State Of Research Of Certain Aspects Of Female Criminality In Ukraine

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Abstract Research paper is devoted to the analysis of research on certain aspects of female crime in Ukraine. The article focuses on spectrum systematization of theoretical and practical issues in the field of female crime presented by scientists. The results of relevant scientific research were analyzed by examining the texts of dissertation abstracts, monographs, scientific articles, dissertations and other research papers. The main attention is paid to analysis of research papers of Ukrainian scientists in recent years. The article systematizes according to research areas (criminal-legal characteristics of crimes committed by women; criminological characteristics of female criminals and female crime; criminal and executive aspects of serving a criminal sentence by convicted women) and groups of problematic issues in this field (criminal law characteristics of certain types criminal offenses committed by women, criminal and legal correction of convicted women, criminal-legal and criminological characteristics of female crime, prevention and countermeasures against female crime, etc.).

Keywords: female crime, research state.

Research Problem Formulation Female crime is a set of criminal offenses committed by women and is characterized by certain gender characteristics based on relevant social and biological factors, in particular, such as a woman’s place in society, a limited circle of external relations, type of response to criminogenic manifestations, victimization of behavior, etc. Female crime is characterized by such features as stability of quantitative and qualitative indicators, structural uniformity, lower level of vandalism, aggressiveness and cruelty, a lower level compared to male crime, etc.

Level and structure of female crime, along with other types of crime are indicators of the society state, indicators of its spiritual development and observance of universal values. Taking into account the above, it is considered an actual study of the state of research on the issues of women’s criminal responsibility at the scientific-theoretical and applied level.

Analysis of recent research and publications. Writing of this article is based on research papers of such scientists as: V. A. Badyra, S. M. Balaban, S. O. Vynohradov, T. V. Hapek, M. O. Ievdokimov, V. O. Merkulov, L. A. Ostapenko, H. S. Reznichenko, T. V. Rodionov, Kh. I. Romaniuk, A. S. Trybushenko and others. At the moment, the number of publications on the specified issue and their content is quite limited, since the topic requires further comprehensive research taking into account the current stage of development of social and legal relations and legislation of Ukraine.
Article purpose. This article purpose is analysis of theoretical and applied researches on certain aspects of female crime in Ukraine.

Main Content Presentation. Determining current state of research on the issue of women’s crime in Ukraine requires studying and analyzing the results of previous scientific achievements in this field. Namely, the spectrum of theoretical and practical issues in the field of women’s crime, which were presented by scientists, the results of their research were analyzed by studying the texts of abstracts of dissertations, monographs, scientific articles, dissertations and other research papers. The research source became database of the texts of abstracts and dissertations of V. I. Vernadskyi National Library of Ukraine, archives of specialized scientific publications, conference proceedings, journalistic and informative articles, analytical reports of court cases, etc.

Research on scientific results obtained by scientists in various categories of research papers (scientific articles and theses, dissertations, monographs, etc.) makes possible to identify the following directions of research in the field of female crime:

1) criminal law characteristics of crimes committed by women;
2) criminological characteristics of women criminal and female criminality;
3) criminal enforcement aspects of serving criminal penalty by convicted women.

Through the use of grouping method, it is possible to determine the following questions in the field of female crime, that were most often studied by scientists:

Criminal law characteristics of certain types of criminal offenses committed by women

1) Kh. I. Romaniuk: Criminal liability for illegal abortion. In his dissertation research, the author substantiates the need to introduce into the system of criminal legislation of Ukraine a provision on criminal liability for self-abortion, as a criminal offense that encroaches not only on health of the woman herself, but on such an object of criminal law protection as life of unborn child (putting forward this scientific thesis, doctoral student is guided by the worldview position of “pro life” and experience of certain foreign countries) 1.

2) O.V. Shevchenko: Criminal responsibility for the mother’s murder of her newborn child. The doctoral student in the research performs a historical, legal and international analysis of criminal liability for the mother’s murder of her newborn child; objective and subjective signs of the crime provided for in Article 117 of the Criminal Code of Ukraine; features of bringing guilty person to punishment for his commission 2.

3) L. A. Ostapenko: Criminal law characteristics of intentional murders with mitigating circumstances (Articles 116, 117, 118 of the Criminal Code of Ukraine). The dissertation examines: general theoretical and problematic aspects of the concept, normative and doctrinal signs of murder according to Criminal Code of Ukraine; criminal

Keywords: female crime, research state.

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1 Романюк Х.І. Кримінальна відповідальність за незаконне проведення аборту: дисертація на здобуття наукового ступеня кандидата юридичних наук за спеціальністю 12.00.08. Львів: Львівський державний університет внутрішніх справ МВС України. С. 145.

2 Шевченко О.В. Кримінальна відповідальність за вбивство матір’ю своєї новонародженої дитини. Автореф. дис... канд. юр. наук: 12.00.08. Харківський національний університет внутрішніх справ. Львів. 2011. 21 с.
legal characteristics of intentional murder, committed in a state of strong mental excitement and intentional murder when exceeding the limits of necessary defense or in case of exceeding the measures necessary to apprehend the criminal. Separate section is devoted to research on criminal law characteristics of intentional killing of mother of her newborn child during childbirth or immediately after childbirth, the special subject of this criminal offense is a woman in labor who is in special psychophysiological state during childbirth or immediately after it.  

4) K. O. Cherevko in research paper: Criminal law analysis of international legislation regarding norm of criminal liability for illegal abortion, the author reveals specifics of criminal liability for illegal abortion and similar crimes (crimes in the field of artificial termination of pregnancy), including and cases of prosecution of a woman who consented to an abortion or incited or assisted in the commission of such a criminal offense under legislation of separate countries.  

5) S. M. Balaban in the article: Specifics of criminal-legal protection of rights and girls in Ukraine, including considers problematic issues of provoking commission of criminal offenses by women under influence of domestic violence, guided by such motives as jealousy, self-assertion, self-defense, state of alcohol intoxication, etc. The author substantiates the thesis that often ways of committing criminal offenses committed by women under influence of domestic violence are hidden ways, causing significant bodily harm, using household items. According to the scientist, such crimes are characterized by suddenness, high level of aggression, strong emotionality.  

Criminal law correction of convicted women  
1) V. A. Badyra: Correction of women sentenced to imprisonment as a goal of punishment. Within dissertation framework, the author considered and made scientific and practical conclusions regarding such problematic issues as: criminal law essence of correction of convicts; stages of correction of convicted women; prospects and validity of gender approach to correction of convicted women; means of their correction; post-penal impact on a woman who has served a prison sentence or was released from serving.  

2) H.S. Reznichenko in the monograph: Peculiarities of execution and serving of punishment in the form of deprivation of liberty for convicted women performs research on such problematic aspects as: criminal law and executive characteristics of personality of convicted women; procedure, conditions and legal grounds for individualization and differentiation of serving women's sentences in the form of deprivation of liberty in minimum security penal colonies.  

3) O. R. Peterimovain in her article: Peculiarities of serving a sentence by women sentenced to deprivation of liberty examines the following problematic issues: serving sentence by women in the form of deprivation of liberty; application of measures of resocialization and correction of convicted women, taking into account the moral and psychophysiological characteristics of women; prerequisites and reasons for women committing violent crimes and recidivism; features of serving a sentence by pregnant
women and women with children; international mechanism for treatment of women convicts.

4) S. O. Vynohradova in the article: Executing (serving) a sentence in the form of deprivation of liberty by convicted women (legal aspect) examines provisions of criminal and criminal executive legislation regarding procedure for serving a sentence by pregnant women and women with minor children, makes proposals for reforming the system of execution of the sentence in relation to this category of convicts.

Criminal law and criminological characteristics of female crime

1) V. V. Fedusyk: Female crime in Ukraine (criminal legal and criminological problems). In dissertation, author examines the following aspects of female criminality: conditioning of the development of the phenomenon of female criminality by social reaction and ideology (during the Soviet regime), criminalization, differentiation and individualization of women’s criminal responsibility; verification of the provisions of the General and Special parts of Criminal Code of Ukraine (1960) and Criminal Code of Ukraine (20001) from the point of view of description of female crime and practice of its criminalization (content and process); problematic issues of theory of criminology of women’s crime, the subject and structure of the criminological characteristics of women’s crime and victimization of women, promising directions for limiting and preventing women's criminal activity.

2) M. O. Yevdokimova in her monograph: Criminological characteristics of female crime in the field of economy performs multidisciplinary research on criminal law, criminological and executive characteristics of female economic crime; reveals criminogenic specifics of women who commit economic criminal offenses and substantiates typology of these subjects of criminal activity; highlights conditions and reasons for distribution of economic criminal offenses, mechanism of international, foreign and domestic experience in prevention of female crime in this area and offers measures of a general social and specifically criminological nature to increase effectiveness of female economic crime prevention and the social adaptation of women who have committed criminal offenses in the economic sphere after their serving a criminal sentence.

3) T.V. Rodionova: Criminal responsibility of women: a historical aspect; a criminal law research on formation and development of criminal responsibility institution of women was carried out on the basis of the study of the main criminal law sources of law of different historical stages of Ukraine.

4) In L.O. Shevchenko’s research paper: Social and psychological characteristics of women who have committed selfish crimes is a well-founded thesis on the need to study social and psychological characteristics of women who have committed selfish crimes for further development of...
corrective individual programs in institutions for execution of punishment and formation and implementation of a program for prevention of female selfcrime at the State level13.

5) According to research results of M. M. Chaplyk, who were highlighted in the article: Trends of female crime in Ukraine, characterizes the most typical female criminal offenses in various spheres of social life, substantiates the difficulty of resocialization of convicted women14.

Prevention and countermeasures against women’s crime include the team of authors of the Crime Prevention textbook (Kyiv, 2010), in one of the sections reveal: the level, structure, dynamics, causes and conditions of female crime; preventive measures and the role of the MIA in prevention of women committing criminal offenses15.

2) A. S. Trybushenko in his master’s research project; Criminological characteristics and prevention of female crime examines the following issues: historical aspects of women’s criminal responsibility and current state of female crime; criminological analysis of female criminal; determination of female crime (relationship between social and biological in female crime, its factors, causes and conditions); main areas of prevention of female crime (general social and special criminological prevention of female crime, education of foreign countries)16.

3) T. V. Hapeka in her research paper: Prospects of combating female crime in Ukraine examines female crime as an object of criminological analysis from the point of view of its determinants, the most common types of criminal offenses committed by women and mechanism of combating female crime17.

It should be noted complex approach to study of the issue of criminal women responsibility by individual authors. In particular, V. O. Merkulova in the Woman as a subject of criminal responsibility monograph carried out a thorough study of the following aspects of the legal status of a woman as a subject of criminal responsibility:
- influence of a woman’s psychophysiological properties on her social and legal behavior, including criminological concepts of biological and social in women's crime, specifics of various categories of criminal offenses committed by women;
- historical prerequisites and stages of bringing women to criminal responsibility;
- current state of legal regulation of procedure for bringing and discharging criminal responsibility of women;
- expediency and reasons for excluding women from criminal liability for certain types of crimes;
- scope reduction of criminal repression for commission of certain types of crimes by women;
- peculiarities of early release of women from imprisonment for various reasons18.

As well, a number of scientific articles, textbooks, theses and speeches by V. O. Merkulova is devoted to the following problematic issues: exemption from serving sentence of women with minor children and pregnant women; improvement of legislation in the field of bringing women to criminal responsibility;...
psychological and legal issues of women responsibility who have committed criminal offenses;

- historical sources of bringing women to criminal responsibility in Ukraine;
- procedure for women to serve prison sentences;
- Criminal law and criminal executive aspects of international trends in the field of criminal law responsibility of women;
- gender problems of institute of necessary defense;
- public control over behavior of women who are released from serving sentence;
- prevention of violent female crime and others (information obtained from the researcher’s profile in Google Academia – A.H.).

Among relevant information and journalistic publications on research on women’s criminal responsibility, the following can be noted:

- review of legal practice (for example, V. P. Kryvka: Female crime of the district or how and for what does Themis punish women?19);
- legal responsibility (including criminal responsibility) of women for evading military registration;
- rape by a woman against man20 etc.

Conclusions. Analysis of abstracts, dissertations, monographs, scientific articles, theses, analytical reports, manuals, research paper collections based on the results of conferences devoted to the issue of women’s crime in Ukraine allowed us to systematize them according to research areas (criminal and legal characteristics of crimes committed by women; criminological characteristics identity of female criminals and female crime; criminal law aspects of serving a criminal sentence by convicted women) and groups of problematic issues in this field (criminal and legal characteristics of certain types of criminal offenses committed by women, criminal and legal correction of convicted women, criminal and legal and criminological characteristics women's crime, prevention and countermeasures against women's crime, etc.). Our research on research papers in the field of female crime indicates that scientific understanding of legal mechanism of bringing a woman to criminal responsibility is in a state of permanent scientific development, since the structure of such a mechanism is subject to certain changes (especially in terms of prerequisites, causes of female crime and ways to prevent it), open to integration of new achievements. Therefore, we believe that research on issues of criminal responsibility of women in Ukraine is of an urgent nature and needs justification, systematization and further scientific research.

Reference

Badyra V.A. Vypravlennia zhinok, zasudzhenykh do pozbavlenia voli, yak meta pokarannia: Avtoref. dys...kand. yur. nauk: 12.00.08. Lvivskyi natsionalnyi universytet imeni Ivana Franka. Lviv. 2006. 17 s. [in Ukrainian].


Hapek T. V. Perspektyvy protydii zhinochii zlochynnosti v Ukraini. URL: https://ela.kpi.ua/bitstream/123456789/4627/1/36%20%D0%93%D0%B0%D0%BF%D0%B5% D0%BA%D0%B0.pdf (data zvernennia 22.01.2023). [in Ukrainian].


Romaniuk Kh.I. Kryminalno vidpovidalnost za nezakonne provedennia abortu: dyserhtsiia na zdobuttia naukovoho stupenja kandydata yuridichnykh nauk za spetsialnistiu 12.00.08. Lviv: Lyskivski derzhavnyi universytet vnitrishnikh sprav MVS Ukrainy, 2019. 230 s. [in Ukrainian].


Fedusyk V.V. Zhinocha zlochynnist v Ukraini (kryminalno-pravovi ta kryminolohichni problemy): avtoref. dys... kand. yuryd. nauk. 12.00.08; Nats. un-t "Odeska yurydychna akademiea". Odesa, 2001. 22 s. [in Ukrainian].


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