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# Victimological measures to prevent violent offences for gain committed by children

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## Abstract

The aim of the article is to be a victimological description of violent crimes for profit by children in Ukraine. The research methodology was based on the equal combination of the legal method, logical and semantic method, comparative method, documentary, test method, classification method, method, and method of system analysis. Among the most notable results of the study were victims who contribute to the commission of crimes for profit and. Everything allows that, the theory of victimological modeling is a logical result of victim thought in criminology, which aims to be the models of the concluding victim of victims of crime crimes, etc.) in order to develop measures that are advised of the victim. The objectives of preventing lost crimes through the development and implementation of long-term state programmes for prevention. The implementation of these laundry programmes a mechanism for the effective prevention of victims, the effectiveness of the fight against crime and will ensure safety.

**Keyword:** violent crimes for profit; victimological prevention; victimological follow-up; models of social intervention; citizen security.

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## Medidas victimológicas para prevenir delitos violentos con fines lucrativos cometidos por niños

### Resumen

El objetivo del artículo es proporcionar una descripción victimológica de los delitos violentos con fines lucrativos cometidos por niños en Ucrania. La metodología de investigación se basó en la combinación en igualdad de condiciones del método jurídico, método lógico y semántico, método comparativo, método documental, método de análisis estadístico, método de clasificación, método normativo y método de análisis de sistemas. Entre los resultados más notables del estudio se identificaron algunos determinantes victimológicos que contribuyen a la comisión de delitos violentos con fines lucrativos y, además, se desarrolló una tipología de víctimas de este tipo de delitos. Todo permite concluir que, la teoría del modelado victimológico es un resultado lógico del desarrollo del pensamiento victimológico en criminología, que tiene como objetivo crear los modelos de victimización de las víctimas de diversos delitos (egoístas, delitos violentos oportunos, etc.) con el fin de desarrollar medidas que les proporcionen asistencia victimológica. Los objetivos de la prevención del delito victimológico pueden lograrse mediante el desarrollo y la ejecución de programas estatales a largo plazo para dicha prevención. La implementación de estos programas creará un mecanismo para la prevención efectiva de víctimas, aumentará la efectividad de la lucha contra el crimen y garantizará la seguridad.

**Palabras clave:** delitos violentos con fines lucrativos; prevención victimológica; seguimiento victimológico; modelos de intervención social; seguridad ciudadana.

### Introduction

The implementation of State policy in the area of child protection has long been the issue of concern not only for legal scholars and law enforcement practitioners, but also for the general public. In order to implement European standards for the protection of children's rights in Ukraine, our State has undertaken a number of international legal obligations to ensure the proper mental and physical development of young people, to protect them from any deviations from legitimate behavior. Thus, the need for full development and self-realization of youth is one of social values, and its social support is one of the main priorities of public policy in accordance with the State Targeted Social Program "Youth of Ukraine" for 2016 – 2020 (Order of the Cabinet of Ministers of Ukraine 2015). According to this Program the following problems need to be urgently

addressed: problems related to the low level of youth employment in the labor market and the attainment of practical skills by young professionals (in 2019 the unemployment rate among young people aged 15 – 24 was 23.1% in Ukraine); weak motivation for young people to follow healthy and safe lifestyle; lack of a constant tendency to reduce the level of crime among young people, violence and systematic work in the area of their prevention.

At the same time, the acceleration of Ukraine's European integration processes requires the introduction not only of modern forms and methods of combating crime into law enforcement practice, but also of the standards of protection of human rights and freedoms recognized by the world community. Real democratic transformations are inseparable from the humanization of social relations, as an individual, his (her) life and health, honor and dignity, inviolability and security are recognized as the highest social value (Dzhuzha 2018). The UN and UNESCO, the UNICEF Children's Fund and other international organizations pay considerable attention to the prevention of negative phenomena in the youth environment. Much effort is being made to find new or adapted to modern living conditions approaches to the prevention of juvenile delinquency. In this case, in our opinion, the experience of other countries is interesting, in particular, the USA and the UK, which have significant achievements in the area of organization of juvenile delinquency prevention. The Anglo-American system of crime prevention occupies a dominant and leading position in Europe, America, and Japan (Vedernykova 2005: 43).

For all the above, the aim of the article is to provide victimological description of violent offenses for gain committed by children in Ukraine. In the same way, readers are presented with the methodology at first, followed by a review of the literature on the research topic, at a third time the results obtained in the research and discussion, and finally the conclusions obtained.

## **1. Methodology**

General scientific and special legal methods were used in the course of the research. The concepts and terms necessary to reveal the topic of the article were defined with the help of logical and semantic method, in particular, "violent offences", "offences for gain", "victimology", etc.

Comparative and legal method was used in comparing different categories of victims of violent offences for gain committed by children.

Documentary method as well as the method of statistical analysis made it possible to assess the main statistical indicators, the state and trends of violent offences for gain committed by children.

The method of classification was used in criminal law and criminological characteristics of violent offences for gain, its determinants and prevention measures against this type of crime.

Logical and normative method was applied in formulating proposals for amendments to current legislation in order to prevent violent offences for gain committed by children.

The method of system analysis helped to reveal the causes and conditions that contribute to the commission of violent offences for gain.

The empirical basis for the study is the data of State statistics service of Ukraine, materials of the Prosecutor General's Office of Ukraine, the Ministry of Internal Affairs of Ukraine.

## **2. Literature Review**

Certain problems of prevention of violent crime for gain committed by children are the topic of research of a number of domestic and foreign scientists. For example, Boiarov and others (2020: 284) determined the features of persons, who may become victims of informal youth of extremist orientation. Larkin and others (2019: 481) identified the features of youth informal groups (associations) to facilitate their identification and to combat extremist activities of the members of such groups. Kushnir (2014: 75) highlighted the issues that need to be clarified in order to highlight the main problems of prevention of violent crimes for gain conducted by children. Levytska (2004: p. 96) identifies two tendencies of children's victimization: 1) children are more likely to be at risk than adults; 2) children deprived of parental care are more likely to be at risk than children under guardianship and protection.

Some aspects of this problem were also considered by Dzhuzha (2013), Frank (1972), Holina (2014), Holovkin (2011), Vedernikova (2005) and others. However, paying tribute to the results of scientific developments of these scientists and taking into account theoretical and practical significance of their researches, special attention needs to be paid to the characteristics of victims of child abuse and the development of victimological measures to prevent such crimes in Ukraine.

### 3. Results and Discussion

The issue of children's crime, which is due to the increasing aggression and cruelty of their illegal behavior and the increased social danger of its consequences, is a complex criminological problem today. Although this type of crime is not dominant in any society, their level and structure are indicators of the moral health of society, spirituality and attitude to basic human values.

According to the results of the studies, the level of victimization in Ukraine remains quite high, namely more than 340 000 people suffer from registered crimes every year, which is 10 people per 10 000 (General's Prosecutor Office of Ukraine 2019; Department of analytical work and management organization of the Ministry of Internal Affairs of Ukraine 2020: 23 – 25). Tuliakov (2000: 3 – 4) notes in this regard that the level of victimization is on average 2 – 2.5 times higher than the level of registered crime in Ukraine.

It is also interesting that the victims of common offences (theft, robbery, robbery, premeditated murder) are often citizens with average incomes, and sometimes – even the unemployed, who have at their disposal just household goods (Holina & Holovkin 2014: 133). This is largely due to the fact criminals and their victims are from the same social environment and lead a similar lifestyle, as well as have a general idea of material prosperity. Besides, criminals and victims are united by social disadvantage, marginal status, the peripheral place they occupy in the social structure of society (Holovkin 2014).

The need highlight the problems of prevention of violent crimes for gain conducted by children is explained by the fact that there is a need for conceptual definition of the following issues: coordination of law enforcement, educational, informational work with government agencies, institutions and organizations, civil society institutions, employees working with minors of this category; reducing the level of delinquency among female minors, intensifying legal education and their participation in socially significant public activities; ensuring effective justice for juveniles who have committed offenses, taking into account their age, socio-psychological, psychophysical and other features of development; promoting restorative justice; creation of an effective system of rehabilitation of juveniles who have committed offenses, in order to correct and re-socialize them (Kushnir 2014: 75).

The victim and the person committing the crime are interdependent parts of the same phenomenon. The relationship takes place on a mental level involving subconscious of individuals, while being an element of self-regulation of the behavior of the parties. In order to determine the role

of the victim of violent crimes for gain in the criminal manifestation, it is necessary to identify persons who can become victims of this type of crime, to identify typical life situations as a result of which a person becomes a victim, to reveal the influence of physiological human behavior. Prevention cannot go beyond existing traditional approaches without the study of the victim (Ryvman 2002: 43).

While considering the levels, forms and types of prevention, one distinguishes its victimological direction, due to the idea that the possibility of committing a crime depends on many factors that can be identified and then neutralized. The studies conducted by both foreign and domestic scientists in the area of victimological direction of criminology, have convincingly shown that it is impossible to fully understand the reasons and conditions that contributed to the commission of crime without taking into account the role of the victim in the crime. The perpetrator, the victim and the situation are so closely intertwined that they form a single system that can only exist in the presence of all these components. Thus, there was a significant transformation of views on the analysis of the causes of crimes; in particular, it was proved that the commission of a crime is a dynamic process in which the perpetrator and his victim can interact quite intensively, and the role of the victim in commission of a crime can be significant. The results of research show that the victim's behavior is quite often provocative, being a determining factor in committing a criminal offense. For example, negative behavior of victims was observed in 82.5% of cases (including assault, insults, bullying) (Ryvman 2002, p. 241 – 244).

Victimological direction of combating crime is one of the most humane and promising. It does not require serious material costs and, based on the inherent desire of all people to self-defense, has a kind of internal source of development. Every crime is the result of a person's complex interaction with an objective situation. One element of the situation is the victim. Often victims with increased victimization create a criminogenic situation by themselves, as a result of which they become victims of crime.

According to Frank (1972: 56) "Victimology is based on the fact that human behavior can be not only criminal but also reckless, risky, frivolous, sometimes provocative, and therefore dangerous, which increases the possibility of criminal encroachment. In this regard, other characteristics of the person acquire additional importance: age, gender, social status, social roles, profession, willingness to act in a critical situation in a certain way, the environment, the specific situation, the behavior of third parties and so on. The combination of these subjective and objective factors (not necessarily all of them) and their interaction determine the possibility and ability of a person to become a victim of crime.

Victim prevention is a purposeful specialized influence on people, who tend to illegal or immoral behavior, as well as on the factors that determine

the victimhood associated with such behavior. Equally its object is factors and individuals, whose positive behavior, however, is dangerous for them (Dzhuzha 2013: 165).

The practice shows that an important role in the commission of mercenary and violent crimes plays not only reckless and uncritical, but also provocative behavior, which is based on the psychological characteristics of the victim (Holina & Holovkin 2014: 252). The main reason for committing the crimes in question is certain character and features of the psychological characteristics of the victim, which were expressed in careless, immoral, or illegal behavior. At the same time, it is impossible to consider the characteristics of the victim's identity and his (her) behavior separately from objective factors, i.e. such external conditions, which, interacting with the person and the victim's behavior, lead to the commission of a crime. Taking into account objective factors in committing crime plays an important role, because they greatly contribute to the commission of such crimes, in which there is no direct mental contact between the victim and the perpetrator (for example, illegal possession of a vehicle). In this case, the factors contributing to the crime are social conditions, social environment, financial situation of the victim (Dzhuzha 2018: 394).

Based on the results obtained in the course of this study, it can be stated that the main tasks of victimological prevention of violent offences for gain, are: 1) protection of a potential victim – prevention of committing violent offences for gain against him (her); 2) protection of a real victim: cessation of criminal actions against him (her); prevention of committing new offences; assistance in restoring his (her) infringed rights.

The danger of becoming a victim of the negative phenomena of life creates a fairly large group of minors at risk. Young people, according to Frank, have a tendency to become a victim of crime under certain circumstances, in other words they are characterized by an inability to avoid danger where it is possible.

Levytska (2004: 96) identifies two tendencies of children's victimization: 1) children are more likely to be at risk than adults; 2) children deprived of parental care (63%) are more likely to be at risk than children under guardianship and protection (37%); there are more risk factors in urban areas (65%) than in rural ones (35%); destruction or significant changes in the microenvironment of the child (family, school or immediate household environment) push the minor into the risk group (47%).

The victim's lifestyle has a significant impact on the victimization process. A minor may consciously or unconsciously create objective and subjective conditions for criminalization, promote the commission of a crime against himself (herself) by his style and way of life.

Misconduct of the victim is of particular victimological significance, given the high victim potential included therein. Such behavior is often a provocation and a source of conflict. Its forms are different: from physical and mental violence applied to the offender or his (her) relatives to insulting the person and manifestation of lack of respect for public order, which was not directly related to the individual, who then committed the act. Provocation on the part of the victim plays a major role in the crime of violence. Provocation is the most important motivating factor in the etiology of fights and beatings. The behavior of victims in case of committing crimes of violence, according to Khristenko, is also mostly provocative; for example, an offender and a victim drink alcohol together, after which the victim loses the ability to navigate the situation, especially to resist (15%); the perpetrator knows that the victim is unable to resist (12%); after a chance acquaintance, a victim gladly agrees to go for a walk with an offender and they go to a secluded place, which is perceived by the potential criminal as an incentive to commit violent offences for gain (12%); after a casual acquaintance, the victim provokes encroachment with his own sexually colored behavior (15%) (Khrystenko 2004: 402).

According to official data, the vast majority of crimes committed by minors are theft, robbery, extortion, and hooliganism. Thus, the victims of criminal abuse on the part of adolescents are individuals, legal entities, the State, other social communities, as well as society as a whole. However, most of these actors are, undoubtedly, individuals. The study of victimhood showed the following: 3.8% of respondents said that they became victims of robberies and assaults committed by minors; 2.2% suffered from extortion (Kulyk 2013: 137). Every second robbery of personal property and every third robbery in order to seize personal property occur on the streets, squares, parks, squares in the evening and at night. Robberies and burglary attacks on taxi drivers and drivers, as well as on citizens by breaking into their homes are also widespread.

The nature of the damage caused to victims depends on the manner, in which the crime was committed. Street robberies are most often committed without violence, but there are exceptions. Sometimes juvenile delinquents unexpectedly knock individuals off their feet and beat them with hands (22.4%), with feet (25.3%), strike with a knife (28.2%), with axes (3.3%), with sticks, chains and other objects (17.9%), shoot (2.9%). Juvenile delinquents threaten to use violence without using weapons in 19.3% of cases; in 13.4% of cases they demonstrate weapons (Khodymchuk 2005: 12). The victims of robberies are men (53.5%); women (46.5%); adults (83.1%); minors (6.9%); persons of working age (83.4%), pensioners (6.6%). The victims are the representatives of all social groups: heads of enterprises (0.8%); foreigners (0.6%); drivers (0.5%); entrepreneurs (3.1%); police officers (0.5%); servicemen (0.1%); employees of private security services (0.4%); persons who do not work or study (3.5%) (State statistics service of Ukraine, 2020).

The victims of assaults are: men (62.5%); women (37.5%); minors (2.2%); persons of working age (84.4%); pensioners (5.6%). Among the representatives of social groups are: employees of private commercial structures (2.9%); visitors (2.2%); foreigners (1.3%); transport drivers (0.9%); heads of enterprises (0.7%); police officers (0.6%); employees of private security services (0.1%); persons who do not work or study (5.6%) (Holovkin 2011).

The problem of intoxication of victims at the time of the crime is also of great importance. It is known that people, who are intoxicated, are much more vulnerable because of their inability to resist. Thus, according to criminological research, 7.0% of people, who were attacked, were intoxicated. Just 21.8% of those victims, who contributed to the assault, were sober and the other 72.8% were intoxicated.

The victims of violent offences for gain related to home burglary, according to the materials of criminal proceedings, are: women (79.1%); minors aged 14 – 18 (16.7%); persons aged 24 – 32 (20.4%); persons aged 32 – 40 years (16.7%); persons aged 40 – 48 (14.8%); persons aged 48 – 56 (9.2%). The social status of victims of burglaries and robberies is as follows: pupils (7.4%); students (9.3%); servicemen (16.7%); workers (14.8%); housewives (20.4%); pensioners (5.5%); representatives of other social groups (25.9%) (Kushnir 2014: 74; Nazarenko 2013: 240 – 241).

Thus, crimes committed by minors are rarely related to the social status of the victim or the interpersonal relationship between the victim and the perpetrator. This is due to the situational nature of children's crime. However, juvenile delinquency, in many cases, is facilitated by certain personal characteristics of victims, including alcohol abuse, low living standards and leisure culture. The studies show that victims who displayed such traits as irritability, aggression, rudeness, cruelty, and selfishness were more likely to be abused by female minors than the victims who did not display such traits.

One of the effective measures to prevent violent crime on the part of children is victimological monitoring – specially organized systematic monitoring of the state of victimization of society and social groups, the level of victimization, victimological prevention to assess them, increase the effectiveness of socio-legal control over crime and Crime Victimology Forecasting.

The content of planning a system of victimological monitoring is to create a functional model or to plan the entire technological process for obtaining victimological information on violent offences for gain (Safronova 2008: 73). Lack of attention to the development of any stage will inevitably lead to a sharp decrease in the reliability (value) of all information received, since all stages of obtaining victimological information are closely linked.

Based on the analysis of law enforcement practice, it should be emphasized that the quality of the national system of victimological monitoring should include the following stages, in particular:

- 1) setting targets for victimological monitoring of the criminological situation and requirements for victimological information. To define the requirements for victimological information requires detailing of the tasks. Formulation of a clear idea of victimological indicators and determinants of crime and the methods of criminological assessment also play an important role. The requirements for victimological information including its form and the time limit for its filing to the population, especially the most victimized social groups are determined on the basis of clearly formulated tasks, as well as taking into account previously obtained victimological indicators on the criminological situation. At the first stage, the main methods of processing victimological indicators should be chosen (abstraction, generalization, formalization, analysis and synthesis, induction and deduction, historical and logical, structural and functional analysis, etc.), because they largely depend on the frequency and timing of victimological observations, as well as requirements for the completeness of the obtained victimological data;
- 2) creating a structure of victimological monitoring and determining the principles of its implementation. This is the main and most difficult stage, during which the main subjects of victimological monitoring, both central and regional ones, are determined taking into account the set tasks and the experience of functioning of the victimological monitoring system; the question of expediency and scales of use of the system of victimological monitoring of a criminological situation is solved;
- 3) constructing the network of victimological monitoring using victimological service. This stage involves the implementation of the principles of victimological monitoring taking into account the specifics of regional aspects of the criminological situation on the basis of the proposed structure of victimological monitoring. The ratio of criminological and victimological observations is detailed, the territory of the most intensive victimological monitoring is determined, the periodicity of such observations of the criminological situation is noted. Specific victimological programs of regional monitoring, which regulate the list of victimological indicators, frequency,

and terms of monitoring, are compiled.

- 4) Development of a system for obtaining victimological data and providing information to law enforcement officers and the public.

The features of the hierarchical structure of obtaining and collecting victimological information are determined at this stage; development of victimological data banks is planned; the conditions for providing victimological information services are identified; control of accuracy and reliability of the obtained victimological indicators at all stages of victimological monitoring.

- 5) evaluation of the received victimological information and decision-making on the development and implementation of victimological prevention measures. At the final stage, a detailed victimological description of the criminological situation is provided, which is submitted to the media in the form of reports, reviews, which set out the state of crime in the country (region) for a certain period of time. Once the victimological monitoring system has been established and is operational, it is necessary to verify that the obtained victimological information meets the initial requirements of the criminological situation, or whether it is possible to effectively implement victimological crime prevention measures on its basis. To do this, it is necessary to establish cooperation between law enforcement agencies and public organizations that provide assistance to victims of crime.

If the obtained victimological information does not exceed the established requirements set by state or regional programs, the victimological monitoring system can be left unchanged. If these requirements are not met, as well as when new tasks appear, the victimological monitoring system needs to be revised.

However, if victimology forecasting indicate that victimhood will increase in future, it seems necessary to organize its maintenance at the initial level of development of victimological processes (Varchuk 2012).

In this regard, it is necessary to create “situational victimological centers” on the basis of the National Police of Ukraine. The task of such centers is to generalize the collected victimological information and to conduct its analysis, to determine the measures for victimology forecasting and to create possible victimological models of crime development and prevention of the latter. Their main function is dynamic modeling, which will allow predicting the possible victimological consequences of different options for the development of certain types of crimes and crime in general. Victimology analysis and forecast, which can be provided by the situational victimological centers, will help law enforcement agencies to fully manage the complex criminological situation, create conditions for future victimology crime prevention at higher level.

Thus, the measures for victimological prevention of violent crimes for gain are aimed at protecting potential and actual victims. Today, the

adoption of criminological program for preventing violent crimes for gain, in which the priorities of the National Police based on the practice of Western European countries in each area would be enshrined, is relevant. The methodology for identifying potential victims and persons prone to committing violent crimes for gain is also worth developing.

## Conclusions

The children's embarking on the path of violent crimes for gain (serious crime) is gradual, in the process of de-socialization and formation of mercenary motive of violent manifestation – the dominant moral and psychological feature that determines violent orientation of a person to achieve selfish goals. The latter concentrates the deformations of the value and normative sphere of consciousness, negative psychological personality traits and biopsychological features. The content of the selfish orientation of the violent manifestation is a socially dangerous attitude to property and inviolability, the psychophysical status of the subject of property. This attitude is facilitated by biological and social deformations of consciousness and will of the person. It was established that the criminal activity of minors was related to the criminal behavior of the victims. Violent crimes for gain, in most cases, were preceded by immoral actions of the victim (joint use of alcohol or drugs, reckless behavior of the victim regarding his property or choice of acquaintances, bragging).

Therefore, preventive action against potential victims, i.e. neutralization of victimological determinants of crime, should play a leading role in victimological crime prevention. The theory of victimological modeling is a natural result of the development of victimological thought in criminology, which aims to create the models of victimhood of victims of various crimes (selfish, violent crimes, etc.) in order to develop measures to provide them with timely victimological assistance. The goals of victimological crime prevention can be achieved by developing and implementing long-term State programs for such prevention. Modeling and implementation of these programs will create a mechanism for effective victim prevention, increase the effectiveness of the fight against crime and ensure the safety of individual citizens and society as a whole.

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