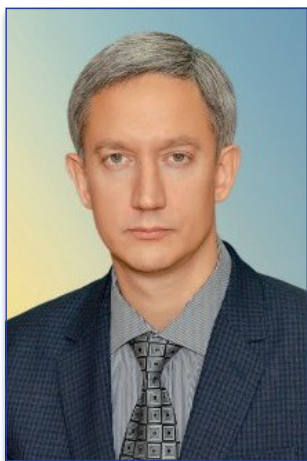




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A Modern View of the System of Crime Prevention Subjects



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Abstract. *The article carries out a system-structural analysis of the crime prevention subjects as a basic criminological category. The main scientific approaches to the definition of crime prevention subjects have been defined and analyzed: as a collection of crime prevention subjects and as a corresponding system of these subjects. The expediency of subjects' consideration operating in the sphere of crime prevention as a socially determined hierarchical system has been argued. It has been proved that systematic approach to solving this issue allows to determine the place and role of the specified subjects in the general structure of crime prevention, to outline their functional connections, to overcome the possible duplication of performed functions, and if it is necessary to strengthen the influence on a certain segment of criminogenic factors. The role of citizens as autonomous subjects of crime prevention has been analyzed. The expediency of including citizens in the system of crime prevention subjects through the category of citizenship, which in the analyzed aspect is proposed to be understood as the internal conscientious attitude of a person to the fulfillment of their civic duty in the field of crime prevention, has been determined. The article develops the author's understanding of the concepts of the subject of crime prevention and the system of crime prevention subjects.*

Keywords: *crime prevention, the subject of crime prevention, the system of crime prevention subjects, citizens, civic duty, citizen control.*

Problem statement

Crime prevention is a complex socially determined activity aimed at ensuring the integrity of the state, strengthening the law and order in society, and protecting the rights and freedoms of a person and a citizen. As O. M. Lytvynov rightly points, crime prevention is not just a "human" function, but demanded by man and society one¹. Its implementation is designed to

¹ Литвинов О. М. Соціально-правовий механізм протидії злочинності в Україні (теоретичні та практичні засади) [Social and legal mechanism of criminality counteraction in Ukraine (theoretical and practical grounds)]: дис. ... д-ра юрид. наук : 12.00.08. Дніпропетровськ. 2010. С. 17.



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ensure the safety of society, its members and social entities, as well as to provide conditions for the successful operation of all social mechanisms, to strengthen the moral and patriotic foundations of society, to provide favorable conditions for the development of the economy, production, and the effective functioning of civil society institutions. In connection with the stated rather broad understanding of the functions and, accordingly, the social significance of crime prevention, we consider it expedient to carry out a system-structural analysis of the subjects of crime prevention as a basic criminological category.

State of scientific research

In domestic science, a significant number of researchers have devoted their works to the issue of crime prevention. Among them, the works of O. M. Bandurka, V. M. Beschastnyi, V. V. Holin, L. M. Davydenko, I. M. Danshyn, O. M. Dzhezha, E. A. Didorenko, A. E. Zhalynskyi, A. P. Zakaliuka, A. F. Zelinskyi, O. M. Ihnatov, O. H. Kalman, Ya. Yu. Kondratiev, O. M. Lytvak, O. M. Lytvynov, F. A. Lopushanskyi, M. I. Melnyk, S. H. Mishchenko, P. P. Mykhailenko, O. O. Stepanchenko, N. O. Yarmysh and other scientists should be noted. Among foreign researchers who have devoted their works to planning, ways and methods of crime prevention, special attention should be paid to the works of H. A. Avanesov, A. I. Aleksiev, Yu. M. Antonian, O. V. Bokov, S. Ye. Vitsyn, A. I. Dolhova, V. M. Kudriavtsev, N. F. Kuznietsova, I. I. Karpets, R. Klark, N. Kristi, V. V. Luniev, P. Parker, O. B. Sakharov, L. Sihel, V. M. Somin, V. Foks, E. Shura, etc. In the context of the analysis of complex issues of crime prevention, the works of the above-mentioned researchers generalize or specifically reveal various aspects of the subjects' activities of crime prevention, taking into account the peculiarities of the existence of society in a certain period of time and space. Given the qualitative transformations in Ukrainian society, as well as the global trends in the development of law enforcement, we think it necessary to consider the existing views on the concept and system of subjects of crime prevention.

Article Purpose

Developing one's own understanding of the concepts of crime prevention subjects and the system of crime prevention subjects that meet today's needs.

Main Content Presentation

Analyzing scientific approaches to the definition of subjects of counteraction to crime (prevention of crimes (criminal offenses)), it should be noted that researchers consider it in different ways: as a separate criminological category, and through a simple list of subjects of prevention, depending from their functions, level of functioning and other features; both as a set of relevant subjects, united by the nature of the performed social function, and systemically, that is, as a socially conditioned hierarchical system. The first group of scientists considers the subjects of crime prevention as a certain set of state bodies, public and private institutions, individuals who, within the limits of their competence or the rights granted to them, exert influence on criminally illegal manifestations in order to reduce their intensity, eliminate the causes and conditions of crime. Thus, for example, Ye. V. Avsieienko defines the concept of subjects of influence on crime, provides their classification, but does not define their list. Among the methods of intensification of the activities of the subjects of influence on crime, the researcher points out the integration of the specified subjects into systems and macrosystems², which he notes as a potential, not an existing feature of the specified subjects.

² Авсеєнко Е.В. Кримінологія [Criminology]: Учебник. М., Архангельськ, 2001. С. 114-116.

O. Lytvynov,
O. Kliuiev

A MODERN VIEW OF THE SYSTEM OF CRIME PREVENTION SUBJECTS

The purpose of the article is to elaborate authorial notions of subjects of crime counteraction and a system of subjects of crime counteraction as basic criminological categories that must meet the demands of modernity.

Basing on the works of domestic and foreign criminologists the article conducts systematic-structural analysis of the subjects of crime counteraction as basic criminological categories. It defines and analyses two main scientific approaches to understanding of the subjects of crime counteraction as an aggregation of subjects of crime counteraction and as a system of the subjects of crime counteraction. The article ascertains appropriateness of reviewing the system of the subjects of crime counteraction as a socially stipulated hierarchical system with a set of vertical (subordinate) and horizontal (coordination) interconnections which provide premises for its effective functioning and potential for self-enhancement and self-control. It provides arguments that systematic approach to this issue allows to establish the place and role of a subject of crime counteraction in the structure of system analyzed, to define its functional connections and provides possibility to eliminate overlapping functions, exacerbate influence at a certain criminogenic factor, if necessary. The article analyzes the role of citizens as autonomous subjects of crime counteraction. It promotes appropriateness of including citizens to the system of subjects of crime counteraction through the category of publicity that in the present context is viewed as a subjective diligent attitude towards personal obligation in the sphere of crime counteraction. Based on the conducted analysis the article elaborates scientific notions of the subjects of crime counteraction and the system of subjects of crime counteraction.

Key words: crime counteraction, subjects of crime counteraction, system of subjects of crime counteraction, citizens, social obligation, public control.

V. V. Vasilevich³, A. P. Zakaliuk⁴, M. O. Svirin⁵ and H. V. Foros⁶ indicate that there are currently no grounds to consider the set of subjects countering and crime prevention as a system, given the incomplete legislative regulation, imperfect organization and direct implementation of preventive measures, the absence in it many supporting and executive measures and means. Therefore, as the researchers note, the subjects of this activity are classified as such, not so much taking into account the real systematic performance of preventive functions by them, as considering how the latter are defined in regulatory acts. In the future, the above-mentioned scientists provide a description of individual types of subjects of counteraction (prevention) of crime depending on the functions they perform.

The unification of crime prevention subjects, using a functional approach without uniting them into a single system, can be found, in particular, in the works of B. M. Hrek and Yu. V. Nikitin⁷, Yu. V. Aleksandrov, A. P. Hel and H. S. Semakov⁸, O. M. Dzhuzha, A. V. Kyrlyuk⁹. Scientists define the subjects of crime prevention only because of the specifics of the functions they perform in the specified field, often without even giving them a definition or classifying them.

The second group of scientists considers the subjects of crime prevention not only in their totality, which can be determined through the functions they perform in the specified field, but as a systemic entity that has the appropriate qualitative characteristics. So, for example, V. V. Holina defines the subjects of crime prevention as state bodies, public organizations, social groups, officials or citizens who direct their activities to the development and implementation of measures related to the prevention, limitation, elimination of criminogenic phenomena and processes that give rise to crime and crimes, as well as their prevention at various criminal stages, in connection with which they have rights, duties and bear responsibility¹⁰. In the future, the scientist points that "the system of crime prevention entities should be understood as a set of entities united by a single goal, which exercise their powers in a relationship and according to coordination in time and space"¹¹. V. K. Zvyrbul also considers the activities of the subjects performing crime prevention as a system. The researcher indicates that the mentioned subjects do not act in isolation, but in interaction with each other, and in the system itself there are both horizontal and hierarchical vertical relationships, depending on the level of the tasks they solve¹². O. M. Bandurka and O. M. Lytvynov also define the concept of the subject of crime prevention within the system approach, based

³ Василевич В. В. Кримінологічна політика України [Criminological policy of Ukraine]. monograph. Kyiv, 2020. С. 141-142.

⁴ Закалюк А. П. Курс сучасної української кримінології: теорія і практика [The course of modern Ukrainian criminology: theory and practice]. У 3 кн. К., 2007. Кн. 1: Теоретичні засади та історія української кримінологічної науки. С. 347-348.

⁵ Свірін М. О. Класифікація суб'єктів запобіжної діяльності в Україні. Кримінально-виконавча система: Вчора. Сьогодні. Завтра. [Classification of subjects of preventative activity in Ukraine. Criminal and Executive System: Yesterday. Today. Tomorrow]. 2017, № 1 (1). С. 104.

⁶ Форос Г. В. Суб'єкти діяльності щодо попередження злочинів та протидії злочинності. *Правова держава*. [Subjects of activities related to crime prevention. Constitutional state]. 2012. No. 14. С. 180.

⁷ Кримінологія [Criminology]: підручник / А. М. Бабенко, О. Ю. Бусол, О. М. Костенко та ін.; за заг. ред. Ю. В. Нікітіна, С. Ф. Денисова, Є. Л. Стрельцова. 2-ге вид., перероб. та допов. Харків, 2018. С. 155-158.

⁸ Александров Ю. В., Гель А. П., Семаков Г. С. Кримінологія: курс лекцій. К., 2002. С. 137-139.

⁹ Кримінологія [Criminology]: підручник / О. М. Джу́жа, В. В. Василевич, В. В. Черней, С. С. Чернявський та ін.; за заг. ред. д-ра юрид. наук, проф. В. В. Чернея; за наук. ред. д-ра юрид. наук, проф. О. М. Джу́жі. Київ: Нац. акад. внутр. справ, 2020. С. 202-204.

¹⁰ Кримінологія [Criminology]: т. В. В. Голіна, Б. М. Головін, М. Ю. Валуйська та ін.; за ред. В. В. Голіни, Б. М. Головіна. Х.: Право, 2014. С. 166.

¹¹ Там само. С. 166-167.

¹² Кримінологія [Criminology]: ТУчебник/Под ред. акад. В. Н. Кудрявцева, проф. В. Е. Эминова. М., 1997. С. 70.



O. Lytvynov,
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VISION MODERNE DU SYSTÈME DES SUJETS DE PRÉVENTION DU CRIME

L'auteur de l'article propose une analyse structurée du système des sujets de la prévention du crime en tant que catégorie criminologique de base. Les principales approches scientifiques de la définition des sujets de prévention du crime ont été identifiées et analysées : en tant qu'ensemble de sujets de prévention du crime et en tant que système correspondant de ces sujets. Opportunité argumentée de considérer les entités opérant dans le domaine de la lutte contre la criminalité comme un système hiérarchique socialement conditionné. Il a été prouvé qu'une approche systématique pour résoudre ce problème permet de déterminer la place et le rôle des sujets spécifiés dans la structure générale de prévention du crime, de définir leurs liens fonctionnels, de surmonter l'éventuelle duplication des fonctions exercées et, si nécessaire, pour renforcer l'influence sur un certain segment de facteurs criminogènes. Le rôle des citoyens en tant que sujets autonomes dans la prévention du crime est analysé. L'opportunité d'inclure les citoyens dans le système des sujets de prévention du crime à travers la catégorie de citoyenneté qui dans l'aspect analysé, est proposée pour être comprise comme l'attitude de conscience interne d'une personne à l'accomplissement de son devoir public dans le domaine de la prévention du crime a été déterminé. Dans l'article, la compréhension de l'auteur des concepts du sujet de la prévention du crime et du système de sujets de prévention du crime est développée.

Mots clés : prévention du crime, sujet prévention du crime, système de sujets prévention du crime, citoyens, devoir civique, contrôle civique.

on the concept of functioning of social systems. Scientists define the subject of crime prevention as any systemic entity that exists within the framework of a single system of crime prevention and implements one of the following tasks in this area: determination of leading directions, tasks, forms and methods of activity, implementation of information and analytical support, identification of criminogenic factors and implementation of measures to prevent crime¹³.

Regarding the scientific dichotomy about the description of the crime prevention subjects as their totality compared to (versus) their description as a system of relevant entities and individuals, we should note the following. In our opinion, a systematic approach to their description and characteristics of their real functioning is the most successful in general and acceptable for a comprehensive analysis of crime prevention subjects. A systematic approach to solving this issue allows you to determine the place and role of the specified subjects in the general structure of combating crime, determine their functional relationships, overcome the possible duplication of performed functions or, on the contrary, if necessary, strengthen the influence on a certain segment of criminogenic factors, thus ensuring vector compensatory influence. Moreover, we believe that the systematic organization of crime-prevention entities allows to solve both the tasks of crime-prevention within Ukraine and to bring the activities of domestic crime-prevention entities as close as possible to and integrate with the relevant bodies and institutions of other countries and institutions operating on the international stage levels, borrowing the most modern approaches in the specified field.

V. D. Malkov also considers the subjects of crime prevention as a system, dividing it into subjects of the state crime prevention system and subjects participating in crime prevention within their competence. The researcher refers to the latter: local self-government bodies; bodies and institutions of health care, education, social protection of the population; enterprises, institutions, organizations regardless of the form of ownership; social and religious organizations, associations, foundations; security services, private deduction and security companies; law enforcement oriented public associations; individual citizens and their associations; media¹⁴. We support the author regarding the inclusion of a wide range of non-state subjects in the crime prevention system, because the activity of each of them is an important component of the crime prevention system. In addition, taking into account that in recent years there has been a rapid increase in the role of citizens in maintaining public order, countering corruption, countering the spread of alcoholism and drug addiction, preventing socially dangerous manifestations in other spheres of public life, we consider it appropriate to include the latter as an autonomous subject of the countermeasure system crime. Of course, the specified transformation of the status of citizens in the process of implementing the functions of crime prevention should be carried out by granting them the corresponding rights and corresponding duties. However, in our opinion, these duties should not be based on the principles of legal responsibility for its violation, which a person instinctively tries to avoid, but on the basis of the voluntary involvement of citizens in crime prevention as a form of fulfilling their civic duty. In scientific sources, the specified moral and legal category is known by the term citizenship, that is, the internal conscientious attitude of a person to the fulfillment of his civic duty. V. Klimovych points that citizenship consolidates such concepts as civic duty, activity, patriotism, responsibility, social innovation, unity of rights

¹³ Бандурка О. М., Литвинов О. М. Протидія злочинності та профілактика злочинів [Countering and prevention of crime]: монографія. Харків. ун-т внутр. справ. Х., 2011. 308 р.

¹⁴ Криминологія [Criminology]: Учебник для вузов / под ред. проф. В. Д. Малкова. 27-е изд., перераб. и доп. М., 2006. С. 131.



O. Lytvynov,
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EINE MODERNE SICHT AUF DAS SYSTEM DER KRIMINALITÄTSPREVENTION THEMEN

Der Beitrag führt eine systemstrukturelle Analyse der kriminalpräventiven Fächer als kriminologische Grundkategorie durch. Die wesentlichen wissenschaftlichen Ansätze zur Definition von kriminalpräventiven Fächern wurden definiert und analysiert: als Sammlung von kriminalpräventiven Fächern und als entsprechende Systematik dieser Fächer. Die Zweckmäßigkeit der Subjektbetrachtung im Bereich der Kriminalprävention als gesellschaftlich bedingtes hierarchisches System ist argumentiert worden. Es wurde bewiesen, dass ein systematischer Ansatz zur Lösung dieser Frage es ermöglicht, den Platz und die Rolle der angegebenen Themen in der allgemeinen Struktur der Kriminalprävention zu bestimmen, ihre funktionalen Zusammenhänge zu skizzieren, die mögliche Doppelung der ausgeübten Funktionen zu überwinden und, wenn dies erforderlich ist um den Einfluss auf ein bestimmtes Segment kriminogener Faktoren zu verstärken. Die Rolle der Bürger als autonome Subjekte der Kriminalprävention wurde analysiert. Die Zweckmäßigkeit der Einbeziehung von Bürgern in das System der kriminalpräventiven Themen durch die Kategorie der Staatsbürgerschaft, die im analysierten Aspekt als die innere gewissenhafte Einstellung einer Person zur Erfüllung ihrer Bürgerpflicht im Bereich der Kriminalprävention verstanden werden soll, wurde bestimmt. Der Artikel entwickelt das Verständnis des Autors für die Konzepte des Fachs Kriminalprävention und das System der Kriminalpräventionsfächer.

Schlüsselwörter:
Kriminalprävention, Fächer
Kriminalprävention, System der
Kriminalprävention, Bürger,
Bürgerpflicht, Bürgerkontrolle.

and duties¹⁵. Accordingly, the sense of civic duty, or citizenship, developed in most members of society, can be recognized as the basis for including citizens in the system of subjects of crime prevention.

An important aspect of the inclusion of persons with an active civic position in the system of crime prevention subjects is the prospect of ensuring effective citizen control over the activities of the state apparatus in the field of crime prevention. In this connection, O. M. Lytvynov and Ye. O. Hladkova point that during the years of independence, part of the state apparatus seemed to "privatize" the functions of its departments and institutions and began to use the rights granted to them in their own selfish interests and for the benefit of organizations, among other and criminal, from which they were in direct or indirect contact. These transformations led to the acquisition by state law enforcement agencies of the features of law enforcement corporations. Scientists emphasize that in order to overcome the indicated negative corporate influence, it is necessary to legislatively ensure the information transparency of the decision-making process of authorities, their use of budget funds, among other things, through access to financial documents of state bodies by non-state organizations and mass media, to put into effect the mechanisms of public influence on the activities of departments, including the functioning of feedback¹⁶. Fully supporting the above position, we would add that the delegation of functions to the citizenship in the field of crime prevention, including those of control, the stimulation of public activity in crime prevention issues will have a positive impact not only on the state of crime prevention in the conditions of the hybridization of criminal threats, but will also provide a positive impetus for renewal and development of the crime prevention system as a whole.

In the matter of defining the concept of the system of crime prevention subjects, it should be assumed that the crime prevention system is, first of all, a type of social system. M. Bandurka and O. M. Lytvynov indicate that the crime prevention system is a structured object of a social nature, characterized by a system of relations and functions, and which, in turn, is a combination of relatively independent subsystems that function on the basis of identical patterns¹⁷. The indicated subsystems of crime prevention subjects represent a plurality of social entities pluralistic in the sphere of social activity and level of functioning and individuals participating in crime prevention. The main constitutive features that unite the mentioned separate subjects into a single system of subjects of crime prevention are their common goal - targeted influence on criminally illegal manifestations with the aim of reducing their intensity, eliminating the causes and conditions of crime - and the presence of stable structural and functional connections between individual links of this system, based on the principles of hierarchy and interdependence of its structural elements. Vertical (subordination) connections are established between links belonging to different levels of management in such a system; horizontal (coordinating) connections established between links that belong to the same level of management¹⁸. Accordingly, the system of crime prevention subjects acquires the characteristics of not only formally established organizational completeness, which in the most general sense is understood as the order caused by the correct, systematic arrangement

¹⁵ Клімович В. Розвиток громадянськості як основи консолідації суспільства та зміцнення держави [The development of citizenship as a basis for the consolidation of society and the strengthening of the state. State administration and local self-government]. 2014. Вип. 1(20). С. 17.

¹⁶ Литвинов О. М., Гладкова Є. О. Суб'єкти протидії злочинності як правоохоронні корпорації [Subjects of crime prevention as law enforcement corporations]. Вісник Кримінологічної асоціації України. 2019. № 1(20). С. 90-98.

¹⁷ Бандурка О. М., Литвинов О. М. Протидія злочинності та профілактика злочинів [Countering and prevention of crime]. Харків. ун-т внутр. справ. Х., 2011. С. 83.

¹⁸ Бесчастний В. М. Кримінологічне забезпечення протидії злочинності в Україні [Criminological support for combating crime in Ukraine] : монографія. Харків, 2017. С. 171.



O. Łytwynow,
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WSPÓŁCZESNE SPOJRZENIE NA SYSTEM PRZEDMIOTÓW PRZECIWPRESTĘPCZOŚCI

W artykule dokonano systemowo-strukturalnej analizy tematyki zapobiegania przestępczości jako podstawowej kategorii kryminologicznej. Zdefiniowano i przeanalizowano główne podejścia naukowe do definiowania przedmiotów zapobiegania przestępczości: jako zbiór tematów zapobiegania przestępczości oraz jako odpowiadający im system tych przedmiotów. Argumentowano celowość rozważenia przedmiotów działających w sferze zapobiegania przestępczości jako społecznie zdeterminowanego systemu hierarchicznego. Udowodniono, że systemowe podejście do rozwiązywania tego zagadnienia pozwala określić miejsce i rolę wskazanych przedmiotów w ogólnej strukturze przeciwdziałania przestępczości, nakreślić ich powiązania funkcjonalne, przewidywać ewentualną duplikację pełnionych funkcji, a w razie potrzeby w celu wzmocnienia wpływu na pewien segment czynników kryminogennych. Przeanalizowano rolę obywateli jako autonomicznych przedmiotów przeciwdziałania przestępczości. Celowość włączenia obywateli w system przedmiotów przeciwdziałania przestępczości poprzez kategorię obywatelstwa, którą w analizowanym aspekcie proponuje się rozumieć jako wewnętrzną sumienną postawę osoby wobec wypełniania jej obywatelskiego obowiązku w zakresie przeciwdziałania przestępczości, zostało ustalone. Artykuł rozwija rozumienie przez autora koncepcji przedmiotu prewencji oraz systemu przedmiotów prewencji. Słowa kluczowe: prewencja kryminalna, przedmiot prewencji kryminalnej, system przedmiotów prewencyjnych, obywatele, obowiązek obywatelski, kontrola obywatelska.

and mutual connection of parts of something¹⁹, but also internal functionally structured organization. Thus, the system-structural approach to the definition of crime prevention subjects takes into account the level structure and mutual location of crime prevention subjects and consolidates the content of vertical and horizontal connections between various links of this system, which is a prerequisite for its harmonious functioning and a guarantee of the potential to self-regulation and self-improvement.

Conclusions

On the basis of the analysis of scientific views on the definition and content of crime prevention subjects, we propose to understand crime prevention subjects as state bodies, state and non-state institutions and organizations, individuals who carry out measures determined by their competence, rights or civic duty regarding the organization of crime prevention, stopping or preventing criminal offenses. Taking into account the qualitative transformations that have taken place in Ukrainian society in recent years under the system of subjects of crime prevention, we propose to understand a set of subjects, united by functional and structural features, which exert a purposeful, coordinated influence, aimed at reducing the intensity of criminally illegal manifestations, eliminating causes and conditions of crime. The specified basic criminological categories can become the methodological basis for the classification of crime prevention subjects, the analysis of their legal status, and interaction in the process of activities in the field of crime prevention.

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