Internal Affairs of Ukraine and the Unified Register of pre-trial investigations and statistical information for the period 2004-2013 there is a gradual decrease in juvenile criminal activity. In 2004 the proportion of crimes which were committed by juveniles of the total crime is 10.6 %, in 2013 it is 4.8 %. Politics of the humane treatment of juvenile offender also, to some extent, helps to stabilize the crime situation in Ukraine. Thus, in 2013, 5911 of minors were

convicted, which exempted from prosecution 3884 individuals; it was 65.7 % of juvenile delinquents [3].

However, the stabilization of crime situation among minors does not indicate that there is no reason to worry, the problem of juvenile delinquency prevention remains as one of the current topics of our time.

**Analysis of researches and publications.** The causes and conditions of criminal activity of minors interest different scientists. These include works of M. M. Babaev, Y. Baulina, M. O. Belyaev, V. I. Borisov, V. K. Grischuk, V. V. Shaves, V. A. Glushkov, A. N. Dzhuzhy, V. M. Dryomin, I. N. Dinshina, A. I. Dolgova, V. P. Emelyanov, A. P. Zakalyuka, V. K. Kowalski, O. M. Lytvynova, V. V. Lunyeyeva, A. Litvak, P. S. Matyshevskoho, G. M. Minkovskoho, P. P. Mikhaylenko, V. J. Trays, V. P. Tyhogo, V. P. Tula, A. P. Aces, I. K. Turkevych, V. I. Shakun, N. M. Yarmysh and others.

**The purpose of the article** is to analyze the causes, conditions, determinants, which have a high level of criminal influence and generate minor criminal behavior. Economic, political, social, moral and psychological causes will be investigated in the article.

**The statement of the main material.** The formation, development and changes of such a social disease of society as crime in general and juvenile delinquency in particular is the result of a complex of factors – social processes, circumstances, situations which determine individual criminal behavior under certain conditions.

For a long time the causes of crime in Soviet society were associated mainly with the past. But the main source still should be found in serious economic problems which give rise to the social injustice, imbalance in the distribution of relations, inequality of social groups, in particular national culture.

Within the criminological research a socially dangerous activity of minors causes a great theoretical interest and has practical importance as functional and dysfunctional activity of basic social institutions, state institutional system and is an important indicator of social stability and national development factor.

It should also be noted that the only explanation of juvenile delinquency is a crisis in the economy, social and political spheres, is not quite right. Of course, the present with all its forms displayed on the motivations of individuals and ultimately determines the pattern of criminal processes in society. Indeed, juvenile delinquency is a process which combines not only the present and future, but also the past.

Therefore, one can not argue that positive changes in the socio-economic and political situation in the country are possible without the use of complex, targeted measures of crime prevention by society, state and communities.

Socially acceptable development of the person of a minor depends on the social institutions functioning within the economic, political, legal, social, cultural, educational and other relationships, motivating them for the positive activity. Accordingly, dysfunctional social institutions of society (economic, political, social, etc ...) promotes a destructive behavior of the child. Accordingly it is appropriate to consider the causes of criminal behavior of minors in the context of the institutions of society (economic, political, social, moral and psychological reasons).

Full list of causes, conditions, determinants which give rise to the criminal behavior of the minor can not be provided. Therefore, the article will focus on only those factors that have increased its criminogenic effect, as it is evidenced in researches and practice materials. These causes have economic, political, social, moral and psychological character.

The economic reasons. The current transition of society to the path of market economy is accompanied by the political and social conflicts, dysfunctionality of the major social institutions, destabilization of the economy, and as a result these all cause the growth of juvenile criminal activity.

Negative economic factors are manifested in periodic crises of financial and banking system; the decline of industrial production, a sharp decline in economic potential, which accordingly affects all levels of the support systems for mining society, its institutions and groups (including minors).

Political reasons. Domestic and foreign policy reflects on the overall situation of the country, the

processes which affect all social institutions and relate to the suitable conditions for the development of socially useful behavior of the minor.

At present there is a general political instability of the internal situation in the country, due to the aggravation of powers; corruption at all levels of the public service, while the process of bureaucratization of the state apparatus and unjustified increase in the number of officials of various parts; exclusion large part of society from government institutions and social management; lack of scientifically-based, clear to the public policy on various aspects of national security and its components (criminal policy, national policy aimed at ensuring an adequate development and protection of children's rights, to strengthen the family and moral health of children in Ukraine).

Among the factors which determine the development of crime may be called the failure of the authorities and law enforcement system to perform the task of combating crime effectively and efficiently and to hold it at a socially acceptable level. Incomplete initiated reforms must be improved to make a system of law enforcement agencies be able to respond to criminal offenses adequately, applying practices, with its educational and preventive nature.

Chronic lack of financial, material and technical workforce significantly affects on the quality of combating crime. Unfortunately, there is a reason to say that in this area there is no single balanced system of cooperation between state authorities, law enforcement agencies, NGOs aimed at comprehensive, coordinated opposition of juvenile delinquency.

Social causes. Deep deformation of social institutions of society necessarily reflected in the living conditions of Ukrainian citizens. Regularly there are conflicts between social groups, which border on the desire to take away from the rich and give to the poor. Disagreement on religious and ethnic grounds are sharp.

In the absence of a coherent social orientation of reforms, the number of unemployed, a significant reduction of life, there is a sharp dangerous social differentiation.

High unemployment, as a destabilizing factor, contributes to the deterioration of the psychological climate in the family, parental care, and reduces the level of education of children, causing conflicts and violence in the family and beyond. The fourth part of the unemployed includes young people aged 16 - 35 years. When unemployment affects minors who do not have enough life experience, they have to

look for other sources of income (sometimes it is not just for physiological survival, but to support parents and other relatives). This search can promote socially unacceptable activities including juvenile and criminal behavior.

Reduced incomes is accompanied by a sharp decrease of the possibilities of such socio-economic stabilization, as state social support, including minors.

The moral and psychological reasons. The specificity of juvenile delinquency requires focus on the moral and psychological problems of different spheres of social life. Experience shows that criminological research is most closely associated with the crime. Within the article the most significant of them will be posted:

1. distrust of government and management issues in the implementation of policies on children;

2. distrust of effectiveness and interest in positive changes and ensuring of a proper protection of the children's rights and interests of social institutions of society;

3. the loss of moral guidelines to assess the behavior of individuals as positive or negative;

4. deformation of values, associated with the perception of the criminal world culture and susceptibility of juveniles to capture and copy negative traditions;

5. the distribution among juvenile of sense of insecurity in a secure present and future associated with personal, material security;

6. fatigue from the crisis accompanying social life, political, economic and social instability;

7. fear of crime and its devastating consequences.

The formation of wrongful conduct is significantly influenced by a minor factor of a psychological and pedagogical nature. In explaining the causes and conditions of violation of norms and rules of conduct and practice by teenagers, the scientists turn to the analysis of socio-psychological climate of family, emotional and psychological relationship with adolescent peers, parents, teachers, neighbors and other adults. Thus, deviant behavior is often attributed to the fact that a child or a minor can not lawfully meet his social and psychological needs for recognition, trust, self-assertion.

Today in Ukraine the crisis of the family as a social institution of society becomes more and more obvious. It started not in recent decades, as some scientists claim. This process began after 1917, when a young Soviet Union changed the vector of its influence on the child. Only state can bring up a decent person, but parents must deal with the building of "communism." This state's distrust to

family was the first step to dysfunction of such a social institution as family.

The family does not fully implements one of the main functions – to create conditions for acceptable social development of children and forming of their motivation for socially useful activity and positive behavior. The need to meet the material needs leads to the fact that most of the time parents spend on earnings, go for a long time to neighboring regions or countries. So, they do not pay enough attention to their children and lose their trust and respect, the need to communicate, support. The above of course leads to the changes of children values, satisfaction, selfish consumer values, are prevalent, which sometimes creates incentives for criminal behavior of minors.

An important component of the implementation of the functions of the family and an educational potential of a parental control is based on trust. Efforts of the state and society must be directed to the strengthening of the family values, spiritually and morally healthy and saving.

Formation of motivation to the aggressive behavior of the child within the family environment can occur by the encouraging of aggression by parents; lack of the proper control and strict requirements for the child's behavior or because of the inconsistencies in the application of educational measures when prevailing punitive methods of parental influence on the minor.

The process of socialization of the minor is accompanied with the increased sensitivity to external and internal factors, as currently radically changing social status of the individual. Specificity of teenage life world is found in his mind, for which typical internal contradictions instability of harassment and, at the same time, aggressiveness, propensity to take extreme positions and points of view. Some increase in aggressiveness can occur at the beginning of adolescence, and can be expressed as a defensive reaction of the child in the process of adaptation to the high school [4, s. 68-72].

A social institution of education plays an important role in the development of personality, meeting of her spiritual needs. At the same time, according to children and parents, the school environment is a place where they often meet with cruel treatment and bullying (both from high school students and classmates alike, to a lesser extent - teachers) [5, s. 219-223].

Special attention is given to the effect of a media (here and after - the media) on the formation of moral and psychological climate minors. The theories of media influence on behavior explains

why violence is reflected in human behavior and increases the likelihood of aggressive displays. Some note that the observation of violence lays the skills and teaches child to view violent behavior through the mechanism of inheritance. Other points out that children and teens are ready to learn the scripts of violent behavior, aggression and violence through the media. A further individual events of children life memories and generate aggression and violence.

Modern films contain scenes that are not just fights, but even murders, meaning that violence is detailed and clearly demonstrated. TV shows also quite commonly show violence, quarrels, fights between people. According to the estimates of R. Blekborna among children, by the end of the school 8000 of them witnessed murders and over 100 000 other acts of violence thanks to the television only, and life scenes of violence and cruelty are not included here [6].

**Conclusion.** Causes, conditions, factors which determine the criminal behavior of juveniles were analyzed in the article. They indicate the need to develop a set of measures and a national program to prevent juvenile delinquency and deviant children behavior correction that will help to create safe conditions of social life in Ukraine. Preventive measures and comprehensive programs should be based on the functioning of society and social institutions operating with age, psychological, ethical, physical, educational, gender and other personal characteristics of the child.

#### **Н. С. Юзікова**

##### **Детермінація злочинної поведінки неповнолітніх**

У статті проаналізовані причини, умови, детермінанти, які мають підвищений криміногенний вплив на дитину та породжують злочинну поведінку неповнолітнього. Причини економічного, політичного, соціального та морально-психологічного характеру були досліджені у контексті функціонування соціальних інститутів суспільства.

**Ключові слова:** детермінація, економіка, політика, сім'я, освіта, причини злочинності, довіра.

#### **Н. С. Юзикова**

##### **Детерминация преступного поведения несовершеннолетних**

В статье проанализированы причины, условия, детерминанты, которые имеют повышенное криминогенное влияние на ребенка и порождают преступное поведение несовершеннолетнего. Причины экономического, политического, социального, морально-психологического характера исследованы в контексте функционирования социальных институтов общества.

**Ключевые слова:** детерминация, экономика, политика, семья, образование, причины преступности, доверие.

#### *Bibliographic sources*

1. *Алексеев П. В., Панин А. В.* Философия: Учебник. Изд. 2-е, перераб. и доп. / П. В. Алексеев, А. В. Панин. – М.: Проспект, 1998. – С. 402.
2. *Ярмыш Н. Н.* Теоретические проблемы причинно-следственной связи в уголовном праве (философско-правовой анализ): Монография / Н. Н. Ярмыш. – Харьков: Право, 2003. – 512 с.
3. *Стан та структура злочинності в Україні за статистичними даними Міністерства внутрішніх справ України / Офіційний веб-сайт Міністерства внутрішніх справ України [Електронний ресурс]. – Режим доступу: <http://mvs.gov.ua>*
4. *Кириченко В. В.* Особливості проявів агресії у дітей під час соціально-психологічної адаптації до умов середньої школи / В. В. Кириченко // Актуальні проблеми психології. – Т. 1. – Соціальна психологія. Психологія управління. Організаційна психологія. – К.: Інст-т психології ім. Г. С. Костюка АПН України. – 2002. – Ч. 3. – С. 68-72.
5. *Корнієнко М. В.* Причини та умови поширення злочинності неповнолітніх на сучасному етапі розвитку нашої держави / М. В. Корнієнко // Київський часопис права. – 2011. – № 2. – С. 219-223.
6. *Блэкборн Р.* Психология криминального поведения: Пер. с англ. / Р. Блэкборн. – СПб.: Питер, 2004. – 496 с.