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Modern View of System of Crime Prevention Subjects

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Abstract

The article carries out a system-structural analysis of crime prevention subjects as a basic criminological category. The main scientific approaches to the definition of crime prevention subjects have been defined and analysed: as a collection of crime prevention subjects and as a corresponding system of these subjects. 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, 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 analysed. Expediency of including citizens in the system of crime prevention subjects through the category of citizenship, which in the studied 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.

The aim of the article is to develop one's own understanding of the concepts of crime prevention subjects and the system of crime prevention subjects that meet today's needs.

Set of general scientific and special scientific methods of cognition was used for achieving the goal and objectives. The starting point was the dialectical method, according to which all the problematic issues that will be addressed in this article are presented in the form of unity of their content and legal form. The logical and semantic method was used for defining and deepening the conceptual apparatus; sociological (study of official, scientific and bibliographic sources) – while collecting and accumulating scientific information about the object and subject of the research; logical and legal – while developing scientifically substantiated proposals for improvement of current legislation, etc.

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

Introduction

The current period of development of legal science in Ukraine is associated with the need to solve several problems, among which a significant place is occupied by issues of study and creative analysis of scientific developments, ways to use scientific and technical achievements, identifying promising areas of research and more. Consideration of these issues is impossible without deep, unbiased study of the history of science in general and its separate fields. This is especially true of applied sciences, where the results of scientific research can be relatively quickly implemented in specific practical activities. General theoretical and applied sciences include criminology that are designed to provide their recommendations for the practice of combating crime.

Scientific achievements not only enrich theoretical achievements of science, but also determine further path of development of practice, provide scientific principles for optimising such activities. In law enforcement, theoretical understanding of ways to improve practice is particularly important because the possibilities for experimentation, as a form of theoretical forecasting verification are very limited. This is especially true of preventive activity that is a general term and covers all types of impact on crime (Filipenko & Spitsyna, 2020).

By general prevention the authors mean one of the areas of social management which is to prevent and stop specific crimes and crime itself as a social phenomenon. In other words, crime as an integral part of development and functioning of society, develops, professes and implements its own interests, generates latest properties that come into conflict with values protected by law. There can be no compromises in this confrontation because, in the event of a loss, the state and society self-destruct. Professional legal

sources have repeatedly expressed the opinion that fight against crime is a special kind of interaction between two opposing parties of social life.

Crime prevention is a complex socially determined activity aimed at ensuring 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 the one demanded by man and society (Lytvynov, 2010). Its implementation is designed to ensure safety of society, its members and social entities, as well as to provide conditions for successful operation of all social mechanisms, to strengthen the moral and patriotic foundations of society, provide favourable conditions for the development of the economy, production, and effective functioning of civil society institutions. In connection with the stated rather broad understanding of the functions and, accordingly, social significance of crime prevention, the authors consider it expedient to carry out a system-structural analysis of the subjects of crime prevention as a basic criminological category.

As experts rightly noted in this regard, preventive activities cover three areas:

- 1) general organisation of such activities: set of organisational (accounting, registration), management (forecasting, planning, coordination, definition of strategy and tactics), preventive (implementation of programmes and plans, implementation of preventive measures), control (study of practice, crime trends) actions of various bodies and institutions that interact with each other to achieve common results;
- 2) law enforcement activity consisting of implementation by specially authorized state bodies of measures provided by law to prevent development of criminal intent in previous stages of crime, identify signs of crimes, identify those who committed them, bring these people to justice, restore violated rights, freedoms and legitimate interests of the people and compensation of damages from criminal acts;
- 3) crime prevention, which means implementation of economic, political, ideological, educational, legal and other measures to combat crime, is the activity to identify and eliminate causes of crime, certain types and groups of crimes, specific crimes to prevent completion of crimes at different stages development of criminal behaviour (Filipenko & Spitsyna, 2020).

Another major factor influencing the course and effectiveness of preventive activities is the problem of timely recording and initiation of criminal cases or misdemeanors based on available information. Vagueness and complexity of disguised crimes, impossibility of identifying perpetrators, shortcomings of the regulatory framework of law enforcement agencies, greatly affect the preventive activities and their efficiency in modern conditions.

Considering the state of the 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. Dzhuzha, E. A. Didorenko, N. Ye. Filipenko, A. E. Zhalynskiy, 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. Lunieiev, P. Parker, O. B. Sakharov, L. Sihel, V. M. Somin, V. Foks, E. Shura, etc. Despite the significant contribution to the development of the doctrine of the basics of prevention and the accumulated knowledge of expert warning, the scientific works of these scientists have not exhausted this problem, but, on the contrary, raised a number of new issues.

In the context of the analysis of complex issues of crime prevention, the works of the above-mentioned researchers generalise or specifically reveal various aspects of the subjects' activities of crime prevention, considering 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, the authors believe it to be necessary to consider the existing views on the concept and system of subjects of crime prevention.

The aim of the article is to develop one's own understanding of the concepts of crime prevention subjects and the system of crime prevention subjects that meet today's needs.

Methods. Set of general scientific and special scientific methods of cognition was used for achieving the goal and objectives. The starting point was the dialectical method, according to which all the problematic issues that will be addressed in this article are presented in the form of unity of their content and legal form. The logical and semantic method was used for defining and deepening the conceptual apparatus; sociological (study of official, scientific and bibliographic sources) – while collecting and accumulating scientific information about the object and subject of research; logical and legal – while developing scientifically substantiated proposals for improvement of current legislation, etc.

Main Content Presentation

Nature of the knowledge of each science is determined solely by its subject matter as part of the objective reality that a particular science studies. The use of knowledge of other sciences does not change their topic, this knowledge is only adapted to solve the tasks assigned to this science. While developing theoretical foundations and corresponding recommendations addressed to practice, theory of Criminology uses the so-called "specific expertise" and transforms them into legal knowledge, which optimises implementation of special knowledge in legal proceedings (Filipenko & Spitsyna, 2020).

Analysing scientific approaches to 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 on 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 activities of the subjects of influence on crime, the researcher points out integration of the specified subjects into systems and macrosystems (Avseenko, 2001), which he notes as a potential, not an existing feature of the specified subjects.

V. V. Vasilevich (Vasylevich, 2020), A. P. Zakaliuk (Zakaliuk, 2007), M. O. Svirin (Svirin, 2017) and H. V. Foros (Foros, 2012) indicate that there are currently no grounds to consider a set of subjects countering and crime prevention as a system, given the incomplete legislative regulation, imperfect organisation and direct implementation of preventive measures, absence of support and executive measures and means. Therefore, as the researchers note, subjects of this activity are classified as such, not so much considering real systematic performance of preventive functions by them, but how the latter are defined in regulatory acts. The mentioned scientists provide a description of individual types of subjects of counteraction (prevention) of crime depending on the functions they perform.

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 A. M. Babenko, O. Yu. Busol and others (Babenko et al., 2018), Yu. V. Aleksandrov, A. P. Hel and H. S. Semakov (Aleksandrov et al., 2002), O. M. Dzhuzha, A. V. Kyrlyuk (Dzhuzha et al., 2020). Scientists define the subjects of crime prevention only because of the specifics of 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. For example, V. V. Holina defines subjects of crime prevention as state bodies, public organisations, social groups, officials or citizens who direct their activities to development and implementation of measures related to 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 responsibility (Holina et al., 2014). 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” (Malkova, 2006).

V. K. Zvyrbul also considers activities of 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 solve (Kudryavtseva, 1997).

O. M. Bandurka and O. M. Lytvynov also define the concept of the subject of crime prevention within the system approach, based on the concept of functioning of social systems. The 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 crime (Bandurka & Lytvynov, 2011).

Regarding scientific dichotomy about the description of crime prevention subjects as their totality compared to (*versus*) their description as a system of relevant entities and individuals, it should be noted that 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 to determine the place and role of the specified subjects in the general structure of combating crime, determine their functional relationships, overcome 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, the authors of this study believe that systematic organisation of crime-prevention entities allows to solve both the tasks of crime-prevention within Ukraine and 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 international stage levels, borrowing the most modern approaches in the specified field.

Thus, N. Ye. Filipenko and O. V. Sharapova claim that an exceptional place in the system of subjects of preventive activity is held by judicial and expert institutions of Ukraine playing the role of guarantor of personal legal rights and freedoms, steadfast observance of the rule of law. Describing the role of forensic institutions in the process of preventive activity, it should be noted that this process requires further regulation in order to increase efficiency. Analysis of the application of preventive activity of forensic science institutions of Ukraine shows a close contact of concepts and principles of legality, observance of human and citizen rights and freedoms, professional activity and professional ethics of experts that seems relevant. Among the various subsystems of forensic prevention and diversity of subjects implementing certain areas of preventive activity, there is

forensic prevention, which is understood as a complex systemic formation, the basis of which is the activity of experts on rooted in their specific knowledge, which will identify circumstances that contributed to the crime. Identification of such circumstances can be carried out as the main expert task for which the examination was intended, or it may be an attendant product of expert activity that appears when solving other expert tasks that did not aim to identify criminogenic factors. It is also permissible to identify criminogenic factors and circumstances contributing to commission of a crime, in the course of generalisation of expert practice in a particular forensic institution during its accumulation or in the preparation of relevant reviews, reports and analytical reports. Similar information can also be obtained in the case of generalisations of forensic activities throughout the Ministry. In all such cases, detection of criminogenic factors is the basis for development of preventive recommendations aimed at their eliminating or minimising. Peculiarity of these recommendations is their specificity, because they are obtained when using expert knowledge and skills that make up the content of this particular forensic examination (Filipenko & Sharapova, 2019).

V. D. Malkov also considers the subjects of crime prevention as a system, dividing it into subjects of 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, organisations regardless of the form of ownership; social and religious organisations, associations, foundations; security services, private deduction and security companies; law enforcement oriented public associations; individual citizens and their associations; media (Criminology, 2006). The authors of this study support Malkov regarding 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, considering that in recent years there has been a rapid increase in the role of citizens in maintaining public order, countering corruption, spread of alcoholism and drug addiction, preventing socially dangerous manifestations in other spheres of public life, the authors of the current study consider it appropriate to include the latter as an autonomous subject of the countermeasure system crime. Specified transformation of the status of citizens in the process of implementing functions of crime prevention should be carried out by granting them corresponding rights and duties. However, 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 voluntary involvement of citizens in crime prevention as a form of fulfilling their civic duty. In scientific sources, 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 and duties (Klimovych, 2014). Accordingly, sense of civic duty or citizenship, developed in most members of society, can be recognised as the basis for including citizens in the system of subjects of crime prevention.

An important aspect of inclusion of persons with an active civic position in the system of crime prevention subjects is the prospect of ensuring effective citizen control over activities of the state apparatus in the field of crime prevention. O. M. Lytvynov and Ye. O. Hladkova point that during the years of independence, part of the state apparatus seemed to “privatise” 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 organisations, among other – criminal, from which they were in direct or indirect contact. These transformations led to acquisition by state law enforcement agencies of the features of law enforcement corporations. Scientists emphasise that in order to overcome the indicated negative corporate influence, it is necessary to legislatively ensure 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 organisations and mass media, to put into effect mechanisms of public influence on activities of departments, including functioning of feedback (Lytvynov & Gladkova, 2019). Delegation of functions to the citizenship in the field of crime prevention, including those of control, 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 hybridisation 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, characterised 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 patterns (Bandurka & Lytvynov, 2011). The indicated subsystems of crime prevention subjects represent 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 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 management (Beschastnyi, 2017). Accordingly, the system of crime prevention subjects acquires characteristics of not only formally established organisational completeness, which in the most general sense is understood as the order caused by the correct, systematic arrangement and mutual connection of parts of something (Large explanatory dictionary of the modern Ukrainian language, 2005) but also internal functionally structured organisation. Thus, the system-structural approach

to the definition of crime prevention subjects considers 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

Based on the analysis of scientific views on the definition and content of crime prevention subjects, the authors of the study propose understanding crime prevention subjects as state bodies, state and non-state institutions and organisations, individuals who carry out measures determined by their competence, rights or civic duty regarding the organisation 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, it is proposed to understand a set of subjects, united by functional and structural features, which exert a purposeful, coordinated influence, aimed at reducing intensity of criminally illegal manifestations, eliminating causes and conditions of crime. The specified basic criminological categories can become methodological basis for classification of crime prevention subjects, analysis of their legal status, and interaction in the process of activities in the field of crime prevention.

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