

MINISTRY OF INTERNAL AFFAIRS OF UKRAINE
DNIPROPETROVSK STATE UNIVERSITY
INTERNAL AFFAIRS

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JUVENILE PREVENTION: Course of lectures

Study Guide

Dnipro
2024

UDC 343.9 : 343.85

B 48

Recommended for printing and use in the educational process by the Scientific and Methodical council of the Dnipropetrovsk State University of Internal Affairs (Protocol No. 3 of October 26, 2023)

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B 48 Juvenile prevention: Course of lectures : Study Guide / Vasyl Berezniak, Vadym Khashev, Anastasiia Filipp. Dnipro : Dniprop. State Univ. of Internal Affairs, 2024. 104 p.

ISBN 978-617-8035-89-1

The study guide includes six sections, which are divided according to the thematic plan of the course, which includes lectures on preventive activities the units of juvenile prevention, child crime, including such a phenomenon as "school bullying" and its prevention, prevention of child neglect and homelessness, domestic violence committed against children, organization of the work of student (youth) public formations for the prevention of criminal offences among children, peculiarities of criminal responsibility and punishment of minors.

This book is intended for scholars, lecturers, post-graduate students (adjuncts), students (cadets) of universities that train lawyers for the National Police of Ukraine, as well as for all those, who interested in the development of criminological science.

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Б 48 Ювенальна превенція: курс лекцій : навч. посіб. / В. С. Березняк, В. Г. Хашев, А. В. Філіпп. Дніпро : Дніпроп. держ. внутр. справ, 2024. 104 с.

Навчальний посібник містить шість розділів, які розподілені відповідно до тематичного плану курсу, який включає лекції про превентивну діяльність підрозділів ювенальної превенції, дитячу злочинність, зокрема таке явище як «шкільний булінг» та її профілактику, профілактику дитячої злочинності, бездоглядність та безпритульність, насильство в сім'ї, вчинене щодо дітей, організація роботи учнівських (молодіжних) громадських формувань з профілактики кримінальних правопорушень серед дітей, особливості кримінальної відповідальності та покарання неповнолітніх.

Книга розрахована на науковців, викладачів, аспірантів (ад'юнктів), студентів (курсантів) вищих навчальних закладів, які готують юристів для Національної поліції України, а також усіх, хто цікавиться розвитком криміналістичної науки.

ISBN 978-617-8035-89-1

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CONTENT

Introduction	4
SECTION 1. Prevention of child crime. Preventive activities aimed at preventing children from committing criminal offences	6
SECTION 2. Prevention of violence among children. Prevention of school bullying	26
SECTION 3. Prevention of child neglect and homelessness	44
SECTION 4. Prevention and counteraction of domestic violence against children	61
SECTION 5. Organization of the work of student (youth) public formations for the protection of public order and prevention of criminal offences among children	80
SECTION 6. Peculiarities of criminal liability and punishment of minors	92

INTRODUCTION

The purpose of the study guide "Juvenile Prevention: Course of Lectures" is to train highly qualified police officers who have thorough, in-depth general education and special knowledge, the application of which in practical activities will make it possible to solve the tasks assigned to the National Police regarding preventive and prophylactic activities, preventing the commission of offences by children and manifestations of danger relative to them.

One of the main tasks of law enforcement units is to carry out preventive and preventive activities aimed at preventing the commission of various offences. This specialization is aimed at training officers of the National Police of Ukraine, who will work in a new direction of work, when the police is oriented towards society.

Juvenile prevention is extremely important in this context – a division of the National Police, whose main task is to prevent the commission of offences by children and manifestations of danger in relation to them. Juvenile prevention is the basis of the introduction of juvenile justice in Ukraine, and therefore the training of personnel for this service of the National Police is of great importance.

Children and youth are an important component of modern Ukrainian society, a carrier of intellectual potential, a determining factor of socio-economic progress. The process of state formation largely depends on the ability of youth to be an active creative force.

Youth play an important role in the social processes of building a democratic state. However, despite certain positive changes taking place in the youth environment, there are still many problems. In particular, this concerns crime among minors, which creates the need to optimize the work of juvenile prevention units.

A negative trend is the dynamics of an increase in the number of violent criminal offences against minors. In this case, violence against children or neglect of their basic needs has a negative impact on the child's mental development, disrupt his socialization, cause neglect, etc. Many child victims of violence leave home or children's institutions, become involved in antisocial behaviour, and start using alcohol or drugs. The social danger of criminal violence lies in the fact that it causes significant damage to such social values as life, health, honour and dignity of the individual, property interests, and

public order, which are a necessary condition for the normal functioning of society.

This study guide covers general criminological concepts related to child crime, as well as characteristics of criminal offences committed by children, child criminals and child victims, causes and conditions of child crime, etc. In addition, special attention is paid to the mechanism of preventing children's crime and the need to carry out preventive activities aimed at preventing children from committing criminal offences.

The study guide "Juvenile Prevention: lecture course" will enable the student of higher education to acquire knowledge about preventive activities of juvenile prevention units, child crime, including such a phenomenon as "school bullying" and its prevention, prevention of child neglect and homelessness, domestic violence committed against children, organization of work of student (youth) public formations for the prevention of criminal offences among children, peculiarities of criminal responsibility and punishment of minors.

SECTION 1
PREVENTION OF CHILDREN’S CRIME. PREVENTIVE
ACTIVITIES AIMED AT PREVENTING CHILDREN
FROM COMMITTING CRIMINAL OFFENCES

The plan

1. Criminological characteristics of child crime.
2. Criminological characteristics of children who commit criminal offences.
3. Criminological characteristics of children who are victims of a criminal offence.
4. Causes and conditions of child crime.
5. Legal principles of the activity of juvenile employees on the prevention of criminal offences among children.
6. Prevention of juvenile delinquency. Preventive activities aimed at preventing children from committing criminal offences.

1.1. Criminological characteristics of child crime

Thus, according to the Unified Report on Criminal Offences by State (the website of the Prosecutor General’s Office), as of December 2022, the number of criminal proceedings for which proceedings were sent to court, committed by or with the participation of minors, was 1,824 (as of December 2020 – 3,708; as of December 2021 – 3247).

In the 12 months of 2022, 78 persons under the age of 14; 388 persons aged 14-16 years old; and 903 persons aged 17-18 years old were found to have committed criminal offences.

The level, structure, dynamics, causes, conditions and motivation of criminal offences are features that are inherent in children’s criminal behaviour. The given properties express the specific properties of juvenile delinquency. They are determined by certain types of behaviour and their legal status in society. This is what determines the specifics of the organization of the system for the prevention of children’s criminal behaviour. One of the priority directions in the fight against crime in almost all countries of the world is the organization of a perfect system for the prevention of criminal manifestations among children.

A special attitude towards children’s criminal behaviour on the part of

public organizations and state services is due to the following circumstances:

1) presence of criminal behaviour in members of society who are at the stage of personality formation, life position, transition from life under the care of family and school to independent life, awareness of social values of society and performance of personal functions in it;

2) instability of the emotional component and partial misunderstanding or rejection of moral and psychological instructions in various life situations, which causes an inadequate reaction to them;

3) crime among children is a reserve of adult crime. Criminological studies show that recidivists commit their first criminal offence, as a rule, when they are underage;

4) there is a certain regularity and specificity in the manifestations of juvenile delinquency, features of criminal behaviour, and a similar phenomenon is present in the structure, dynamics, causes, conditions, motives or goals of this type of crime;

5) children are emotionally more sensitive to measures to combat juvenile delinquency, therefore juvenile criminals are more susceptible to preventive measures than adults;

6) the organization of an effective system of prevention of criminal offences among children ensures the reduction of crime among adults in the future and the strengthening of law and order in society as a whole.

Family factors that may influence juvenile delinquency include:

- the level of parental supervision;
- the way parents discipline a child;
- parental conflict or divorce;
- criminal activity of parents or siblings;
- parental abuse or neglect and the quality of the parent-child relationship.

As discussed above, parenting style is one of the greatest predictors of juvenile delinquency. There are 4 categories of parenting styles that describe the attitudes and behaviours that parents express when raising their children:

1. Authoritative upbringing, in addition to discipline, is characterized by warmth and support.

2. Permissive parenting is characterized by warmth and attention to its children, but lacks structure and discipline.

3. Authoritarian parenting is characterized by high discipline without warmth, resulting in often hostile behaviour and harsh correction.

4. Careless parenting is characterized by a lack of parental warmth in the relationship, as well as low control over children's behaviour, undemanding parents.

The above-mentioned circumstances determine the increased attention

of society to child crime.

When conducting a criminological analysis of juvenile delinquency, its peculiarities should be considered.

The following structural characteristics of juvenile delinquency can be distinguished:

1) the share of children in general crime is relatively small and in most regions is from 8 to 13 %, and on average in the country for the specified period – 11 %;

2) juvenile delinquency is of a less serious nature;

3) the structure of juvenile delinquency by types and groups of criminal offences differs little from the structure of all crime: property theft of all forms of ownership, robbery, robbery, carjacking, hooliganism, bodily harm, etc.;

4) the intensity of crime among children in cities is much higher than in rural areas, not only in terms of the total number, but also in terms of severity and is 77 % and 23 %, respectively. Certain seasonal fluctuations are associated with migration processes in the summer;

5) according to the data of sample studies, about 80 % of children's criminal offences are committed at the place of residence or study, more than half – after 8 p.m.;

6) children's criminal offences are mainly of a group nature;

7) recidivism among children is 15-18 %, among adults – 25-30 %;

8) among minors there is a fairly high percentage of persons who committed a criminal offence while under the influence of alcohol or drugs. In this state, these are violent and self-serving criminal offences;

9) in recent years, there have been significant changes in the motivation of children's criminal behaviour. So, if earlier only 25-30 % of thefts were committed for selfish motives, and in other cases it was motives of solidarity with friends, a desire for self-affirmation, etc., now selfish motivation is dominant in virtually all criminal offences. Self-interested motivation is manifested in the fact that thefts, robberies, robberies are committed not to meet the necessary needs of life, but to acquire prestigious things;

10) violent crime has recently been characterized by elements of cruelty, abuse of the victim, manifestations of cynicism, impulsiveness of actions. An example can be the private military company "Redan" – an aggressive youth subculture that engages in mass fights and is characterized by a lack of acceptance of football fans, migrants and people from the Caucasus.

Numerous studies show that deep personal deformations are the reason for choosing a criminal variant of behaviour that characterizes juvenile criminals. They consistently lag their peers in mental and mental development by 1-2 years, have left school, lost interest in learning, and disdain the requirements of educational institutions.

The cultural and educational level of such teenagers is characterized by the limited use of cultural information channels and their attitude to it only as one of the means of filling free time, and not as a source of culturally significant information. No more than 10-20 % of the examined teenagers read books. Preference is given to one's own channels of information obtained when communicating in groups with an asocial orientation.

The study of the moral-psychological and emotional-volitional sphere of criminals shows that they are characterized by a weakened sense of shame, a callous attitude to the feelings of other people, intemperance, rudeness, lying, lack of self-criticism and pity. A pronounced weakening of willpower is recorded in 15-25 % of cases. Therefore, the factors of their antisocial behaviour are not in weakness, but in a person's negative volitional orientation.

Such a typology makes it possible to identify not only the main variants of the behaviour and orientation of the personality of juvenile criminals, but also to solve the issue of their punishment and the implementation of individual preventive work considering personal characteristics.

In this classification, other categories of juvenile delinquents can be distinguished depending on a wide variety of criteria, but the main criterion from the point of view of criminology and criminal jurisdiction is the degree of public danger of the person.

So, the criminological characteristic of juvenile delinquency includes several circumstances that should be considered when determining the reasons for committing offences by minors. In particular, family relationships are key factors in the commission of child torts, because the family shapes the child's personality, provides certain life guidelines, etc. Parental or sibling criminal activity, parental abuse or neglect, and poor parent-child relationship quality are certainly interrelated with the choice of juvenile delinquency.

1.2. Criminological characteristics of children who commit criminal offences

Let's start the criminological characterization of the person of a juvenile delinquent with its main *socio-demographic features*.

By gender, these individuals are distributed in the ratio of men to women as 15:1. At the same time, the share of women is constantly growing: over the past five years – by 5 %. This growth is especially noticeable among girls who have committed property crimes, primarily theft. Violent criminal offences against the person, beatings, bullying, acts of robbery, in particular against peers, as well as the elderly, became numerous among them.

As for the age of the researched persons, among them the share of the

16-17-year-old age category prevails over the 14-15-year-olds in a ratio of 3:1. At the same time, as noted, the share of the latter among all juvenile criminals tends to increase. For most modern juveniles who have committed a criminal offence, it is typical to stay in families that did not have the minimum material wealth. A significant part of them grew up and were formed in single-parent families, mostly without a father, and every twelfth – without both parents, as a rule, in conditions of lack of parental and family attention, support, and care. Over the last 10 years, among juvenile criminals, the share of those who left their parents' family, lived outside it, "wasted" and were in a criminogenic environment increased by 2.5 times.

Many juveniles who committed a criminal offence lagged behind their peers not only in the number of full years of schooling, but even more so in its quality. She fell behind in acquiring knowledge and, in the end, could not catch up on her acquisition on her own. Being in the school team, communicating with classmates caused this part of students mental and psychological discomfort, which often received negative compensation in the environment of similar teenagers outside the family and school. In recent years, the process of reducing the differences in the intensity of criminal activity of various groups of minors, who differ in their social status, has been outlined. As before, among those who committed criminal offences (as well as among adults), teenagers who did not have socially useful activities in the form of studies prevailed.

The moral and psychological personality characteristics of minors who have committed criminal offences have several significant differences.

The behaviour of minors and their motivation are primarily influenced by the general age characteristics of a person who has not yet fully developed physiologically, psychologically, mentally and in the volitional sphere. Experts call this special period the "adolescent crisis", its beginning is due to biological transformations, and its end – social adaptation. Psychological manifestations of adolescent "immaturity" of this type are also: an increased tendency to fall under external quasi-authoritative influence, to be carried away by proposals and "ideas", often controversial, close environment, lack of formation of one's own attitudes and values, uncertainty and instability of the emotional sphere, complexity of volitional qualities.

For the emotional and volitional sphere of juvenile criminals, the weakening of the sense of shame, intemperance, brutality and cruelty, instability and lack of self-criticism are typical. Significant weakening of willpower occurs in 15-25 % of cases.

Studies have shown that a defining feature of the character of many such teenagers, which affects a significant part of relationships, is laziness (laziness), which limits interests, primarily in the field of activity (education, work, raising the cultural level, developing creativity, talents, etc.). They are

much more attracted to the sphere of leisure and entertainment, but again, as a rule, without the expenditure of physical, spiritual, other activity energy and with increased attention to its various quasi-substitutes: drugs, alcohol, gambling, available sex, computer substitutes for the latter etc.

The next characteristic feature of teenagers in the pre-criminal period is the neglect of elementary rules of behaviour, often demonstratively, accompanied by acutely painful reactions to remarks, including the use of forceful arguments against them instead of substantive ones.

Forceful, violent, including cruel, means in relationships, especially in the close environment, with the victims, have become a characteristic feature of the modern adolescent environment from which juvenile criminals are recruited. Most juveniles who committed criminal and other offences had stable habits, standards and stereotypes of antisocial behaviour, which they followed, often almost automatically, without thinking about what happened and its consequences. Disregard for social norms of behaviour, rules of morality and general culture among some juvenile criminals is to a certain extent determined and intensified by mental underdevelopment, neuropsychological abnormalities of a psychopathic nature or those arising because of brain trauma, infectious and other diseases. According to our data, up to 20 % of juveniles who committed offences and due to certain external signs were sent for examination to psychoneurological dispensaries had the mentioned mental anomalies, which is more than 3 times higher than the similar rate in juveniles with lawful behaviour and 5 times higher in adult's offenders.

O. Kalman cites the following aggravating defects of psychophysiological and intellectual development and state of minors who have committed criminal offences recorded by criminologists, namely:

- various disorders of psychophysiological development that occurred during the period of intrauterine development, childbirth, in early childhood, including due to the mother's abuse of alcoholic beverages, drugs during pregnancy, due to craniocerebral trauma in childhood, general somatic and infectious diseases;

- neuropathological character traits and pathocharacterological reactions clearly expressed, starting from childhood (shouting, tearfulness, increased offensiveness, irritability, affectivity, impulsiveness, etc.);

- early alcoholic neurasthenia;

- physical and social infantilism;

- pronounced lag in physical development, including defects in appearance, which are compensated by aggressive behaviour;

- a reduced level of intellectual development, which complicates the perception of social information, social norms and requirements, creates

difficulties in communicating with other adolescents and adults, including parents and close relatives.

So, the criminological characteristics of a criminal, in particular a minor, include socio-demographic, moral-psychological characteristics and features of the emotional-volitional component of an individual personality. Juvenile criminals are primarily characterized by the commission of criminal offences against property, as well as violent criminal offences committed by beating, bullying, etc. Mostly juvenile offenders come from families with minimal income, where one of the parents is absent, or orphans, deprived of parental care and care. This gradually leads to such children acquiring traits of cruelty, brutality and intemperance, as well as to choosing a criminal variant of behaviour. In addition, juvenile delinquents often do not attend school and have a significantly lower level of development and intelligence than their peers.

As a result of the above-mentioned factors (all or part of them), such children have defects in psychophysiological and intellectual development.

1.3. Criminological characteristics of children who are victims of criminal offences

A negative trend is the dynamics of an increase in the number of violent criminal offences against minors. In this case, violence against children or neglect of their basic needs has a negative impact on the child's mental development, disrupt his socialization, cause neglect, etc. Many child victims of violence leave home or children's institutions, become involved in antisocial behaviour, and start using alcohol or drugs. The social danger of criminal violence lies in the fact that it causes significant damage to such social values as life, health, honour and dignity of the individual, their property interests, and public order, which are a necessary condition for the normal functioning of society. Thus, according to the Unified Report on Criminal Offences by State (the website of the Prosecutor General's Office), in 2022, 4,718 criminal offences were committed against children (not including those committed in the temporarily occupied territories and which were impossible to account for). And 6,047 minors and 2,561 minors became victims of criminal offences.

Revealing the identity of a minor victim of violent criminal offences, we note that a characteristic feature of modern violent crime is a significant increase in the following types of criminal offences against minors. This group of criminal offences includes, in particular:

1) criminal offences against life (intentional murder, murder by the mother of a newborn child, murder committed in a state of affect, causing death due to negligence, leading to suicide);

2) criminal offences against human health (deliberate serious and moderate bodily harm, causing minor health damage, beatings and beatings, torture);

3) sexual criminal offences (rape, sexual intercourse with a person who has not reached sexual maturity, satisfaction of sexual passion in an unnatural way, depravity of minors);

4) criminal offences against the will, honour and dignity of a person (kidnapping, illegal deprivation of liberty, illegal placement in a psychiatric hospital, human trafficking or other illegal agreement on the transfer of a person).

It is common knowledge that persons under 14 years of age are considered minors. The legislation of Ukraine defines that minors are the youngest group of minors. The law does not specify the age, but in practice, generally, minors include children who have not reached middle adolescence. The concepts of child and childhood are related to the biological state of immaturity, growth and development of a person, both physical and mental.

Children's age of mental development of a person is a conditional, generalized concept that combines several scientifically selected age periods of mental development. The era of childhood unites the following age periods: newborn crisis, periods of infancy, early childhood, preschool childhood, elementary school age.

At the same time, it is impossible to consider all the psychological features of a minor who has become a victim of a criminal offence. It is very important to consider the consequences of violence experienced by a child, considering its age characteristics. In different periods of life, the reaction to a similar psychological trauma can manifest itself in different ways.

The most common symptoms, depending on the age of the child, are:

– for children under 3 years old – fears, confusion of feelings, sleep disturbances, loss of appetite, aggression, fear of strangers, sexual games are noted in the behaviour;

– for pre-schoolers – anxiety, timidity, confusion of feelings, feelings of guilt, shame, disgust, feeling of helplessness; regression, aloofness, aggression, sexual games, masturbation are noted in the behaviour;

– for children of primary school age - ambivalent feelings towards adults, difficulties in defining family roles, fear, feelings of shame, disgust, corruption, mistrust of the world; in the behaviour, detachment from people, sleep disturbances, appetite disturbances, aggressive behaviour, a feeling of "dirty body", silence or unexpected talkativeness, sexual acts with other children are noted;

– for children 9-13 years old – the same as for children of primary school age, as well as depression.

During the study of violent crime, it is characteristic that the most

vulnerable minor victims of violent criminal offences (trafficking in children, child prostitution and child pornography, against sexual freedom and sexual integrity) are groups of children who find themselves in difficult life circumstances, namely:

- homeless;
- children living in "depressed" areas with high unemployment;
- live in resort and tourist areas; were left without parental care;
- are in residential institutions;
- have drug, alcohol, toxic addiction;
- are brought up in a family with one parent;
- one or both parents are working for a long time in other regions of Ukraine or abroad;

are brought up in families in which parents (persons who replace them) do not fulfil or improperly fulfil their responsibilities for the upbringing, education or maintenance of the child, abuse parental rights, negatively influence the behaviour of children.

To establish psychological contact, police officers must know the signs of an offended child. Such signs are often ambiguous. They depend on many factors: age, the type of personality that is being formed, the degree of emotional intimacy with the abuser, etc. It is very difficult to detect a committed violent criminal offence in time. This is primarily since children do not talk about what happened to them.

The following reasons can be found for this:

- children were threatened to keep quiet;
- convinced that it happened because of themselves;
- are embarrassed and cannot discuss such issues;
- boys feel guilty for not being able to defend themselves, their ideas about social roles are broken;
- if a boy was sexually abused by a man, he either blames himself or considers himself a homosexual;
- most children believe that they will not be believed: the child does not want to hurt his loved ones, etc.

In the process of research and analysis of scientific literature, it was established that in order to obtain information about the identity of a minor victim and the commission of a violent criminal offence against him, the following sources should be used during the investigation: 1) minor (personal communication, his testimony); 2) parents or other legal representatives of the minor; 3) information and characteristics from the place of study; 4) materials of criminal proceedings; 5) results of investigative (search) actions; 6) results of psychological examination of the child; 7) act of inspection of housing conditions; 8) medical documentation.

1.4. Causes and conditions of children's crime

Most of the problems, in particular those related to the observance of the rights of minors, arise precisely because our compatriots have a low level of civil culture and legal awareness.

The increase in crime, corruption, the low level of salaries and pensions, the adoption of laws and decrees that are not implemented, have confirmed in the mass consciousness a progressive apathy towards the law, towards the law. This is especially true for young people.

The formation of a teenager's consciousness is carried out gradually. When conducting a comprehensive study of juvenile delinquency, special attention should be paid to the influence of the family on the behaviour of juveniles.

Undoubtedly, family is a formative and personal factor in the life of every teenager. It is she who shapes his outlook and attitude towards society and the individual to a greater extent. Therefore, what climate will prevail in the family, and what moral precepts will be taught to the minor, such will be the vector of his activity in the future. If a child systematically encounters cruelty and insults, sees with his own eyes illegal actions committed by parents, he himself becomes criminally oriented.

When conducting a comprehensive study of juvenile delinquency, in addition to the negative influence of the family and shortcomings in school education, scientists identified several other factors that determine the illegal behaviour of juveniles, including the following:

- unemployment in social work;
- negative impact of the microenvironment;
- defects in the activities of law enforcement agencies regarding the prevention of criminal offences by minors;
- insufficient attention, and even outright disdain on the part of the state and the public to the problems of minors in general and crime among the latter in particular;
- incitement by adults to commit criminal offences;
- negative influence of mass media, propaganda of violence, perverted sex, drugging and alcoholism, easy life, criminal activity, prostitution;
- neglect and lack of proper control by the relevant services, bodies and family over the behaviour, relationships and nature of how the teenager spends his time;
- neglect of future minor victims, which contributes to the creation of situations and reasons for criminal offences against them;
- shortcomings in the system of employment of minors, in the

organization of their leisure time, in the activities of bodies that are obliged to carry out direct work on the prevention of juvenile delinquency, primarily at the level of individual prevention of criminal offences.

In addition, it is important to establish the reasons and conditions for committing criminal offences by children. Thus, an approximate list of questions regarding the establishment of reasons and conditions that contributed to the commission of criminal offences by children can be the following:

I. Informational data about the minor and his environment

1. Age of the minor.
2. State of health.
3. State of general development.
4. Having a permanent place of residence or place of stay.
5. Presence of parents, sisters and brothers.
6. Place of study/work.
7. The minor's attitude to study/work.
8. If the minor does not study or work, then for what reasons.
9. Behaviour of a minor in an educational institution, at work.
10. Does he use drugs, alcohol, toxic psychotropic substances.
11. Is he a member of an informal association, a supporter of destructive religious sects and currents.
12. Does he visit gaming and entertainment facilities. Passion for computer games.
13. Have you committed criminal or administrative offences before, when and for what.
14. Violation of discipline, missing classes at an educational institution, absenteeism at work.
15. Antisocial relationships, vagrancy.
16. The presence of adult instigators and other persons who involved a minor in criminal activity and anti-social behaviour.
17. Relations with friends, educators.
18. Have there been cases of mistreatment of a minor by peers, educators.
19. Were there facts of forcing a minor to engage in begging, prostitution, gambling.
20. Negative influence of cultural and religious factors.

II. Material and living conditions of the family

21. Sanitary condition of the premises where a minor lives.
22. Conditions of keeping a minor (lack of food, adequate age of the minor, medical care, etc.).
23. Social status of the minor's family.

24. What is the relationship of a minor with his parents.
25. Have close relatives committed criminal or administrative offences.
26. Education, profession and place of work of the minor's parents.
27. Was the child abused by the parents (cruel treatment of a minor in the family).
28. Has the minor witnessed drunkenness, swearing, fights between parents.
29. Immoral lifestyle of the parents of a minor (abuse of alcoholic beverages, chronic alcoholism, drug addiction, prostitution, being registered in the National Police units).
30. Was the minor prohibited from attending general educational institutions.
31. What methods of education were used by the parents in relation to the minor (systematic application of anti-pedagogical influence measures to the minor).
32. Behaviour of parents in the family and everyday life.
33. Characteristics of the minor's parents.
34. Behaviour of a minor at home.
35. Residence of a minor in a family in a situation of conflict, with the presence of stressful factors: unemployment, financial problems, intolerable ethical atmosphere, etc.
36. Presence of facts of leaving the child without food, warmth, supervision, expulsion of the child from home.
37. Were the parents deprived of parental rights.

III. Peculiarities of the psychophysical development and character of the minor and the manifestation of his age characteristics.

Psychophysiological features: reactions, adaptations, motility, type of higher nervous activity, features of temperament, thinking, including defects, psychophysiological traits of genetic origin.

Character traits, including negative and socially undesirable (unacceptable), in particular, rudeness, dishonesty, aggressiveness, laziness, malice, cruelty, arrogance, selfishness, stinginess, cynicism, selfishness, vindictiveness, cowardice, closed-mindedness, arrogance. Positive and socially desirable traits: sociability, kindness, trustworthiness, courage, honesty. Lack of selfishness.

Volitional qualities, including inertia, the ability to fall under the influence of others, lethargy, decisiveness, persistence, the ability to submit to one's influence, etc.

Emotional traits, including imbalance, irritability, offensiveness, indifference, callousness, shyness, sensitivity, steadfastness.

For example, aggravating defects of psychophysiological and

intellectual development and state of minors who have committed criminal offences are:

– various disorders of psychophysiological development that occurred during the period of intrauterine development, childbirth, in early childhood, including due to the mother's abuse of alcoholic beverages, drugs during pregnancy, due to a brain injury in childhood, general somatic and infectious diseases;

– neuropathological character traits and pathocharacterological reactions clearly expressed, starting from childhood (shouting, tearfulness, increased offensiveness, irritability, affectivity, impulsiveness, etc.);

– early alcoholic neurasthenia;

– physical and social infantilism;

– pronounced lag in physical development, including defects in appearance, which are compensated by aggressive behaviour;

– a reduced level of intellectual development, which complicates the perception of social information, social norms and requirements, creates difficulties in communicating with other adolescents and adults, including parents and close relatives.

So, it should be noted that the family is the determining factor in the choice of behaviour for minors, it is the family that is the authority and shapes the worldview of the child. However, the family cannot be defined as the only factor influencing the formation of a minor's behaviour style. Such factors should also include social manifestations, that is, the low level of legal culture of its members, morality and civil legal awareness leads to an increase in the level of crime at the expense of minors who are trying to adapt to the surrounding world, full of criminal manifestations. Scientists studying the determinants of juvenile delinquency single out several factors that directly affect its occurrence and spread, however, over time, new factors constantly appear that directly or indirectly increase the number of juvenile delinquents.

1.5. Legal principles of the activities of juvenile prevention employees in the prevention of criminal offences among children

The activity of juvenile prevention workers in the field of prevention of crime among children is a specific type of activity of youth workers, aimed at identifying and eliminating the causes and conditions of committing offences by children, with the aim of reducing the number of offences committed by them and ensuring the protection of their rights and legitimate interests.

The first fundamental step that determined the further development vector of national legislation in the field of ensuring the rights of minors was

the ratification of the UN Convention on the Rights of the Child by the Verkhovna Rada of the Ukrainian SSR on February 27, 1991.

In accordance with Article 23 of the Law of Ukraine "On the National Police", Article 5 of the Law of Ukraine "On Bodies and Services for Children and Special Institutions for Children", Article 10 of the Law of Ukraine "On Prevention and Combating Domestic Violence", Regulations on the National Police, approved By Resolution No. 877 of the Cabinet of Ministers of Ukraine dated October 28, 2015, with the aim of improving the activities of the juvenile prevention units of the National Police and harmonizing the regulatory and legal acts of the Ministry of Internal Affairs, which regulate the activities of the National Police, with the legislation of Ukraine, the Instruction on the Organization of the Work of the Juvenile Prevention Units of the National Police of Ukraine was approved from 19.12.2017.

The main tasks of the units of the JP are:

- preventive activities aimed at preventing children from committing criminal and administrative offences, identifying the causes and conditions that contribute to this, taking measures within their competence to eliminate them;
- keeping preventive records of children prone to committing offences and carrying out individual preventive measures with them;
- participation in establishing the location of a child in the event of its disappearance or obtaining data for this within the framework of criminal proceedings opened due to the fact of its disappearance;
- taking measures to prevent child neglect, including police custody of minors;
- implementation of activities related to the protection of the child's right to obtain general secondary education;
- interaction with other units of the National Police of Ukraine, state authorities and local self-government bodies on matters of ensuring the rights and legitimate interests of children;
- carrying out pre-trial investigation of criminal misdemeanours in the form of an inquiry within the scope of competence.

To carry out individual prevention measures for a child, the police unit of the juvenile prevention department establishes an accounting-preventive case and enters information on the preventive registration of children for whom the juvenile prevention police officers carry out preventive work in the relevant information subsystem of the Ministry of Internal Affairs.

Juvenile prevention units interact with other authorized bodies and units of the National Police of Ukraine, state authorities and local self-government bodies, united territorial communities, international and public organizations.

Therefore, to prevent juvenile delinquency, there are separate units of juvenile prevention. They interact and cooperate with other bodies and units of

the National Police of Ukraine in the process of implementing the functional duties assigned to them.

1.6. Prevention of children's crime. Preventive activities aimed at preventing children from committing criminal offences

Preventive activity of state bodies and institutions in a broad sense is considered as one of the means of social regulation of social relations with the aim of reducing the level of crime, as an interaction of measures of an educational, pedagogical, organizational and legal nature aimed at preventing different levels of crime prevention.

The system of measures to prevent and prevent juvenile delinquency is based on principles of a general social nature, which are designed to ensure the necessary level of well-being, culture, education and training of young people.

This system of measures:

- acts in relation to the social, economic, youth, penal policy of the state, which is implemented through a number of targeted programs of providing material, legal, organizational and other assistance to families and children, prevention of neglect and delinquency among minors;

- has an independent legislative base – a complex of legal acts regulating the issues of creating optimal living conditions, raising children and youth, protecting their rights and interests, neutralizing negative influence on them, preventing homelessness, neglect, immoral manifestations, etc.;

- ensures the activity of all subjects of the prevention of criminal offences among minors, which is based on the relevant information and analytical base and is provided with budgetary funding.

Article 10 "The right to protection from all forms of violence" of the Law of Ukraine "On the Protection of Childhood" dated 04/26/2001 provides for state protection of a child from all forms of physical and mental violence, insult, careless or cruel treatment of him.

The problem of cruelty and violence in our society, especially among children, is becoming more and more urgent. This is due to many socio-economic and psychological factors, among which it should be noted: an increase in the number of single-parent families as a result of divorces and departure of parents abroad, frank uncontrolled propaganda of violence and aggression on video and television screens, etc.

An important factor affecting the reduction of violence among children is the preventive work of juvenile prevention workers.

The prevention of violence among children should be understood as the activity of juvenile prevention units within the defined competence, which is

aimed at identifying and eliminating the causes and conditions that lead to violence by children, as well as a positive impact on the behaviour of individual children on the territory of Ukraine, in a separate region, in family, in an enterprise, in an institution or organization, regardless of the forms of ownership, by place of residence.

In this case, detection means a set of measures of an analytical and search nature for collecting and verifying information about children prone to violence, carrying out explanatory work with them.

When identifying children prone to violence, the juvenile prevention worker in children's affairs has the opportunity to determine the circle of persons who need additional attention and preventive influence as a priority.

One of the sources of obtaining information about children prone to violence can be reports from natural persons, namely: neighbours or acquaintances of children, persons who have become aware of such information due to their activity, for example, administration or employees of educational institutions (director or deputy for educational work of the institution, teachers, psychologists), employees of services for children, employees of housing and communal services, district doctors who serve people at their place of residence, employees of social protection services, guardianship and care authorities, representatives of public organizations, volunteers, etc.

Information about children prone to violence can be provided to juvenile prevention workers by representatives of bodies and institutions entrusted with the implementation of measures to prevent family violence, namely: a specially authorized body of the executive power for the prevention of family violence; bodies of guardianship and care; specialized institutions for victims of family violence (crisis centres for victims of family violence and family members, centres for medical and social rehabilitation of victims of family violence).

In addition, the source of obtaining information is the "hotline" services, which are formed to provide free of charge psychological, socio-pedagogical, social-medical, legal and informational services to persons who find themselves in difficult life circumstances and turn to the service.

When identifying children prone to violence, it is also important to interact with entities that carry out social prevention among children and youth (bodies that carry out social work with children and youth, centres of social services for families, children and youth, services in children's affairs). Yes, according to Art. 9 of the Law of Ukraine "On Social Work with Families, Children and Youth" dated June 21, 2001, social prevention among children and youth provides for the implementation of:

- 1) comprehensive measures aimed at preventing family dysfunction, social orphanhood, domestic violence and child abuse, human trafficking, the

worst forms of child labour;

2) systematic registration and care of children and youth who have shown a tendency to antisocial behaviour;

3) informational and educational, propaganda work in families, among children and young people at the place of residence, study or work aimed at forming standards of positive behaviour and a healthy lifestyle in the individual.

Also, the source of information is the complaints of the victimized children and their parents about violent actions by other children, information obtained from publications in the mass media and the Internet.

During the detection of children prone to violence, the interaction of the juvenile prevention worker in children's affairs with district police inspectors, operative, investigative and other police units, as well as courts and the prosecutor's office, which can directly receive information during the protection of public order, disclosure criminal offences and during criminal proceedings.

Information can also be obtained from members of public organizations. Thus, in accordance with Chapter VI "Main directions of interaction with other authorized bodies and units of the National Police of Ukraine, state authorities and local self-government bodies, united territorial communities, international and public organizations" Instructions on the organization of the work of juvenile prevention units of the National Police of Ukraine (order of the Ministry of Internal Affairs of Ukraine dated 19.12.2017 No. 1044) Juvenile Prevention units interact with other authorized bodies and units of the NPU, state authorities and local self-government bodies, united territorial communities, international and public organizations in the following areas:

1) prevention of offences in the children's environment, combating domestic violence and child neglect;

2) ensuring the rights and interests of children;

3) implementation of the best international methods and practices of working with children who are in conflict with the law and children who have suffered as a result of illegal acts, including the implementation of joint projects on the prevention of offences among children;

4) raising the professional level, acquiring knowledge, skills and abilities through participation in seminars, trainings and other practical and theoretical activities.

In most cases, the affected children and witnesses are silent about what happened, so the employee must also be able to visually determine whether the child has been abused by appearance and behaviour. Observing the behaviour and appearance of individuals, taking into account certain signs, may indicate that the child was abused.

Yes, there is a distinction between immediate and distant consequences of violence against a child.

The immediate consequences include physical injuries, damage, and acute mental disorders that occur in response to any type of aggression. These violations can manifest either in the form of excitement, the desire to run away, to hide, or in the form of deep inhibition, external indifference. However, in both cases, the child is gripped by the most acute experience of fear, anxiety and anger. Older children may develop severe depression, a sense of their own inferiority.

Distant consequences of violence are violations of the child's physical and mental development, various somatic diseases, personal and emotional disorders, and social consequences.

By the following external signs, it is possible to recognize whether a child was subjected to physical violence:

- 1) bruises, sores, wounds, traces of blows, bites, burns with hot objects, cigarettes on the neck, body, limbs;
- 2) bone injuries and fractures, joint swelling and pain;
- 3) knocked out and loosened teeth, tears or cuts in the mouth, on the lips;
- 4) areas of baldness, bruises on the head;
- 5) damage to internal organs.

As for emotional (psychological) violence, it can be:

- 1) delay in mental development;
- 2) concentration difficulties, poor academic performance;
- 3) low self-esteem;
- 4) emotional disturbances in the form of aggression, anger, depressed state;
- 5) increased need for attention;
- 6) depression, suicide attempt;
- 7) inability to communicate with peers (too polite behaviour, excessive compliance or aggressiveness);
- 8) deception, theft, deviations in behaviour (alcohol, drug use);
- 9) violence against the weaker.
- 10) neuropsychiatric, psychosomatic diseases: neuroses, sleep disorders, appetite disorders, obesity, skin diseases, asthma.

It is possible to identify victims of violence and aggressors with the help of anonymous questionnaires in educational institutions.

One of the ways to identify children prone to violence is to record juvenile delinquents or children with antisocial behaviour.

Comprehensive accounting of such children allows more effective application of preventive measures, as well as identifying an additional contingent that requires observation by a juvenile prevention worker and

psychologists. In addition, it becomes possible to determine the circle of persons who need preventive exposure as a priority.

CONTROL QUESTIONS

1. Give a criminological description of child crime.
2. Give a criminological description of children who commit a criminal offence.
3. Give a criminological description of children who are victims of a criminal offence.
4. Name the causes and conditions of juvenile delinquency.
5. What normative legal acts regulate the activity of juvenile centre workers for the prevention of criminal offences among children.
6. Name the measures to prevent child crime.
7. What is meant by the prevention of violence among children.

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SECTION 2

PREVENTION OF VIOLENCE AMONG CHILDREN.

PREVENTION OF SCHOOL BULLYING

The plan

1. State and main trends of manifestations of violence (bullying) among schoolchildren.
2. Violence (bullying) among students of secondary education institutions: concepts, signs and types.
3. Criminological characteristics of children who commit violence (bullying). Criminological characteristics of children who are victims of violence (bullying).
4. Causes and conditions of violence (bullying) among students of secondary education institutions.
5. Measures to prevent violence (bullying) in secondary education institutions. Individual prevention of violence (bullying) in secondary education institutions.

2.1. State and main tendencies of violence (bullying) among school students

School bullying can be divided into two main forms:

1. Physical school bullying – intentional hits, kicks, beatings, infliction of other physical injuries, etc.; sexual bullying, happy sleeping.
2. Psychological school bullying – violence related to the effect on the psyche, which causes psychological trauma through verbal insults or threats, harassment, intimidation, which intentionally causes emotional insecurity. This form includes:
 - verbal bullying (the voice is used as a tool (offensive name with which the victim is constantly addressed, name-calling, spreading of offensive rumors, etc.);
 - offensive gestures or actions;
 - intimidation (using aggressive body language and voice intonations to force the victim to do or not do something);
 - isolation (the victim is deliberately isolated, expelled or ignored by some students or the whole class);
 - active rejection (occurs in response to an initiative coming from the victim, offenders make it clear that she is nobody, that her opinion means nothing, make her a "scapegoat");
 - passive rejection (occurs only in certain situations, when it is necessary

to choose someone for a team, group, sit at a desk, accept in a game, children refuse: "I will not be with him!");

- ignoring (they do not pay attention, do not communicate, do not notice, forget, do not show open aggression, but are not interested either);

- extortion (money, food, other things); damage and other actions with property (theft, robbery, hiding personal belongings of the victim);

- cyberbullying (humiliation using mobile phones, the Internet, other electronic devices (sending ambiguous images and photos, calling names, spreading rumours, etc.)). It is believed that the victims of bullying are children who are sensitive, withdrawn, shy, anxious, insecure, unhappy, with low self-esteem, prone to depression, children who do not have a single close friend and communicate more successfully with adults than with peers (Dan Olweus). However, strong, gifted personalities can also provoke self-bullying. While in a regular school, a gifted student starts certain mechanisms for the development of bullying, causes envy and irritation among peers with a high level of knowledge, curiosity, and the accumulation of the teacher's attention. As a result, the gifted student is isolated from the class. A bad attitude toward him gradually becomes the cause of appropriate behaviour: a child who is not accepted in the classroom begins to break the rules, act impulsively and recklessly.

The main mechanisms of bullying development:

- fear;

- envy and competition;

- rejection of otherness;

- the desire to subordinate someone to one's own will;

- the desire to displace someone from the group (team);

- the desire to humiliate another.

As a socio-psychological phenomenon, bullying affects all members of the group or class of children where it occurs. In particular, D. Olweus described the following role structure of bullying:

- 1) a student who is a victim of bullying;

- 2) students who commit violence, initiate and play leadership roles in the process of bullying – "bullers", or persecutors, aggressors;

- 3) followers – students who have a positive attitude towards bullying others and take an active part in it, but are usually not the initiators and do not play a leading role;

- 4) passive "bullies" – students who openly support bullying, for example by laughing or drawing attention to the situation, but do not interfere in it;

- 5) potential "bullies" – students who like bullying, but do not show it from the outside;

- 6) "observers" (indifferent witnesses) – students who do not participate in bullying and may consider that it is none of their business, i.e. show an

indifferent attitude to the situation;

7) "potential defenders" – these students have a negative attitude towards violence and believe that they should help the victim, but do nothing;

8) "defenders" – students who show a negative attitude towards the phenomenon, they protect the victim or try to help her.

Bullying is mostly a latent process for others, but children who have been bullied receive psychological trauma of varying degrees of severity, which leads to serious consequences, up to suicide. Therefore, the most dangerous consequences of this phenomenon. Moreover, the consequences for victims of bullying, bullies, and observers, namely:

1. Children who become bullies are more likely than their peers to fight, steal, drink and smoke, have low grades in school subjects, and may carry weapons.

2. Children who only observe bullying can feel at risk, just like the victims themselves.

3. Children who are bullied have the following symptoms (according to H. Leimann):

– the first group is associated with the impact of stress on cognitive processes, causing physical hyperreactions (memory impairment, impaired concentration, depression, apathy, quick irritability, general fatigue, aggressiveness, feeling of insecurity, frustration);

– the second group indicates psychosomatic symptoms (night terrors, stomach pain, diarrhoea, vomiting, feeling weak, loss of appetite, tightness in the throat, tendency to cry, feelings of loneliness);

– the third group combines symptoms arising under the influence of the release of stress hormones and the activity of the autonomic nervous system (chest pain, sweating, dry mouth, palpitations, frequent breathing),

– the fourth group reflects symptoms related to muscle tension (back pain, pain in the back of the neck, muscle pain);

– the fifth group is related to sleep problems (difficulties falling asleep, intermittent sleep, early awakening);

– the sixth group of symptoms: weakness in the legs, general weakness;

– the seventh group: loss of consciousness, tremors (shaking of the body or its individual parts).

2.2. Violence (bullying) among students of secondary education institutions: concepts, signs and types

Bullying is actions (actions or inactions) of participants in the educational process, which consist of psychological, physical, economic, sexual violence, including the use of electronic means of communication,

committed against a minor or a minor and (or) by such a person against other participants educational process, because of which damage to the mental or physical health of the victim could be or was caused.

Typical signs of bullying are:

- systematicity (repeatability) of action;
- presence of parties – offender (bully), victim (bullying victim), observers;
- consequences in the form of mental and/or physical harm, humiliation, fear, anxiety, subordination of the victim to the interests of the offender and/or causing social isolation of the victim.

The following types of bullying are distinguished:

- **physical** (pushing, kicking, hitting, fighting, kicking, slapping, inflicting bodily harm);
- **psychological** (humiliating looks, gestures, offensive body movements, facial expressions, spreading offensive rumours, isolation, ignoring, threats, jokes, manipulation, blackmail);
- **economic** (theft, damage or destruction of clothes and other personal belongings, extortion of money);
- **sexual** (humiliating looks, gestures, offensive body movements, nicknames and insults of a sexual nature, filming in changing rooms, spreading offensive rumours, sexual threats, jokes);
- **cyberbullying** (humiliation using mobile phones, the Internet, other electronic devices).

2.3. Criminology characteristics of children who commit violence (bullying). Criminology characteristics of children who are victims of violence (bullying)

Criminology characteristics of children who commit violence (bullying)

Violence in the school and student environment can be expressed in various forms, namely:

- verbal abuse, which includes humiliating comments and offensive names (nicknames);
- violence against a person due to social exclusion and social isolation;
- physical abuse: pushing, hitting, spitting;
- cheating and spreading false gossip;
- taking money or other things, rendering them unusable by those who abuse them;
- threats or coercion to perform any actions;

- violence against the background of racial discrimination;
- sexual violence.

When considering these types of violence, one should pay attention to the fact that such persons mostly use physical influence: blows, grabs and other types of physical coercion.

In addition, most often both boys and girls use verbal influence. The standard option is mockery. These are usually negative statements about the victim.

The next type of violence among schoolchildren and student youth is isolation. This type of violence is more characteristic of girls and consists in the fact that a person is pushed out of a group against her will.

It should also be noted that involving a person in the role of a victim using these forms of violence can be carried out with the help of provocations. The scenario of provocations is: committing some action in relation to another person with the aim of provoking his reaction, which can be used in one's own interests in the future.

The essence of provocation is to find a reason to accuse. In any case, a person is put in a situation where he is forced to react. A skilled provocateur will try to negatively interpret any reaction.

One of the elements of violence among children and school youth is threats. Stalkers may simply threaten the victim or communicate their threats through others. All this increases the pressure on the victim.

At the individual level, children and school youth who are capable of committing violence are distinguished by increased aggression, weak control over their impulses, and high tolerance for aggressive behaviour as such. Sometimes behind this are congenital genetic or hormonal features (increased level of testosterone hormone).

For a long time, there was an opinion that aggressiveness hides anxious, insecure individuals, who use hooliganism and violence against others to hide and compensate for their low self-esteem. However, such cases are rare, they can be called isolated.

As a rule, typical individuals who are prone to commit violence do not have low self-esteem and are sufficiently confident in themselves. They do not use force spontaneously, in connection with general children's conflicts, but deliberately, while remaining emotionally calm and indifferent.

School aggressors are most often male. "Typical aggressors" behave defiantly towards peers and adults. They are impulsive, less sensitive to pain and prefer violence as the most convenient means of resolving disputes and conflict situations. In addition, "aggressors" are distinguished by a low threshold of frustration and insufficient control in the situation of affect. They are physically stronger than their classmates and other peers, especially those

whom they persecute and choose as "victims". Children who have gained the dubious popularity of "aggressors" in the lower grades lose their status and become less respected and influential in the upper grades, but not as unloved as typical victims. Most aggressors are self-confident, strong individuals with a demonstrative, provocative manner of behaviour.

When we talk about aggressors at school, we almost immediately think of students with low academic performance, burdened with family and personal problems. Finally, aggressors or troublemakers can be children with mental and physical disabilities.

However, not all violent individuals have obvious behavioural problems. Some of them have good social skills and integrate well with teachers and other adults. Indeed, this applies to some boys, but is probably more common in girls who are bullied by their peers.

Recently, special attention has been drawn to the position of involuntary witnesses of what is happening. They themselves are not subject to direct aggression, but it has been proven that as a result of feeling their own helplessness, their self-esteem drops sharply.

Among children and school youth who are capable of committing violence against others, one should identify children who are sure that by "managing" and subordinating other peers, it will be much easier for them to achieve their goals. These are children who are easily excited and are very impulsive, with aggressive behaviour, do not know how to sympathize with the victims of their violent actions, and are physically developed.

However, those who want to be in the centre of attention can be the initiators of bullying and incitement to commit violence among children and school youth; sure and in his superiority over the victim; individuals who dream of being leaders in the classroom; individuals who do not recognize compromises, have weak self-control, intuitively feel which peers will not resist.

As a rule, one or two people are the trigger for committing violence among children and school youth.

Most often, the "accomplices" of the initiators of violence at school and educational institution are children who: cherish their relationship with the leader of the violence; are afraid to be in the victim's place; are influenced by the powerful in the classroom or audience; persons who do not want to stand out from the crowd of peers; children who do not know how to empathize with other children; those who take bullying for fun; persons without their own initiative; children from disadvantaged families who felt the fear of punishment; children of cruel parents; embittered peers who wish to take revenge for their past humiliations.

Criminology characteristics of children who are victims of violence (bullying)

Not only "aggressors", but also "victims", i.e., children who are "social outsiders", because they are most often the ones who are attacked and humiliated by their peers, are in the focus of close attention of teachers.

Among the victims there are "passive" and "provocative" victims.

"Provocative victims" can simultaneously display patterns of fearful and aggressive behaviour. In part, the provoking victims show the same signs as the aggressors. Such teenagers are impulsive, vulnerable and "always ready to fight". With their inadequate behaviour, they provoke aggression on the part of others and easily allow themselves to be dragged into violent actions. On the one hand, they are victims, and on the other hand, they try to terrorize weaker and defenceless peers. Their behaviour shows that in many situations related to aggression and violence, it is impossible to draw a clear line between typical victims and aggressors.

Typical passive victims are calm, reserved, timid children. They have low self-esteem, feel less attractive, physically weaker, and at the time of an attack they retreat or start crying and run away. At school or on the street, they are socially isolated and withdrawn because they have few acquaintances and friends, which is why they are called individualists, outsiders or weirdos.

In addition, victims of violence among children and school youth are persons who suffer from loneliness; have a negative life experience; from socially disadvantaged families; children and young people who are subjected to physical violence at home; persons who have an inferiority complex; persons who prefer to remain silent about violence and bullying; children and young people who do not believe in protection from teachers; do not consider themselves a significant part of their team; believe that they deserve to be a victim and passively expect violence from the persecutors; children who have accepted violence as their fate.

2.4. Causes and conditions of violence (bullying) among students of general secondary education

The processes and phenomena of modern reality, which lead to violent and criminal behaviour in the children's and school environment, have been studied by criminologists quite fully. Among the set of determinants of the specified behaviour of children and school youth, the following are most often distinguished:

- unfavourable conditions of life and education in the family;
- increasing concentration in formal (educational and labour) collectives

of persons who need not just education, but re-education;

- deterioration of social characteristics (education, professional training, etc.) in certain groups of children and youth;

- geo- and demographic processes with complex, including negative, social consequences;

- reduction of the educational potential of institutions that work with various contingents of children and school youth;

- weakening of law enforcement practice in some of its structural and functional areas;

- growth of selfish orientation of some groups of minors;

- increase in the number of informal associations of minors with an antisocial background;

- weakening of work with minors by place of residence;

- negative processes in social dynamics, including "stigmatized minors" (difficult, insecure, hopeless, etc.);

- the presence of a significant number of families of minors with an insufficient level of financial support.

The influence of the family on a child and a young person is stronger than the influence of a school, educational institution, society as a whole, and the education of higher human values is connected with the level of family culture, with the formation of various interests, professional and social activities.

Today, the transformation of the family took place (this is more connected with the natural development of society), which led to a change in the model of family relations and the acquisition of social roles by family members, to a decrease in the dependence of a person on the family unit.

School and educational institutions, along with the family, are the main institution of socialization of a child and a young person. The degree of their influence on personal development and assimilation of social and cultural experience by a person is quite significant, since children and young people spend about a third of their time within the walls of school and other educational institutions. At the same time, it has been proven that the process of socialization is often disrupted as a result of the negative impact of socio-pedagogical factors that manifest themselves in defects in school, family or social education. Child-adolescent maladjustment manifests itself in the difficulty of learning social roles, educational programs, norms and requirements of social institutions.

The increase in violence among children and school youth is primarily a manifestation of behavioural disorders, which, in turn, are largely determined by the social environment, therefore one of the directions of state policy on the specifics of violence among children and school youth should be the creation of a powerful and an effective system of the educational process, i.e.

educational work in the adolescent environment.

However, before starting to solve any problem, it is necessary to find out the reasons for its occurrence, and the reasons for deviant behaviour can be named a lot. The main ones are:

- neglect and lack of proper parental influence, control over behaviour in free time;
- negative influence of mass media, especially video films;
- negative influence of street companies;
- material shortages of the family;
- deficiencies in school education;
- shortcomings in the system of legal education of minors and, as a result, lack of reliable knowledge about the consequences of committing criminal offences;
- deficiencies in the employment system;
- impunity for the committed act and shortcomings in the activities of law enforcement agencies, which should carry out preventive work.

The main reasons for committing violence among children and school youth are insufficient life experience, a tendency to copy the behaviour of adults, not always positive influence on children and school youth from the surrounding environment, efforts to free themselves from parental care, belief in impunity, insufficient level of self-critical attitude towards their own actions, incorrect assessment of difficult life situations, use of alcoholic beverages or narcotic substances, lack of control on the part of educators and insufficient level of preventive work with minors, etc.

Violence among children and school youth is in most cases a reaction to an unfavourable developmental situation, which is caused by the inability or underdevelopment of children's ability to successfully resolve conflicts and overcome difficult states of consciousness due to their lack of social skills: the ability to communicate, resist stress, manage conflicts, etc. More often than not, offences among children and school youth are caused by a complex combination of adolescent, pedagogical and social crisis situations, and the trigger is a previously unresolved conflict associated with the loss of something valuable for a person.

Schools and school grounds become places of distribution of spheres of influence between rival teenage and youth groups, where fights and extortion of money from younger people take place.

The destruction of the material and technical base of sports and health sections, technical and creative circles, clubs, the closure of summer recreation camps, the almost complete collapse of work on the organization of children's leisure time, the commercialization and high prices of most forms of leisure activities are a factor in the activation of social deviations of children and

school youth.

The main reasons and conditions for committing violence by children and school youth are:

- decrease in the social level of citizens, associated with socio-economic processes in society;
- the moral degradation of a part of the population, the spread in the mass media (television, movies, the Internet) of products that promote the cult of violence and cruelty, immoral actions that negatively affect the upbringing of children, form in them false stereotypes of solving problematic life situations through violence and criminal offences;
- antisocial circumstances in some families where a teenager lives (long-term neglect, lack of parental supervision);
- the reaction of minors' protest to the increased strictness of parents;
- conflicting family circumstances (quarrels, fights in the family, drunkenness, drug addiction, immorality, criminal record of parents, violence);
- use of alcohol or drugs directly by minors;
- inflated self-esteem and the desire of some teenagers to stand out among their peers by committing illegal acts;
- insufficient level of legal knowledge of young people, which does not make it possible to correctly assess the situation from a legal point of view and predict responsibility for committing criminal and other offences;
- involvement of a minor by an adult in committing criminal offences, drug addiction, drunkenness and begging.

In adolescence, children are concerned about the problem of self-assertion, which is solved in the process of interaction with other teenagers. The desire to increase one's authority among one's peers, the desire for material independence, age-related frivolity often contributes to violence.

Today, there has been a change in the "heroes" due to changes in the negative evaluation criteria by children and school youth of many phenomena: printed information, television, movies, which actually advertise immoral criminal behaviour, demonstrate the means of committing offences, and promote the opinion that criminal offence is a common way self-expression and conflict resolution.

As a rule, children do not like those peers who stand aside from the team and do not contribute to the achievement of the general group goal – unity, harmony and development. Aggressive and simply alienated (due to certain personality traits) children are more often vulnerable, which is why they are punished, and children and youth who are prone to committing violence are only executors of group will, which is a big socio-pedagogical problem.

In addition, socio-economic factors, such as property, social, and ethnic inequality, are often behind violence.

When considering the reasons and conditions that contribute to violence among children and school youth, we should pay attention to the fact that all this happens because of a lack of parental love or the mother's or father's inability to show it properly.

In addition, it can be the result of family feuds and conflicts. Often, children and school youth who commit violence are children from families whose parents are divorced or where divorce is imminent. They are also children of single mothers.

Undoubtedly, the mentioned characteristics of families cannot be considered as a stigma on a child and are not a mandatory degree to the status of a victim or a bully in a school or student environment.

The fact is that the probability of children with the above-mentioned roles in such families is higher than in favourable ones. Therefore, parents should remember that the child imitates and copies their lifestyle.

Aggressive behaviour of children and school youth is also influenced by the following set of factors:

- personal factors (low level of education, inadequate low self-esteem, high impulsivity, abuse of alcohol, drugs, computer games, willingness to take risks, limited sense of self-preservation);

- behavioural factors (behaviour that creates obstacles for others, vandalism, aimless pastime, absenteeism and poor performance at school, early sexual contacts, reports to the police, early criminal record);

- social factors (the cult of violence in society, the influence of mass media, the behaviour of parents, low socioeconomic status of the family, dependence on social assistance, change of guardians (stepfather, stepmother), family and sexual violence, friends with antisocial behaviour.

The rapid biological development of a child during puberty with the desire for independence causes difficulties in relationships with adults and peers. Just yesterday, an obedient and calm child, who carefully and happily studied at school and attended various clubs, today becomes an irritable and aggressive rebel, having practically lost interest in school and abandoning previously favourite activities.

2.5. Measures to prevent violence (bullying) in secondary education institutions. Individual prevention of violence (bullying) in institutions of general secondary education

Article 10 "The right to protection from all forms of violence" of the Law of Ukraine "On the Protection of Childhood" dated 04/26/2001 provides for state protection of a child from all forms of physical and mental violence,

insults, careless and cruel treatment of him.

The problem of cruelty and violence in our society, especially among children, is becoming more and more urgent. This is due to many socio-economic and psychological factors, among which it should be noted: an increase in the number of single-parent families because of divorces and departure of parents abroad, frank uncontrolled propaganda of violence and aggression on video and television screens, etc.

An important factor affecting the reduction of violence among children is the preventive work of juvenile prevention workers.

The prevention of violence among children should be understood as the activity of juvenile prevention units within the defined competence, which is aimed at identifying and eliminating the causes and conditions that lead to violence by children, as well as a positive impact on the behaviour of individual children on the territory of Ukraine, in a separate region, in family, in an enterprise, in an institution or organization, regardless of the forms of ownership, by place of residence.

At the same time, individual and preventive work with children who have antisocial behaviour and are prone to violence becomes especially important.

Juvenile prevention workers determine the nature and content of individual prevention measures depending on the characteristics of the child's personality, social climate, etc.

A mandatory condition for individual preventive work by juvenile prevention workers is respect for the child's personality, attentiveness to him, his shortcomings, and interest in his fate.

In the course of individual prevention, the child can be influenced both directly by the juvenile prevention worker and through other persons (parents, teachers, educators, etc.).

The main measures of individual prevention are: 1) identification of children who have antisocial behaviour and are prone to violence; 2) warning conversation (including introductory and educational conversations), during which the child's intentions, interests, living conditions, plans for the future, etc. are clarified; 3) conversation (introductory, warning) with persons who have a negative influence on the child; 4) drawing up a plan of measures for individual prevention based on the study of material characteristics, individual psychological features of the child; 5) use of persons and factors that have a positive effect on a child who has antisocial behaviour and is prone to violence.

In this case, detection means a set of measures of an analytical and search nature for collecting and verifying information about children prone to violence, carrying out explanatory work with them.

When identifying children prone to violence, the juvenile prevention worker can determine the circle of persons who need additional attention and

preventive influence as a matter of priority.

One of the sources of obtaining information about children prone to violence can be reports from natural persons, namely: neighbours or acquaintances of children, persons who have become aware of such information due to their activity, for example, administration or employees of educational institutions (director or deputy for educational work of the institution, teachers, psychologists), employees of services for children, employees of housing and communal services, district doctors who serve people at their place of residence, employees of social protection services, guardianship and care authorities, representatives of public organizations, volunteers, etc. .

Information about children prone to violence can be provided to juvenile prevention workers by representatives of bodies and institutions entrusted with the implementation of measures to prevent family violence, namely: a specially authorized body of the executive power for the prevention of family violence; bodies of guardianship and care; specialized institutions for victims of family violence (crisis centres for victims of family violence and family members, centres for medical and social rehabilitation of victims of family violence).

In addition, the source of obtaining information is the "hotline" services, which are formed to provide free of charge psychological, socio-pedagogical, social-medical, legal and informational services to persons who find themselves in difficult life circumstances and turn to the service.

When identifying children prone to violence, it is also important to interact with entities that carry out social prevention among children and youth (bodies that carry out social work with children and youth, centres of social services for families, children and youth, services in children's affairs). Yes, according to Art. 9 of the Law of Ukraine "On Social Work with Families, Children and Youth" dated June 21, 2001, social prevention among children and youth includes the implementation of:

- 1) systematic registration and care of children and youth who have shown a tendency to antisocial behaviour;
- 2) information and educational, propaganda and campaigning work among children and youth at the place of residence, study or work.

Also, the source of information is the complaints of the victimized children and their parents about violent actions by other children, information obtained from publications in the mass media and the Internet.

During the detection of children prone to violence, the interaction of the juvenile prevention worker with district police inspectors, operative, investigative and other police units, as well as courts and the prosecutor's office, which can directly receive information during the protection of public order, disclosure of criminal offences and during criminal proceedings.

In most cases, the affected children and witnesses are silent about what happened, so the employee must also be able to visually determine whether the child was abused by appearance and behaviour. Observing the behaviour and appearance of individuals, considering certain signs, may indicate that the child was abused.

Yes, there is a distinction between immediate and distant consequences of violence against a child.

The immediate consequences include physical injuries, damage, and acute mental disorders that occur in response to any type of aggression. These violations can manifest either in the form of excitement, the desire to run away, to hide, or in the form of deep inhibition, external indifference. However, in both cases, the child is gripped by the most acute experience of fear, anxiety and anger. Older children may develop severe depression, a sense of their own inferiority.

Distant consequences of violence are violations of the child's physical and mental development, various somatic diseases, personal and emotional disorders, and social consequences.

By the following external signs, it is possible to recognize whether a child was subjected to physical violence:

- 1) bruises, sores, wounds, traces of blows, bites, burns with hot objects, cigarettes on the neck, body, limbs;
- 2) bone injuries and fractures, joint swelling and pain;
- 3) knocked out and loosened teeth, tears or cuts in the mouth, on the lips;
- 4) areas of baldness, bruises on the head;
- 5) damage to internal organs.

As for emotional (psychological) violence, it can be:

- 1) delay in mental development;
- 2) concentration difficulties, poor academic performance;
- 3) low self-esteem;
- 4) emotional disturbances in the form of aggression, anger, depressed state;
- 5) increased need for attention;
- 6) depression, suicide attempt;
- 7) inability to communicate with peers (too polite behaviour, excessive compliance or aggressiveness);
- 8) deception, theft, deviations in behaviour (alcohol, drug use);
- 9) violence against the weaker;
- 10) neuropsychiatric, psychosomatic diseases: neuroses, sleep disorders, appetite disorders, obesity, skin diseases, asthma.

It is possible to identify victims of violence and aggressors with the help of anonymous questionnaires in educational institutions.

One of the ways to identify children prone to violence is to record juvenile delinquents or children with antisocial behaviour.

Comprehensive accounting of such children allows more effective application of preventive measures, as well as identifying an additional contingent that requires observation by a juvenile prevention worker and psychologists. In addition, it becomes possible to determine the circle of persons who need preventive exposure as a priority.

The next individual preventive measure is a warning interview (in accordance with the Instructions for organizing the work of juvenile prevention units, approved by the order of the Ministry of Internal Affairs of Ukraine dated 19.12.2017 No. 1044, introductory and educational interviews can also be held), the main tasks of which are to have a direct educational impact on the child, control over her behaviour, as well as information provision of individual prevention of criminal behaviour.

You can't act according to a template when conducting a conversation. Its content, orientation and style are determined taking into account the individual and psychological characteristics of a human's personality, his/her age, social experience, educational level, life plans and intentions, relationships with others, as well as reasons for conversations, other specific circumstances.

In our case, the peculiarity of conducting a warning conversation is that the object is a child of a certain age.

A warning conversation with a child prone to violence is recommended to be conducted in compliance with the rules provided for in Art. 226 "Peculiarities of interrogation of minors" of the Criminal Procedure Code of Ukraine.

In this case, the conversation with a minor or a minor must be conducted in the presence of a legal representative, a teacher or a psychologist (if necessary, a doctor), it must not continue without a break for more than one hour.

The conversation should be preceded by thorough preparation (study of the available materials and, based on them, determination of the main direction and range of issues, feasibility of involving other people in it, place and time of the meeting).

When preparing for the interview, it is necessary to take into account the age of the child, his life experience, education, family status, the nature of the violence committed, the degree of moral and social security, and it is also more effective to conduct the interview at home or outside of an official institution if the child's behaviour is positive, and if the behaviour worsens – in the premises of the police.

During the conversation, you need to remember that the child's level of

trust in an adult can be very low, and behavioural reactions – defensive. Therefore, it is necessary to treat the child carefully. In the course of the conversation, it is impossible to humiliate the child's dignity and to respond to his brutality with harshness, threat of punishment, intimidation.

The psychological atmosphere of the conversation, its tone should reflect the general line of individual prevention – a combination of benevolence, interest in the fate of the child with demandingness towards her, her behaviour (in the Rules of Ethical Behaviour of Police Officers, approved by the order of the Ministry of Internal Affairs of Ukraine dated 09.11.2016 No. 1179, it is indicated that in communication with people, a police officer must be attentive to children).

A warning conversation cannot be reduced to general appeals and abstract wishes, it must be specific and purposeful in content, based on convincing facts and arguments.

If the conversation takes place in the office of the juvenile prevention worker, it is important that outsiders do not enter the office, and the phone does not ring.

The desirability of the presence of the child's parents depends on the specific situation.

When establishing contact, it is recommended to first ask mostly open questions on neutral topics (inquire about the state of health and other aspects of the child's personal life).

It is also important to establish psychological and pedagogical contact with the child, to reveal his inner world, to establish socially useful interests and hobbies.

In addition, it is necessary to ensure the two-way nature of the conversation, more actively involve the child in the conversation, clearly formulate questions, and present them in an accessible form.

During the conversation, taking into account the available data, the minor is given advice, recommendations, wishes, the nature of his actions is assessed, and other forms of influence on his behaviour are planned. It is necessary to listen to the child's objections and arguments.

During the conversation, it is necessary to find out the child's intention, his interests, living conditions, reasons for committing violence, and other possible participants. In addition, it is necessary to find out the living and upbringing conditions of the child (Article 487 of the Criminal Procedure Code of Ukraine). When studying the living conditions and upbringing of a child, it is necessary to find out:

– the composition of the child's family, the environment in it, the relationship between adult family members and adults and children, the parents' attitude to the upbringing of the child, forms of control over his

behaviour, the moral and domestic conditions of the family;

– the environment in the school or other educational institution where the child studies, his attitude to learning, relations with educators, teachers, peers, the nature and effectiveness of educational measures that were previously applied to him;

– relations and behaviour of the child outside the family, educational institution.

It is also necessary to explain to the child, what rules of conduct he has violated, and what responsibility may be applied to him.

The child, with whom a preventive conversation is conducted, is warned about the need to stop illegal actions.

In the course of individual prevention, the worker of juvenile prevention of children draws up an individual prevention plan (the plan should avoid general declarative appeals, it is necessary to clearly indicate the terms, venue and responsible performers), which includes the following measures depending on the characteristics of the child:

1) the procedure for obtaining complete information about the child, identifying comprehensive data about the environment in which the child lives;

2) the procedure for the implementation of individual prevention measures, namely: conducting familiarization, warning, educational conversations with a child who is on preventive registration, monitoring his behaviour;

3) the procedure for carrying out measures to prevent administrative and criminal offences (referring the child to undergo behaviour correction programs, applying coercive measures of an educational nature, in particular such as restrictions on being outside in the evening and at night, mandatory visits to a narcologist, etc.);

4) measures to prevent criminal offences at the stage of expressing intentions or their preparation by encouraging them to voluntarily refuse to commit crimes, isolating the child from the organizers, helping to solve the problem that is the reason that pushes the child to commit a criminal offence, etc.;

5) the procedure for monitoring the effectiveness of individual prevention by sending requests about children's behaviour at the place of residence, study and work, interviewing people surrounding the child, etc.;

6) the procedure for preparing materials for changing the child's status (removal from preventive registration, sending a submission to resolve the issue of changing the punishment, etc.).

CONTROL QUESTIONS

1. Name the main trends in bullying among schoolchildren.
2. Define bullying.
3. Provide a criminological description of children who commit school bullying and children who are victims of school bullying.
4. Name the reasons and conditions of school bullying.
5. List the measures to prevent school bullying.

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SECTION 3 PREVENTION OF CHILD NEGLECT AND HOMELESSNESS

The plan

1. Causes and conditions of child neglect and homelessness.
2. Legal principles of activities of juvenile prevention workers to prevent child neglect and homelessness.
3. Activities of juvenile prevention workers to prevent child neglect and homelessness.

3.1. Causes and conditions of child neglect and homelessness

Today, in our country, there is a tendency towards the decline of moral values, which previously seemed unshakable. Apathy has arisen in most citizens, the feeling of hopelessness and own powerlessness has intensified, and they have lost faith in the future.

The consequence of this constant stress is the demoralization of society, manifestations of aggression. That is why these negative phenomena affect the development of society, as well as the upbringing of individual citizens, primarily minors.

The Constitution of Ukraine defines the highest social value as a person, his life and health, honour and dignity, inviolability and security. However, the crisis state of Ukraine's economy, the inefficient functioning of the country's socio-economic complex in the transition period led to poverty and material stratification of the population and, accordingly, to the growth of such social phenomena as child neglect and homelessness.

Due to changes in the socio-economic situation in Ukraine, the number of social orphans has increased significantly, the level of child neglect and homelessness has increased sharply. Therefore, the main problem today is the moment of finding new technologies, which should be aimed at ensuring positive socialization of teenagers who find themselves in a difficult life situation.

Analysis of the causes and consequences of neglect and homelessness shows that these phenomena are inextricably linked with the economic, social, political and humanitarian situation of the country. Homeless children are a part of society, and everything that happens in society affects the reasons why individuals and children end up on the street. Neglect and homelessness deform the social environment, increase social tension in society, contribute to

the deepening of the shadow economy through the supply of cheap and disenfranchised labour, contribute to the aggravation of such social phenomena as vagrancy, begging and crime, destroy physical, spiritual and mental health, reduce the quality of life, public, labour activity. Children who leave their homes due to conflicts in the family, physical and sexual violence, violation of housing and property rights and end up on the street are unable to overcome the negative phenomena of the environment on their own and need special help, protection, including administrative and legal, support from the state and society.

Despite the implementation of several state measures to combat the neglect and homelessness of children, they did not give the desired result, as evidenced by the increase in the number of neglected and homeless children on the streets, train stations, squares, and other public places.

Neglect today is a consequence of the aggravation of socio-demographic processes, i.e. the growing aging of the population and a decrease in the birth rate, an increase in the premarital birth rate and the number of sick and "rejected" children.

The number of social orphans and parents deprived of parental rights, the decrease in the age of pregnant girls and the criminalization of children, the decline in the standard of living of the population, the sharp worsening of the social stratification between the rich and the poor, the decrease in the level of education and upbringing are just a few reasons for the occurrence of neglect and homelessness among children in the country.

Neglected children are not provided with favourable conditions for physical, spiritual and intellectual development (material well-being of the family, proper upbringing, care and caring for the child, healthy material atmosphere, etc.). Accordingly, child neglect is the weakening or absence of supervision over the child's behaviour, development, well-being by parents or persons who replace them. Such children may exhibit deviant behaviour, have bad habits, or feel loneliness, an inferiority complex, dissatisfaction with their own life, etc. Therefore, the concept of "neglected child" may go beyond the concept of "street child", when it comes to a child deprived of parental attention and care, but who does not prefer the street environment.

According to Art. 2 of the Law of Ukraine "On the Basics of Social Protection of Homeless Citizens and Homeless Children" dated June 2, 2005, homeless children are children who were forced to leave or left their family or children's institutions where they were brought up and do not have a specific place of residence.

The concept of neglect differs from the concept of homelessness: a neglected child is a child whose behaviour is not controlled due to the failure or improper fulfilment of the duties of their upbringing and education by

parents or legal representatives or officials; homeless person – a neglected person who does not have a permanent place of residence (residence).

Economic crisis, unemployment, child exploitation, as well as conflict relationships in the family, immoral behaviour of parents, child abuse, natural disasters, epidemics and upheavals that cause children to be orphaned contribute to the emergence and growth of child neglect and homelessness. In addition, homelessness generates such serious social consequences and deviations in behaviour as an increase in delinquency, crime among children, child prostitution, alcoholism, and drug addiction.

As a rule, the causes and conditions of children's neglect and homelessness can be reflected in the following factors: family dysfunction, the social factor of the environment, and children's personal characteristics.

The causes of neglect and homelessness during the establishment of family dysfunction factors should include such negative phenomena as:

- material disadvantage;
- low family income;
- loss of breadwinner;
- unemployment of family member(s);
- incomplete family;
- large family;
- family social disadvantage (neglect by parents of their responsibilities for control, upbringing, education and maintenance of children; prolonged absence (isolation) of one or both parents (divorce, illness, business trip));
- family conflicts;
- social orphanhood;
- alcoholism and drug addiction of parents;
- violence and abuse in the family.

Social factors of the environment are:

- dysfunction of institutions for families and children;
- inaccessibility or lack of facilities for leisure, sports, culture and recreation;
- loss of educational functions by the school;
- unsatisfactory conditions of keeping children in specialized institutions;
- the influence of an antisocial environment (criminalization of children and adolescents; involvement of children in alcoholism, drug addiction, drug addiction, prostitution; child trafficking).

Among the personal characteristics of children, the propensity to an antisocial lifestyle, vagrancy, mental disorders, developmental delay, aggression should be considered.

Poverty as a key reason that forces children to work, pushes them to the

street, leads to gradual habituation to street life and separation from the family.

In the vast majority, children's tendency to run away is caused by either mental disorders or romantic feelings; lack of control over the child by parents, school, extracurricular organizations, police, etc.

Although all the mentioned conditions are certainly present in every phenomenon, they should be considered in the plane of the main cause of neglect and homelessness – violence and cruelty in the family, neglect of children in emotional, physical, medical, nutritional and other spheres of life.

The main reason contributing to the growth of child neglect and homelessness is the socio-economic transformation of society, changes in the way of life, and the weakening of the educational capabilities of the family and school.

A significant condition of child neglect and homelessness is the violation of children's rights in the field of education, rehabilitation, obtaining a profession and housing, delays in the adoption of decisions by the guardianship and guardianship authorities on issues of placement and education of children left without parental care.

Another condition for the appearance of child neglect and homelessness can be called mothers neglecting their responsibilities towards the child, abandoning their children for various reasons ("husband left", lack of confidence in their ability to raise a child; alcoholism and drug addiction; unemployment of parents, etc.).

It should be noted that the category of persons prone to neglect and homelessness includes children who:

- witnessed frequent quarrels between parents, which were regular, almost daily, and often turned into fights with the police being called;
- whose parents abused alcohol, suffered from mental disorders, venereal diseases, etc.;
- whose parents have been convicted of various criminal offences.

Many parents face the problem of insufficient psychological and pedagogical knowledge, which leads to problems communicating with children. Therefore, when raising children, parents very often cannot control themselves (hidden parental authoritarianism), which causes disrespect for the child's personality, the formation of an inferiority complex in children. Faced with this problem, the child tries to avoid communication with his parents and considers it necessary to simply leave the house, looking for a way to resolve the conflict in the family with the help of the street.

An important factor contributing to the formation of neglect and homelessness is the unpreparedness of future parents for the birth, upbringing and provision of their future children. Parents' conscious performance of their functions and responsibilities in relation to children presupposes that they have

knowledge, skills and abilities to implement the educational process, as well as their own attitude to the problems of upbringing and personality development of the child, developed on their basis.

In many cases, the example of parents formed children's tendency to wander, namely if after conflicts in the family, one of its older members left the family and returned only after a few days, or even weeks. This is perceived by the child as an effective means of overcoming life's difficulties.

As previously stated, one of the causes of the problem of child neglect and homelessness is the growth of poverty in the country, the deterioration of living conditions, and the destruction of moral values and educational potential in the family. Children, especially teenagers between the ages of 10 and 14, have a great influence on the street, namely the surrounding company and friends.

Often, in most families, parents lack time to pay attention to the environment with which their child communicates, because they are engaged in solving financial problems (financial support of children). Currently, children, being without the supervision of adults, their control, are capable of such actions that parents do not even know about.

So, on the basis of the above, the main causes of child neglect and homelessness can be identified:

1. Exacerbation of the problems of the institution of the family, which is the leading one among the institutions of upbringing, socialization and development of the child. It is here that the birth of a child takes place, its growth, physical and spiritual development, most of its life activities take place here, the foundations of its relationship with the world are laid. However, modern Ukrainian realities, socio-economic, political and cultural problems often lead to the fact that the family becomes a problematic and even a negative factor in the upbringing and development of a child.

The problems of the family institution include: raising children in single-parent families with a low material standard of living; the problem of emotional stress and low material level in large families, misunderstanding between parents and children; alcoholism and drug addiction of parents, which causes indifference to the child's problems, lack of attention from parents and, as a result, running away from home; irresponsibility of parents, which prompts children to turn into beggars, neglected, involves them in a criminal environment; negative emotional state associated with the divorce of parents; a crisis of family values, the inability of the family to perform educational functions and, as a result, a significant increase in the number of children deprived of parental care who need shelter (90 % of such children lose their families not because of the death of their parents, but because of the refusal of adults to care about the fate of the child).

2. School maladjustment, alienation from the school environment as a factor in increasing the phenomenon of child neglect. As you know, the stage of early socialization that takes place in the family is the most important period in a child's development, when his needs for safety, development, and self-affirmation must be fully satisfied. If these basic needs are deprived, then the child enters the second period of socialization, which occurs at school, with a burden of suppressed activity and with a lack of experience of positive self-realization.

School is a social institution that, simultaneously with the development of intelligence, purposefully shapes the child's behaviour patterns, his values, the system of relations with the world, his attitude towards other people. However, modern school realities are shocking with their facts, in particular: more and more facts of cruelty and violence on the part of students and teachers are becoming known, which have recently been abounding in TV shows and the columns of Ukrainian newspapers; the problem of organizing leisure time and its absence in some schools. If personal identification within formal groups (family, class, school team) weakens, then identification with leisure groups, on the contrary, strengthens. Perhaps it is precisely in this sphere that the intensive creation of new models and forms of the individual's entry into society is taking place, and the ability to innovate is being formed. However, art, sports schools, children's and youth clubs do not function at the state level. There are only for-profit child development organizations that can be attended by children whose parents are able to pay for the services provided; the educational functions of schools have been lost, a significant number of children miss classes in school institutions without valid reasons, and neither the school nor the parents are responsible for this.

So, it would be expedient to decide to create a single data bank of children who are in a socially dangerous situation, in particular: school-aged children who miss classes in school institutions; children who abuse alcohol and drugs; children who commit criminal and other offences, etc.

3. Mass media, the Internet, and computer entertainment exert pressure on a child's personality and psyche, which is a negative sign of modernity and affects children's life.

4. Criminalization of society and intolerance of children's environment. We are witnessing the institutionalization of deviant behaviour – the ability to circumvent the law is respected more than the law itself.

So, having analyzed the above-mentioned causes of child neglect and homelessness and the influence of the family on the formation of negative behaviour in a child, we can single out a dysfunctional family as a factor in deviant behaviour that contributes to improper upbringing and the appearance of child neglect and homelessness.

Today, there are several conditions in Ukraine that contribute to the development of child neglect and homelessness. These include the imperfection of the modern system of guardianship and care. The homelessness of children gives rise to such social consequences as the impossibility of using the rights of the Constitution of Ukraine, in particular the right to vote, the right to employment, obtaining medical insurance, etc.

3.2. Legal principles of activities of juvenile prevention employees to prevent child neglect and homelessness

The legal basis for the activities of juvenile prevention workers to prevent child neglect and homelessness are the following legal acts:

The Law of Ukraine "On the National Police" dated July 2, 2015;

Law of Ukraine "On Protection of Childhood" dated April 26, 2001;

Law of Ukraine "On bodies and services for children and special institutions for children" dated January 24, 1995;

The Law of Ukraine "On Prevention and Combating Domestic Violence" dated December 7, 2017;

Law of Ukraine "On social work with children and youth" dated 06.21.2001;

Law of Ukraine "On Volunteering" dated April 19, 2011;

Law of Ukraine "On the Basics of Social Protection of Homeless Persons and Homeless Children" dated June 2, 2005;

Concept of state family policy, approved by Resolution of the Verkhovna Rada of Ukraine dated September 17, 1999 No. 1063;

National strategy for the prevention of social orphanhood for the period until 2020, approved by the Decree of the President of Ukraine dated October 22, 2012 No. 609/2012;

Decree of the President of Ukraine "On some issues of ensuring the rights and legitimate interests of orphans, children deprived of parental care, development and support of family forms of child rearing" dated September 30, 2019 No. 721/2019;

Decree of the President of Ukraine "On urgent measures to prevent and counter domestic violence, gender-based violence, protection of the rights of victims of such violence" dated 09/30/2019 No. 721/2019;

Decree of the President of Ukraine "On the approval of Comprehensive measures for the prevention of neglect and offences among children, their social rehabilitation in society" dated March 18, 1998;

Decree of the President of Ukraine "On additional measures to protect the rights and legitimate interests of children" dated May 4, 2007 No.

376/2007;

Decree of the President of Ukraine "On priority measures for the protection of children's rights" dated July 11, 2005 No. 1086/2005;

Decree of the President of Ukraine "On measures to ensure the protection of the rights and legitimate interests of children" dated 05.05.2008 No. 411/2008;

Decree of the President of Ukraine "On additional measures to ensure human and citizen rights and freedoms, public order and strengthening the fight against crime" dated March 28, 2008 No. 276/2008;

Decree of the President of Ukraine "On measures to ensure the personal safety of citizens and combating crime" dated July 19, 2005 No. 1119/2005;

Instructions on organizing the work of juvenile prevention units of the National Police of Ukraine, approved by the order of the Ministry of Internal Affairs of Ukraine dated 12/19/2017 No. 1044;

Order of the Ministry of Social Policy of Ukraine "On Approval of the State Standard for Providing Shelter to Homeless Persons" dated August 13, 2013 No. 495;

Order of the Ministry of Social Policy of Ukraine "On Approval of the Procedure for Social Patrolling" dated 07/19/2011 No. 283;

Order of the Ministry of Social Policy of Ukraine "On Approval of the Model Regulations on the Homeless Persons Registration Centre" dated April 19, 2011 No. 135;

Order of the Ministry of Family, Children and Youth Affairs of Ukraine "On Approval of the Procedure for Returning Children Who Voluntarily Left Families and Social Security Institutions to Their Places of Permanent Residence (Stay)" dated June 16, 2004 No. 78;

Resolution of the Cabinet of Ministers of Ukraine "On approval of the Procedure for the interaction of entities implementing measures in the field of prevention and counteraction of domestic violence and gender-based violence" dated August 22, 2018 No. 658;

Order of the Ministry of Family, Children and Youth Affairs of Ukraine, Ministry of Internal Affairs of Ukraine "On approval of the Instruction on the procedure for the interaction of structural units responsible for the implementation of the state policy on the prevention of violence in the family, services for children, centres of social services for families of children and youth and relevant divisions of the internal affairs bodies on matters of implementation of measures to prevent violence in the family" dated 09.07.2009 No. 3131/386;

Clarification of the Ministry of Justice of Ukraine "Social protection of orphans and children deprived of parental care" dated July 13, 2011;

Resolution of the Verkhovna Rada "On child homelessness in Ukraine

and ways to overcome this phenomenon" dated September 6, 2005;

Resolution of the Verkhovna Rada of Ukraine "On Recommendations of parliamentary hearings on the topic: "Institute of the family in Ukraine: state, problems and ways to solve them" dated December 20, 2011;

Resolution of the Verkhovna Rada of Ukraine "On the special report of the Commissioner of the Verkhovna Rada of Ukraine on human rights "The state of observance and protection of children's rights in Ukraine" dated 04/05/2011;

Resolution of the Verkhovna Rada of Ukraine "On Recommendations of parliamentary hearings on the topic: "Legislative support and the real state of compliance with children's rights in Ukraine" dated 04/05/2011;

Resolution of the Verkhovna Rada of Ukraine "On the Recommendations of the Parliamentary Hearings "On the Problem of Homeless Citizens and Homeless Children and Ways to Overcome It" dated February 3, 2004.

3.3. Activities of the employees of juvenile prevention to prevent child neglect and homelessness

According to the Law of Ukraine "On the Basics of Social Protection of Homeless Citizens and Homeless Children" dated June 2, 2005, prevention of homelessness and homelessness is a system of measures aimed at eliminating legal, social and other causes of homelessness and homelessness, preventing them, including measures to reduce the risk of a person losing their rights to residential premises and to prevent the loss of these rights, as well as to prevent the occurrence of negative social consequences associated with the lack of housing for people.

As for the definition of prevention of child neglect, it is absent in the national legislation.

From the analysis of the above-mentioned concepts, it is possible to distinguish general preventive work aimed at identifying and eliminating the causes and conditions that contribute to neglect and homelessness, and individual preventive work with children and families in a socially dangerous situation.

In the prevention of child neglect and homelessness, the main role is assigned to the preventive work of juvenile prevention units.

If we talk about measures aimed at the general prevention of neglect and homelessness of children, then they are:

– interaction of juvenile prevention units with local executive bodies and local self-government bodies on social and legal protection of homeless and neglected children, their socialization, rehabilitation and adaptation in society;

- coverage in the printed mass media under the thematic headings of the state of prevention of child neglect and homelessness, implementation of social programs, actions related to social protection of children;
- conducting scientific and practical conferences, seminars and round tables on the prevention of child neglect and homelessness;
- attracting the attention of the population to this social problem, as well as the widest possible involvement of the public in its solution;
- detection of violations of the order of children visiting cultural and entertainment institutions, game halls, computer clubs, sale of alcoholic beverages, tobacco products, distribution of drugs, propaganda of prostitution, violence, cruelty;
- identification, registration, social inspection and support of families who are unable or unwilling to perform educational functions for children;
- improvement of the legal framework for the prevention of child neglect and homelessness;
- development of interdepartmental plans aimed at preventing child neglect and homelessness;
- participation in the implementation of nationwide measures for the prevention of neglect and homelessness provided for by state programs and plans;
- timely identification of neglected and homeless children, identification and prosecution of adults who involve children in begging, vagrancy, drunkenness, criminal activity;
- promoting the involvement of teenagers prone to committing crimes, vagrancy, and those who are registered, to cultural and sports, technical, creative circles and associations;
- participation in operational and preventive operations aimed at preventing child crime, neglect and homelessness;
- detection of facts of cruel treatment of parents with children in order to take appropriate measures;
- the organization of preventive visits to the homes of citizens who are registered in connection with the tendency to commit violence in the family against a child.

The most important thing in preventing child neglect and homelessness is individual preventive work with children and families in a socially dangerous situation.

Individual preventive work with children and families who are in a socially dangerous situation involves identifying such children and families and holding familiarization, warning and educational conversations with the child and his parents (other legal representatives).

When identifying a child who is in a socially dangerous situation, you

can be guided by the following criteria and indicators:

Criteria of a child's socially dangerous situation Indicators socially dangerous situation child

1. The child is brought up in a family where the parents (other legal representatives) do not fulfil or improperly fulfil their responsibilities for their upbringing, education or support:

- parental evasion of their responsibilities: by their behaviour, they deprive the child of the minimum essentials of life goods necessary for life and development, do not care about her health, ethical, physical and psychological development, material support, education, preparation for work and independent life in society, show indifference to her, evade payment of alimony, etc. (lack of adequate food, clothing, housing, education, medical care for the age of the child, including refusal of medical examination, observation and treatment of the child; lack of attention, which may lead to an accident; lack of care due to illness, poverty, ignorance or inexperience);

- facts of leaving the child without food, warmth, supervision; expulsion of a child from home;

- parents deprived of parental rights in relation to the child's brothers and sisters.

2. The child is brought up in a family where parents (other legal representatives) abuse parental rights:

- forcing the child to engage in begging, prostitution, gambling. Involvement of a child in criminal activity, antisocial behaviour;

- illegal spending by parents of property belonging to the child;

- banning the child from attending general educational institutions;

- systematic application of anti-pedagogical influence measures to the child.

3. The child is brought up in a family where the parents (other legal representatives) have a negative influence on his behaviour (the upbringing is anti-social in nature):

- the child's involvement in alcoholic beverages, non-medical use of narcotic, toxic, psychotropic, other potent, intoxicating substances;

- immoral lifestyle of parents of a minor (alcohol abuse drinks, chronic alcoholism, drug addiction, prostitution, being registered with police units, etc.).

4. Cruel treatment of a child in the family:

- physical violence: intentional infliction of physical injuries on the child by the parents, which can lead to the death of the child or cause serious physical or mental health disorders requiring medical assistance or lead to developmental delays; corporal punishment that harms the child's physical or mental health; – sexual violence or molestation of a minor;

– mental (emotional) violence: long-term, constant or periodic psychological action that leads to the formation of pathological character traits in a child or a violation of the development of his personality (open rejection and criticism of the child, insult and humiliation of his dignity, threats expressed in verbal form without physical violence, intentional physical or social isolation, making excessive demands on the child that do not correspond to his age and capabilities; a one-time gross mental act that caused the child mental trauma).

5. The child commits offences or other anti-social acts:

– an increase in discipline violations, an increase in skipping classes at an educational institution, absenteeism (if the child is employed);

– strengthening of antisocial ties, vagrancy of the child;

– the child commits actions that cause administrative or criminal liability, is registered in juvenile prevention units;

– the child is a member of an extremist group, a destructive sect.

6. The child is in unfavourable conditions, an extreme life situation:

– the child lives in a family in a conflict situation, with the presence of stressful factors: unemployment, idleness, financial problems, intolerable ethical atmosphere;

– social isolation of a minor;

– negative influence of cultural or religious factors on the child;

– cruel treatment of a child by peers, adults;

– negative influence of peers, adults;

– a child who suffered as a result of an accident, catastrophe, disaster, etc.;

– the child is given to himself, has no place of residence or place of stay.

If we talk about families that are in a socially dangerous situation, then such are families with children who are in a socially dangerous situation, as well as families where parents or legal representatives of children do not fulfil their duties from their education, training and (or) maintenance and (or) negatively affect their behaviour or treat them cruelly.

The main criteria for assigning a family to this category are:

– failure of parents to fulfil their responsibilities for providing life support for children (lack of children with the necessary clothes, regular food, non-compliance with sanitary and hygienic conditions);

– lack of conditions for raising children (lack of work for parents, lack of housing);

– lack of a personal example in the upbringing of children by parents (drinking, drug use, immoral lifestyle);

– involvement of children in illegal activities (begging, prostitution, etc.);

- cruel treatment of children by parents (causing physical and moral harm to the child);
- lack of control over the upbringing and education of children (lack of connection with the school, parents' inattention to the child's success).

Types of families that are in a socially dangerous situation:

- 1) criminal and immoral family: abuse in the family, abuse of alcoholic beverages, sexual depravity of parents, lack of basic care for children;
- 2) pedagogically uneducated family: parents do not understand children, show complete ignorance of methods of pedagogical influence, underestimate the importance of family upbringing, undermine the authority of the school and teachers;
- 3) a family in which material well-being is given priority over spiritual life: children in such a family are brought up as selfish, overly practical consumers, parents encourage these qualities;
- 4) a family in which the dictation of some family members over others is manifested: children are often punished physically, as a result of which they are brought up embittered and cruel;
- 5) single-parent family: this is often a single mother whose child prevents her from arranging her personal life. The atmosphere in such a family is characterized by coldness, indifference, lack of spiritual contact.

One of the sources of obtaining information about children and families who are in a socially dangerous situation can be reports from natural persons, namely neighbours or acquaintances of children, persons who have become aware of such information due to their activity, for example, administration or employees of educational institutions (director or deputy for educational work of the institution, teachers, psychologists), workers of services for children, centres of social services for families, children and youth, health authorities, workers of housing and communal services, district doctors, workers social protection services of the population, guardianship and guardianship agencies, penal institutions, village and settlement councils, city and district state administrations in cities, representatives of public organizations (public formations), volunteers, etc.

Information about children and families who are in a socially dangerous situation can be provided to juvenile prevention workers by representatives of bodies and institutions entrusted with the implementation of measures to prevent violence in the family, namely: a specially authorized body of the executive power for the prevention of violence in the family; bodies of guardianship and care; specialized institutions for victims of family violence (crisis centres for victims of family violence and family members, centres for medical and social rehabilitation of victims of family violence).

The source of information can be employees of social protection

institutions for homeless children (shelter for children of the service for children; centre for social and psychological rehabilitation of children, social rehabilitation centre (children's town).

Also, the source of information is the complaints of the victimized children or their legal representatives, information obtained from publications in the mass media and the Internet.

An employee of juvenile prevention can directly receive information about children and families who are in a socially dangerous situation, during raids, operational and preventive operations, as well as participation in other interdepartmental activities (for example, during social patrolling, as well as social inspection families who found themselves in difficult life circumstances).

Information can also be obtained through direct contact with the family (visiting at home), through observation of the child (study of behaviour, appearance).

Characteristic features of the appearance and behaviour of a child raised in a family in a socially dangerous situation include: a tired, sleepy look; sanitary and hygienic neglect; proneness to fainting, dizziness due to constant malnutrition; excessive appetite; growth retardation, delay in language and motor development; attracting attention in any way; excessive need for caress; manifestation of aggression and impulsivity, which is replaced by apathy and depression; problems in relationships with peers; learning difficulties.

Signs of physical violence in the family are manifested in the child's timidity, expressed fear of adults; manifestations of anxiety in the form of tics, finger sucking, rocking; afraid to go home; cruelty to animals; striving to hide the cause of injuries, etc.

After identifying a child and family in a socially dangerous situation, the juvenile prevention worker must:

- to study the family, living conditions and upbringing of the child;
- to establish the causes of family dysfunction;
- to determine the type of family that is in a socially dangerous situation, and with this in mind, choose the methods of individual preventive work;
- carry out individual preventive work;
- monitor the family.

When conducting individual preventive work, a juvenile prevention worker must know the material and living conditions in the family and the emotional and moral climate, methods and techniques of the influence of adults on children, family leisure time, and the level of pedagogical culture of parents.

In addition, in accordance with Art. 487 of the Criminal Procedure Code of Ukraine, when investigating the living and upbringing conditions of a child, the juvenile prevention worker must find out:

– the composition of the child’s family, the environment in it, the relationship between adult family members, adults and children, the attitude of parents towards raising a child, forms of control over his behaviour;

– the situation in a school or other educational institution or in the workplace where a minor studies or works, his attitude to studies or work, relations with educators, teachers, peers, the nature and effectiveness of educational measures that were previously applied to him;

– child’s relationships and behaviour outside the home, school and work.

It is also found out how the parents exercised control over the child, whether they had contact with the educational institution or team at the place of study (work) of the teenager.

An effective means of studying information about a child and family in a socially dangerous situation is the collection and analysis of documents containing information about the child and his family.

For example, from the study of the content of the act of survey of the material and living conditions of the child’s family, the following questions can be clarified: the sanitary condition of the premises where the minor lives, his living conditions, the social condition of the family, the relationship between family members and the characteristics of the child’s parents.

Based on the consequences of the visit to the applicant’s place of residence regarding the commission of violence in the family or the real threat of its commission, an examination report is drawn up, which indicates: the composition of the family, the presence of minor children, a general analysis of the situation in the family, the facts of the manifestation of any – what forms of violence (physical, sexual, psychological, economic), measures taken to stop violence and provide assistance to family members affected by violence or in relation to whom there is a real threat of its perpetration, conclusions on the need for further work (conducting educational and preventive working with family members guilty of domestic violence, taking them into preventive registration, providing social support to the family, providing psychological assistance to the affected family member, removing the child from the family, etc.).

CONTROL QUESTIONS

1. Name the causes and conditions of child neglect and homelessness.
2. State the difference between such concepts as neglect and homelessness.
3. Name the criteria and indicators of a child's socially dangerous situation.
4. What is the legal basis for the activities of juvenile prevention workers to prevent child neglect and homelessness.
5. Name the measures to prevent child neglect and homelessness.

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SECTION 4

PREVENTING AND COMBATING DOMESTIC VIOLENCE BY AND AGAINST CHILDREN

The plan

1. Types and signs of domestic violence against children.
2. Consequences of child abuse.
3. Assistance to children affected by domestic violence.
4. Prevention of domestic violence against children.

4.1. Varieties and signs of domestic violence against children

Violence against children is a problem that has always existed and, most likely, will exist for a very long time in modern society. Modernity shows such examples as the death of children from hunger, their death during bombings and shelling, international conflicts, killing in refugee camps, on domestic grounds. Such forms of violence as child trafficking, involvement in begging, prostitution, economic exploitation, deprivation of housing, means of subsistence, neglect of needs and interests are not uncommon. Children are the most unprotected and vulnerable part of society, completely dependent on adults. It is because of their fault that children become victims of domestic violence, find themselves in areas of natural and natural disasters, military operations, etc. Thus, according to the Unified Report on Criminal Offences by State (site of the Prosecutor General's Office), in 2022, 9 minors suffered from criminal offences related to family violence, 13 minors (up to 14 years old) (December) 2020: minors – 13, minors – 18; December 2021: minors – 28, minors – 35).

Violence against children is a broad concept that includes various types of behaviour by parents and guardians, other relatives, teachers, educators, any person who is older or stronger.

In the practice of socio-pedagogical work, the concept of "cruel treatment of a child" is often used, which includes physical violence, incest and sexual violence, as well as psychologically negative treatment, which may mean, for example, ignoring the child or involvement in violence between parents or others family members.

An injured child is recognized not only as a victim of domestic violence, but also as a witness (eyewitness) of such violence.

Cruel treatment of a child and neglect of his interests can have different types and forms, but their consequences are always serious harm to the child's

health, development and socialization, often threatening his life or even causing death.

There are **four main forms of child abuse and neglect**:

Physical violence – actions or lack of actions on the part of parents or other adults that harm a child's health, disrupt its development and take life. It can be corporal punishment, slaps, kicks, burns, strangulation, rough grabbing, pushing, spitting, use of a stick, a knife, a gun.

Physical abuse also includes involving a child in the use of drugs, alcohol, offering him poisonous substances or drugs that cause intoxication (for example, sleeping pills not prescribed by a doctor), as well as attempts to strangle and drown.

Physical violence is a physical attack (torture), it is almost always accompanied by verbal insults and mental trauma.

Signs of physical violence:

- bruises or broken bones;
- prints of objects/subject;
- an unexplained bruise or cut;
- baldness;
- fear of adults, especially parents;
- aggression;
- fear of physical contact, in particular such as handshakes, hugs, any kind of touch.

Child sexual abuse or molestation and incest is any sexual relationship/interaction with a child in which a child is used by an adult or another child to satisfy a sexual need. Sexual violence includes sexual intercourse (coitus), oral and anal sex, mutual masturbation, and other body contact with genitals. Sexual abuse also includes involving a child in prostitution, porn business, exposing the child's genitals and buttocks, spying on the child when the child does not suspect it: during undressing, sending natural needs.

Signs of sexual abuse:

- secrecy;
- excessive interest or awareness in the sexual topic and related subjects;
- excessive attention to everything related to the sexual topic;
- fear of a certain person or family member;
- excessive susceptibility;
- aggression;
- pain during urination;
- complications when walking or sitting;
- urinary incontinence;
- anal or vaginal itching, rashes, bruises, bleeding, pain.

Psychological (emotional) violence is constant or periodic verbal insults, threats from parents, guardians, teachers, educators, humiliation of human dignity, accusations of something the child is not guilty of, display of hostility, dislike. This type of violence also includes constant lies, deception of the child (because of which he loses trust in the adult), as well as situations when the demands on the child do not correspond to his age capabilities. Mental violence can be divided into verbal and emotional violence. Verbal (verbal) is done in the case of criticism and reproaches for literally every act. Emotional violence can occur without words at all, with the help of facial expressions, posture, looks, and intonation.

Signs of psychological (emotional) violence:

- lagging behind peers in physical and social development;
- speech, sleep, eating disorders;
- systematic repetition of actions, in particular rocking, sucking fingers, biting;
- lack of concentration and attention;
- lack of interest or emotions;
- depression or remoteness;
- aggression.

Disregard (neglect) of the interests and needs of the child (or economic violence) – lack of adequate provision of the child's basic needs in food, clothing, housing, upbringing, medical care by parents or persons who replace them, due to objective reasons (poverty, mental illnesses, inexperience) and without such. A typical example of disrespectful treatment of children is leaving them without care, which often leads to accidents, poisoning and other consequences that are dangerous to the child's life and health.

Signs of physical neglect (failure to satisfy the child's basic physical needs for food, clothing, hygiene, housing):

- dirty and damaged clothes that do not match the season;
- insomnia;
- non-compliance with hygiene standards;
- medical problems that cannot be treated;
- hiding or stealing food;
- lack or low level of social skills;
- carelessness;
- inability to study, inconsistency of mental abilities with age norms.

It should be emphasized that usually a child victim suffers from several types of violence at the same time. Yes, incest (sexual violence) is inevitably accompanied by the destruction of family relationships and trust in the family, manipulative relationships, and often intimidation on the part of the offender, which qualifies as psychological violence. Almost all types of violence are

physical (beating) and emotional (threats to kill or maim).

Violence against children can also be classified according to the following characteristics:

- strategy of the offender (overt or hidden);
- time (now or in the past);
- duration (one-time or systematic, lasting for years);
- place and environment (at home – from parents; at school – from teachers or other children; on the street – from children or unfamiliar adults).

Any type of child abuse leads to a wide variety of consequences, but they have one thing in common – harming the child's health or endangering the child's life.

4.2. Consequences of cruel treatment with children

Children who have experienced various kinds of violence themselves become aggressive, which most often affects the weaker: younger children, animals. Often their aggressiveness is revealed in the game, sometimes their outbursts of anger have no apparent reason. Some of them, on the contrary, are excessively passive, unable to protect themselves. In both cases, contact and communication with peers is disrupted. In neglected, emotionally deprived children, the desire to attract attention by any means is sometimes manifested in the form of defiant, eccentric behaviour.

A distinction is made between *the immediate and distant consequences* of cruel and neglectful treatment of children.

The immediate consequences include physical trauma, damage, as well as vomiting, headache, loss of consciousness, characteristic of the shaking syndrome that develops in small children who are taken by the shoulders and violently shaken. In addition to the indicated signs, children with this syndrome experience hemorrhage in the eyeballs. Acute mental disorders in response to any type of aggression, especially sexual, are also among the immediate consequences. Such reactions can be manifested in the desire to run away, hide, or deep inhibition, external indifference. Either way, the child is overwhelmed with extreme fear, anxiety, and anger. At an older age, the development of depression with a sense of own worthlessness and inferiority is possible.

Distant consequences are impairment of physical and mental development, somatic diseases, personal and emotional disorders, social maladjustment:

1) violation of physical and mental development haemorrhage – in most children living in families where severe physical punishment is used, cursing at the child and are "educational methods", or in families where children are

deprived of warmth and attention, for example, in the families of parents-alcoholics have signs of delayed physical and neuropsychological development. Foreign experts called this condition of children "inability to thrive".

Children who have experienced cruel treatment often lag their peers in height, weight, or both. They start walking and talking later, laugh less often, and they do much worse at school than their peers. Such children often have "stupid habits": nail biting, rocking. And outwardly, children who live in conditions where their interests, physical and emotional needs are neglected, look different than children who live in normal conditions: they have swollen, "sleepy" eyes, pale faces, dishevelled hair, unkempt clothes, other signs of hygienic neglect: pediculosis, rashes, unpleasant smell from clothes and body;

2) various diseases because of cruel treatment – can be specific to a particular type of violence: for example, during physical violence, there are injuries to parts of the body and internal organs of varying degrees of severity, bone fractures. During sexual violence, sexually transmitted diseases can occur infectious and inflammatory diseases of the genitals, syphilis, gonorrhoea, AIDS, acute and chronic infections of the genitourinary tract, injuries, bleeding from the genitals and rectum, ruptures of the rectum and vagina, prolapse of the rectum intestines During sexual violence – unexplained pain in the lower abdomen (if no diseases of the abdominal cavity and pelvis are detected).

Regardless of the type and nature of violence, children may experience various psychosomatic diseases: obesity or, on the contrary, sudden weight loss due to appetite disorders. During emotional (mental) violence, skin rashes, allergic pathology, and stomach ulcers often occur. Children often develop such neuropsychiatric diseases as tics, stuttering, enuresis (incontinence of urine), encopresis (incontinence of feces), some children repeatedly end up in the emergency department due to accidental injuries, poisoning;

3) mental characteristics of children who have suffered from violence – almost all children who have suffered from abuse and neglect have experienced mental trauma, because of which they have certain personal, emotional and behavioural characteristics that negatively affect their future life.

The consequence of various kinds of violence that children have experienced is aggressiveness, most often directed at children, younger in age or animals, that is, those who are not able to protect themselves, are weaker. Aggressiveness often has an unprovoked nature, manifests itself in the game or in communication in the form of sudden outbursts of anger.

The reaction of other children to violence can be passivity, withdrawal, in response to aggression, such children take a passive position and are unable to defend themselves.

In both cases, contacts and communication with peers are disrupted,

quite often neglected and emotionally deprived children, striving to attract attention in any way, behave defiantly, demonstratively and even eccentrically.

Children who have experienced sexual abuse acquire age-specific knowledge about sexual relations, which is manifested in their behaviour, in games with other children or toys. Even young children who have suffered from sexual violence can later become the initiators of lewd acts themselves and involve many participants in them.

The most universal and difficult response to any kind of violence, not just sexual, is low self-esteem, which contributes to the maintenance and consolidation of the psychological disorders associated with the violence. A person with low self-esteem experiences feelings of guilt and shame.

She is characterized by a constant conviction of her own inferiority, that "you are worse than everyone". As a result, it is difficult for the child to achieve respect from others, success, communication with peers is difficult.

Frequent depression is observed among these children, even in adulthood. This manifests itself in bouts of anxiety, causeless longing, feelings of loneliness, and sleep disturbances. Attempts to end life by suicide may be observed at an older age, particularly among teenagers.

Feeling unhappy, destitute, adapting to abnormal conditions of existence, trying to find a way out of the situation, they themselves can become manipulators. This, in particular, applies to sexual violence, when in exchange for a promise to keep a secret and not to disrupt the usual family life, children demand money, sweets, gifts from adult rapists;

4) social consequences of child abuse – harm to the victim and to society (two consequences that appear simultaneously).

Children who have experienced any kind of violence experience difficulties in socialization: they have broken relationships with adults, they do not have appropriate communication skills with peers, they do not have a sufficient level of knowledge and erudition to gain authority at school, etc. Child victims of violence often find a solution to their problems in a criminal, antisocial environment, and this is often combined with the formation of their addiction to alcohol and drugs, they begin to steal and commit other illegal actions.

Girls often start to engage in prostitution, boys may have sexual orientation disorders. Both later experience difficulties in the case of creating their own family, they cannot give their children enough warmth, because their own emotional problems have not been resolved.

The consequences of child abuse and failure to meet the needs of children depend on their age characteristics, namely:

– early age – babies do not react to separation from their parents, do not show signs of fear of strangers; are unable to distinguish between people

important to them and strangers; often passive, apathetic, unresponsive to others. They do not look into the eyes, do not show emotions when someone talks to them, are unable to attract and hold the attention of adults by non-verbal means; can swing, hit their head against the wall, etc.; constantly crying or not crying at all. Young children often cannot form attachment to their primary caregivers (parents) or have an unstable attachment characterized by feelings of anxiety and tearfulness. They are often unable to develop game skills, refuse to participate in the game, which can affect the formation of their relationships with other children. They can become aggressive and harm other children; often consider themselves "bad";

– preschool age – problems related to physical development: height insufficient for age, weak muscle tone, poor coordination of movements, clumsy gait; morbidity (especially diseases of the upper respiratory tract), disorders of the gastrointestinal tract; lack of interest in moving games.

Cognitive development: the child does not speak, or the language is not sufficiently developed and is incomprehensible to others; poor articulation or incorrect use of words; difficulty concentrating, lack of interest in surrounding objects, inability to concentrate.

Social development: unstable attachments or their absence; indiscernibility in relationships, obsessiveness, frivolity; insufficient or rather violent response to separation from parents (other educators); emotional withdrawal, isolation or alienation from adults and peers; social immaturity in relationships with peers (inability to interact with other children during play, share, take turns or agree on something, increased aggressiveness, desire to command peers or compete with them); lack of skills and interest in participating in games that require imagination and imagination, refraining from any activity related to experimentation and environmental research.

Emotional development: frequent feelings of fear, often for no reason or for minor reasons, mental imbalance; signs of low self-esteem and self-doubt, poor impulse control, almost no emotions, passivity and detachment; lack of manifestations of "healthy" initiative, emotional alienation, signs of emotional disorders such as anxiety, depression, emotional instability; probability of enuresis, thumb sucking;

– younger school age – children do not expect (do not seek) help from adults, try to prove with their actions and words that they are able to take care of themselves (which is a protective reaction caused by distrust of adults); sometimes do not respond to praise and positive attention; children try to live up to adults' expectations and take on their obligations. They have problems communicating with their peers (feel inferior and unworthy of communicating with others, may have low self-esteem, react sharply to the perception of their peers, may feel shame and confusion if they feel that they do not live up to the

expectations of their peers); may try to control and exploit, command or intimidate other children. Such children may have learning difficulties, they are frightened by the school environment, in which numerous rules must be followed, they are often unable to concentrate on tasks, they are characterized by frequent emotional outbursts, and the inability to work calmly in class. They are prone to antisocial manifestations – they hit other children, use profanity, damage things, tell lies, steal, etc.;

– adolescence – the level of emotional development does not correspond to the physical (emotionally, the child shows a high level of awareness of sexual relations and readiness for them with physical immaturity, poorly understands himself and others and cannot describe how he differs from other people). The child is ashamed of his body, dresses inappropriately for the size or circumstances – either in clothes that are too big, with which he tries to cover his body parts, or in clothes that are too revealing. As a rule, self-esteem is underestimated or overestimated (adolescents who, because of violence, had injuries that left scars or mutilations, the vast majority have low self-esteem, which is why they often exaggerate the importance of an adult). Sometimes the child does not identify with his peers, but does not have a trusting attitude towards adults, is withdrawn. The fact of puberty is perceived (especially by girls) because of previously caused physical damage. The presence of serious psychological problems is evidenced by stomach disorders, in particular such diseases as anorexia and bulimia. Testimony of a sexologist violence against a child may be her perception of herself as a "spoiled" person, because of which she has a strong sense of shame and guilt, a negative attitude towards her own body. She lacks self-respect. She mistrusts others, fears the opposite sex and physical contact such as hugs or touching. As a defensive reaction to a dysfunctional situation in the family environment, problematic behaviour becomes characteristic of the child: he/she attends school irregularly, violates discipline, is overly aggressive, criticizes parents and close friends for no reason.

Therefore, any type of violence forms such personal and behavioural characteristics in children that make them unattractive and sometimes even dangerous for society.

There are also different psychological consequences of violence, depending on the age of the child:

– in preschoolers who have experienced sexual violence, common symptoms are anxiety, nightmares, general post-traumatic stress disorder, "avoidant behaviour", depression, timidity, aggression, antisocial and uncontrolled behaviour, age-inappropriate sexual behaviour;

– school-age children are characterized by such reactions as fear, neurotic disorders, aggression, nightmares, learning difficulties, hyperactivity

(being in constant tension at home, the child cannot hold back at school, where there are no people from whom he is afraid of aggression) and regressive behaviour;

– depression, suicidal and self-harming behaviour, somatic complaints, illegal actions, running away from home, drug abuse are more common in teenagers.

4.3. Assistance to children victims of domestic violence

To confirm or refute the assumption about the possibility of violent actions of a corresponding nature, such a diagnosis of a child subjected to violence is proposed.

Emotional condition:

- low self-esteem, passivity;
- lowered emotional background, apathy, fears;
- anxiety, increased anxiety;
- depressive states, sadness.

Behaviour:

- oppositional; preventive, regressive;
- does not correspond to the age of the child;
- self-destructive (causing mutilations, suicidal thoughts);
- occurrence of various deviations in behaviour: aggression, maladaptation, additive, deviant, delinquent behaviour.

Intelligence:

- decrease or complete loss of interest in school;
- delay or sharp decrease in the level of intellectual development;
- decrease in cognitive motivation and, as a result, persistent failure;
- violation of language development;
- inhibition in answers, when performing tasks;
- difficulty remembering, concentrating.

Relationships with the environment:

- inability to communicate with people, make friends;
- lack of friends or excessive unintelligible friendliness;
- the desire by any means, up to inflicting self-harm, to attract the attention of adults or avoidance of adults, suspicion and mistrust of them;
- the demand for affection and attention or isolation, the desire for solitude;
- aggressiveness and impulsiveness towards adults and peers;
- the role of "scapegoat".

Physical condition:

- small growth, insufficient weight;
- hygienic neglect, untidy appearance;
- psychosomatic diseases, neuroses;
- constant hunger and/or thirst;
- masturbation.

If the above-mentioned signs were mostly detected in the child's behavior, the following algorithm of adult actions is proposed.

Sequence of actions of the teacher.

Try to talk to the child, establish contact, a trusting relationship with him. Provide emotional support. Here it is necessary to take into account that an adult must demonstrate interest, friendliness, sincerity, warmth and empathy in relation to a child. In this case, the child will feel that this person really hears and understands his thoughts and feelings. Inspect the damage. Do not send her home if she is afraid to return there. If it is not possible to arrange her for a temporary stay with relatives or in another safe place, it is necessary to contact the police or the prosecutor's office, if the actions of the parents are criminal.

Also, depending on the specifics of the specific situation, you should contact:

- to a trauma center or other medical institution to record injuries;
- to the guardianship and guardianship authorities at the child's place of actual residence, if the parents belong to the "risk group" regarding the use of alcohol, drugs or have mental illnesses and it is impossible to teach them parenting skills;
- upon consultation with a psychologist, social pedagogue with the aim of:
 - conducting a diagnostic examination of the child and the entire family to establish the causes of the child's violations (domestic violence, drug addiction, alcohol, antisocial behavior of parents, mental illnesses);
 - organizing and conducting a block of correctional classes with the child and parents on the study of adequate interaction in the conditions of home education;
 - training parents in non-violent methods of education, relaxation techniques and ways to relieve nervous and mental tension.

Psychological and pedagogical rules for organizing communication between a teacher and a student.

1. Be attentive, monitor the slightest changes in behavior, any deviations from the norm. Sharp changes in behavior require close attention of teachers and parents.

2. Switch attention to changing performance (cannot work for a long time without distraction and mistakes due to rapid fatigue).

3. Do not rush to conclusions, be patient and kind. Watch, talk to your parents.

4. Be objective not only in the assessment, but also in the situation. Do not succumb to emotions, feelings that interfere with solving the problem.

5. Observe the psychological atmosphere. For this you need:

- pay attention to children’s behavior;
- understand the expression of the eyes, their facial expressions, gestures;
- to be able to compare the psychological atmosphere of today with yesterday.

6. Take a sincere interest in children’s lives. Be sympathetic to their thoughts and desires: don’t cling, don’t try to remake, don’t criticize, praise more often.

Principles of assistance to rape victims:

1. Respect:

- assess the confidence with which the victim asks for help;
- ensure confidentiality;
- consider the cultural characteristics of the victim.

2. Confirmation:

- the rightness of the person and the need to express one’s feelings;
- the reality that the victim survived and has enough strength to cope with the injury;
- the naturalness and adequacy of her feelings;
- the positive meaning of manifestations of psychological protection.

3. Beliefs:

- that the victim is not guilty;
- that she will overcome her experiences, fears and nightmares, which is "mourning the loss";
- that the current state will pass if there is hope;
- that she has the necessary strength and resources to overcome;
- that she herself should determine what, when and to whom to tell about what happened.

4. Provision of various opportunities:

- give her the initiative in the counseling process;
- give the necessary information without forcing to bear responsibility for the event;
- do not claim that treatment is needed;
- do not be interested in the details of what happened, unless it is necessary for therapeutic purposes.

Recommendations for a father/mother whose child has been raped in the family:

1. Try to invite a confidential conversation about what happened.
2. Try to instill faith in the forces and the future with your behavior.
3. Assure the confidentiality of the conversation and that the child will then decide for himself what, when and to whom he will tell about what happened.
4. Tell the child about the need to express his feelings, that feeling is natural. Everyone has the right to any feelings.
5. Help determine the main difficulty, problem.
6. To reduce feelings of guilt, convince the child that what happened is not to blame.
7. Promote self-esteem.
8. Find as many positive moments as possible in the situation (survived).
9. Help the child realize the availability of backup opportunities, find a way out of the current situation together with him.
10. Convince the child that he will definitely overcome his experiences, and the state he is in will pass, but it will take time.
11. Tell the child how and what he should do, how to react, until he can mobilize his own strength.
12. Welcome positive communication with peers and significant adults, encourage visits to sections, circles and do not allow complete isolation from the environment, loved ones.
13. Offer the child various materials for creativity, which will allow him to express his feelings and relieve tension.

4.4. Prevention of domestic violence against children

Measures to prevent violence

According to Art. 1 of the Law of Ukraine "On Prevention and Combating Domestic Violence", prevention of domestic violence is defined as a system of measures implemented by executive authorities, local self-government bodies, enterprises, institutions and organizations, as well as citizens of Ukraine, foreigners and stateless persons staying in Ukraine on legal grounds, and aimed at increasing the level of public awareness of the forms, causes and consequences of domestic violence, forming an intolerant attitude towards violent behavior in private relationships, caring for the affected persons, primarily for the affected children, eradicating discriminatory ideas about the social roles of women and men, as well as any customs and traditions based on them.

The same article defines and counteracts domestic violence – it is a system of measures aimed at stopping domestic violence, providing assistance and protection to the affected person, compensating for the damage caused to him, as well as properly investigating cases of domestic violence, bringing perpetrators to justice and changing their behaviour.

To activate and effectively prevent domestic violence, it is necessary to:

- development and distribution of preventive measures to prevent domestic violence in order to reach all young people;
- professional training of specialists who work with children and youth in programs related to domestic violence;
- strengthening the protection and support of children who witnessed violence or were victims of violence;
- study of the scale of domestic violence;
- strengthening knowledge about effective means of preventing domestic violence.

The methodology of socio-pedagogical work in the aspect of prevention of domestic violence against children is the concept of "help for self-help", which changes the consciousness and behaviour of adults and children. This concept considers a person as a subject and not an object of social work, which means forming in him responsibility for his life, his choice, the ability to consciously use his rights based on knowledge about them. In self-help, this means:

1. Identifying the characteristics and problems of youth, children, women, offenders in the aspect of preventing domestic violence.

2. Formation of positive motivation to accept social services and encourage young people to learn information about combating domestic violence.

3. Establishing contact with young people and their family members and providing them with social assistance, i.e. such a complex of social services that contributes not only to the rejection of violence, but also to the improvement of the social status of young people, their personal development based on the acquisition of knowledge about their rights, learning skills using them and defending them, creating conditions for their implementation, using, if necessary, social care and support, social management. The result of such help can be: knowledge to prevent domestic violence, skills and abilities for critical assessment, decision-making and self-management in situations that can lead to violence, negative attitudes towards violence.

4. Directing youth to self-help in the direction of violence prevention through the provision of information services about institutions and organizations that solve such problems.

Social work with families, children and youth in accordance with the

Law of Ukraine "On Social Work with Families, Children and Youth" is a professional activity aimed at preventing, minimizing negative consequences and overcoming difficult life circumstances of families, children and youth, strengthening their ability to realize their own life potential.

Social support involves the implementation of measures aimed at: formation of responsible parenthood, training of parents in skills necessary for comprehensive development and upbringing of children; development of various forms of family upbringing of orphans and children deprived of parental care; prevention of negative phenomena and their overcoming.

In general, the following forms of preventive measures against violence against children are defined: primary, secondary and tertiary.

The content of primary social prevention of violence is: provision of information about violence to parents, children, youth, teachers; study of legal norms regarding behavior in real life situations that can lead to violence; showing examples of the application of life skills and skills regarding communication, acquaintance, rest, choosing a life path; support of creative, intellectual, social activities, organization of family leisure.

Methods of primary social prevention of violence are: informing, example, persuasion, suggestion, work in the community, microenvironment, family. In primary social prevention, it is advisable to use the technology of "equal to equal", critical thinking.

Secondary social prevention is applied to those families where cruel treatment of children, family members, and pets is recorded or observed. This is purposeful work with separate groups of adults and children with the aim of changing attitudes towards behavior with children, forming a humane attitude of adults towards children, life skills and skills in adults and children, clarifying the essence and responsibility for cruel treatment of a child. It provides for the timely identification of such persons and providing them with psychosocial support and assistance in the areas of: formation of knowledge, life skills and skills necessary for self-defense against abusers; formation of the concept of institutions and organizations that help victims of violence; a change in the young person's attitude towards himself, his place in society, his awareness of the value of his life and his role in it, and the parents – towards the child as a subject of their own life.

Tertiary prevention is carried out with those who have suffered from cruel treatment, in order to teach self-defense; with those who carry out such behavior - as social training and control, which is a condition for preserving the family, leaving parental rights, etc.). In tertiary prevention, it is advisable to use the technologies of personal-oriented social training, pedagogical support, social pedagogy, "strengthening the family".

The main methods in the tertiary prevention of violence are: work in a

specific case, reflection of the situation and individual development, switching and retraining, creating educational situations, showing perspective, reconstruction of character, encouragement, informing, persuasion, inclusion in various types of activities and a positive socializing environment.

Social and preventive work with parents regarding cruel treatment of children consists of: parental education (rights and needs of children, rights and responsibilities of parents in relation to children, features of child development, family upbringing, cruel treatment of children and violence in the family, its essence, consequences, responsibility); formation of tolerance, family life skills and skills (communicative, decision-making, forecasting, self-management).

During this work, emotional support is provided: encourage, motivate, insist, take an interest in the state of affairs of the child and parents, emphasize faith in the existence of family resources, respect for family members; provide advice for ongoing support of the child in the microenvironment, detection of changes in his condition.

The content of social and preventive work with teachers of educational institutions in the aspect of combating cruel treatment of children involves:

- teacher education about children's rights and needs, teachers' responsibility for children; the teacher's interaction with the student's family; rights, duties and responsibilities of parents for children; the essence of cruel treatment of children, violence against children in the family and at school, responsibility for them; professional pedagogical ethics, interaction of entities protecting children's rights;

- formation of teachers' abilities and skills to recognize and detect cruel treatment of children/violence, tolerant attitude towards children from different families, communication skills, mastery of managing oneself and the situation, solving conflicts in a rational way (trainings, seminars, role-playing and business games);

- elimination of the phenomenon of professional burnout (training and organization of the correct work regime, promotion of professional growth, psychotherapy sessions, consultations of a psychologist, improvement of the psychological climate in the team, creation of a room for emotional relief).

Special measures to prevent domestic violence

The Law of Ukraine "On Prevention and Combating Domestic Violence" provides four types of special measures to prevent violence:

1. An urgent restraining order against the offender is issued to the offender by authorized units of the National Police of Ukraine in the event of an immediate threat to the life or health of the victim in order to immediately

stop domestic violence, prevent its continuation or re-commitment.

A temporary restraining order may contain the following measures:

- 1) the obligation to leave the place of residence (stay) of the injured person;
- 2) ban on entering and staying at the place of residence (stay) of the injured person;
- 3) prohibition to contact the injured person in any way.

When deciding on the issuance of an urgent restraining order, priority is given to the safety of the injured person. The specified requirement also applies to the place of joint residence (stay) of the injured person and the offender, regardless of their property rights to the corresponding residential premises.

Employees of the authorized unit of the National Police of Ukraine may, in accordance with the procedure established by law, apply police coercive measures to evict the perpetrator from the residential premises, if the urgent restraining order provides for the obligation to leave the place of residence (stay) of the victim, and the perpetrator refuses to leave it voluntarily.

An urgent restraining order is issued at the request of the injured person, as well as on his own initiative by an employee of the authorized division of the National Police of Ukraine based on the results of a risk assessment.

An urgent restraining order is issued in accordance with the procedure approved by the Ministry of Internal Affairs of Ukraine for a period of up to 10 days, but it cannot be issued to the offender if he is a person who has not reached the age of eighteen on the day of issuing the order. A restraining order against the offender is one or more of the following measures to temporarily limit the rights of the offender or impose obligations on him:

- 1) prohibition to stay in the place of common residence (stay) with the injured person;
- 2) removal of obstacles to the use of property that is the object of the right of common co-ownership or personal private property of the affected person;
- 3) restriction of communication with the affected child;
- 4) prohibition to approach within a specified distance to the place of residence (stay), study, work, other places frequently visited by the affected person;
- 5) prohibition to personally and through third parties search for the injured person, if he is voluntarily in a place unknown to the offender, to pursue him and communicate with him in any way;
- 6) prohibition to conduct correspondence, telephone conversations with the affected person or contact him through other means of communication personally and through third parties.

The decision to issue a restraining order or to refuse to issue a restraining

order is made on the basis of a risk assessment. At the same time, it cannot contain measures that limit the right of residence or stay of the offender in the place of his permanent residence (residence), if the offender is a person who has not reached the age of eighteen on the day of issuing such an order.

A restraining order is issued for a period of one to six months.

The procedure for issuing a restraining order by the court is determined by the Civil Procedure Code of Ukraine.

The injured person can demand from the offender compensation for her expenses for treatment, obtaining consultations or for renting housing that she rents (rented) in order to prevent domestic violence against her, as well as periodic expenses for her maintenance, maintenance of children or other family members, who are (were) dependent on the offender, in accordance with the procedure prescribed by law.

In the case of initiation of criminal proceedings in connection with the commission of domestic violence, a list of measures to temporarily restrict rights or impose obligations on a person who is suspected, accused of committing a criminal offence related to domestic violence, or found guilty of committing it, as well as the procedure for applying such measures are determined by the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine.

2. Taking offenders into the preventive register and carrying out preventive work with them (Article 27 of the Law).

An authorized division of the National Police of Ukraine takes the offender into preventive custody from the moment of detection of the fact of his committing domestic violence for the period established by the law and conducts preventive work with him.

The removal of the offender from preventive registration is carried out by the authorized unit of the National Police of Ukraine, which took him on preventive registration, automatically after the end of the established period, unless otherwise provided by law.

The procedure for entering preventive registration, carrying out preventive work and removing an offender from preventive registration is approved by the Ministry of Internal Affairs of Ukraine.

3. Referral of the offender to a program for offenders (Article 28 of the Law).

Subjects responsible for the implementation of programs for offenders are local state administrations and local self-government bodies.

Implementation of programs for offenders in relation to child offenders is carried out considering the age and psychological characteristics of children.

In order to prevent repeated acts of domestic violence and to ensure the implementation of the program for the offender, the child-offender may be

temporarily placed with relatives, in the family of a foster carer or in an institution for children, regardless of the form of ownership and subordination, in which proper conditions for living and upbringing have been created, education and rehabilitation of the child according to his needs.

Execution of programs for offenders is provided by specialists who have undergone appropriate training.

An offender may be sent by the court to undergo a program for offenders for a period of three months to one year in cases provided for by law. At the same time, the offender must be able to attend a program for offenders on his own initiative on a voluntary basis.

In the case of non-appearance of the offender for the program for offenders or evasion of the program without valid reasons, the subjects responsible for the implementation of programs for offenders shall, within three working days, provide a written notification of this to the authorized unit of the National Police of Ukraine to take measures.

Prosecution of an offender for failure to complete an offender program does not relieve him of the obligation to complete such a program.

If the offender is held criminally liable by the court, he may be required to undergo a probation program in accordance with Clause 4 of the second part of Article 76 of the Criminal Code of Ukraine.

CONTROL QUESTIONS

1. Name the types and signs of domestic violence against children.
2. Define sexual abuse or child molestation and incest.
3. By what signs can violence against children be qualified.
4. Name the immediate and distant consequences of harsh and careless treatment of children.
5. Name the measures to prevent domestic violence against children.

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SECTION 5
ORGANIZATION OF WORK OF STUDENT (YOUTH) PUBLIC FORMATIONS FOR THE PROTECTION OF PUBLIC ORDER AND PREVENTION OF CRIMINAL OFFENCES AMONG THE CHILDREN

The plan

1. Legal principles of activity of student (youth) public formations for the protection of public order and prevention of criminal offences among children.
2. The procedure for creating student (youth) public formations for the protection of public order and prevention of criminal offences among children.
3. Forms and methods of interaction of juvenile prevention units with student (youth) public formations for the protection of public order and prevention of criminal offences among children.

5.1. Legal principles of activities of student (youth) public formations for the protection of public order and prevention of criminal offences among children

Citizens of Ukraine, in accordance with the Constitution of Ukraine, have the right to create public associations to participate in the protection of public order and the state border, to assist local self-government bodies, law enforcement agencies, the State Border Guard service of Ukraine and executive authorities, as well as officials in the prevention and termination of administrative and criminal offences, protection of life and health of citizens, interests of society and the state from illegal encroachments, as well as in rescuing people and property during natural disasters and other emergencies circumstances (further – public formations for the protection of public order and the state border).

Public formations for the protection of public order and the state border can be created based on public self-activity as consolidated units of public formations, specialized units (groups) assisting the National Police and the State Border Service of Ukraine, associations of public formations, etc.

The legal framework on the basis of which the public formation for the protection of public order and the state border carries out its activities includes the Constitution of Ukraine, the Law of Ukraine "On the Participation of Citizens in the Protection of Public Order and the State Border", other laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of

Ukraine, decisions of local state administrations, local self-government bodies on the protection of public order and the state border, fight against crime and administrative offences, as well as the regulations (statutes) of these formations.

The coordination of the activities of public formations for the protection of public order and the state border is carried out by local state administrations and local self-government bodies, respectively.

The day-to-day (operational) activity of such formations is organized, directed and controlled by the relevant bodies of the National Police, units of the State Border Service of Ukraine.

Public formations for the protection of public order and the state border do not have the right to engage in entrepreneurial or other activities for the purpose of making a profit.

The use of public formations for the protection of public order and the state border of Ukraine to perform tasks not provided for by the Law of Ukraine "On the participation of citizens in the protection of public order and the state border" is prohibited.

The main normative-legal document regulating the activities of public formations for the protection of public order is the Law of Ukraine "On the Participation of Citizens in the Protection of Public Order and the State Border" dated 06.22.2000. This regulatory act defines the powers of state authorities, including and bodies of the National Police of Ukraine, regarding the involvement of the population in the protection of public order, the procedure for creating and registering public formations for the protection of public order, the main functions, rights and obligations of their members, as well as the principles of legal guarantees and social protection of citizens who participate in this activity.

The model charter of a public formation for the protection of public order and the state border, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 12.20.2000 No. 1872, provides for the basic tasks and rights of the formation; creation and activity of management and executive bodies of formation, their powers; the conditions and procedure for accepting citizens into the formation and leaving it; statutory duties and rights of formation members; application of measures of physical influence and special means.

The Law of Ukraine "On the National Police" dated 07.02.2015 defines interaction with the public through the preparation and implementation of joint projects, programs and activities to meet the needs of the population and improve the effectiveness of the police in performing the tasks assigned to it. Cooperation between the police and the public is aimed at identifying and eliminating problems related to the implementation of police activities, and promoting the use of modern methods to increase the effectiveness and

efficiency of the implementation of such activities. The police provide support for programs of legal education and propaganda have legal knowledge in educational institutions, mass media and publishing activities.

The instruction on the organization of the work of the juvenile prevention units of the National Police of Ukraine, approved by the order of the Ministry of Internal Affairs of Ukraine dated 19.12.2017 No. 1044, defines the main areas of interaction both with other authorized bodies and units of the NPU, state authorities and local self-government bodies, and with united territorial communities, international and public organizations.

In addition, the Procedure for the acquisition, issuance and storage of special means by public formations for the protection of public order, approved by the order of the Ministry of Internal Affairs of Ukraine dated 15.08.2022 No. 496, defines the mechanism for the acquisition, issuance and storage of special means of personal protection and self-defense, charged with tear and irritant substances, public formations for the protection of public order.

The activity of public organizations for the protection of public order and crime prevention is also regulated by the decrees of the President of Ukraine, normative legal acts of the Cabinet of Ministers of Ukraine.

Particular attention should be paid to such normative and legal acts as the Decree of the President of Ukraine "On measures to ensure the personal safety of citizens and combating crime" dated 19.07.2005 No. 1119/2005, which provides for the need to approve programs for establishing police cooperation with the population, involving citizens to the prevention of offences, the fight against crime, as well as the order of the Cabinet of Ministers of Ukraine "Issues of the activity of public formations for the protection of public order and the state border" dated 08.02.2006 No. 73-r.

The above-mentioned legal acts are also applied when organizing the activities of student (youth) public formations for the protection of public order.

5.2. Procedure for the creation of student (youth) public formations for protection of public order and prevention of criminal offences among children

Issues of citizens' safety, their legal and social security have always been and are relevant. Their solution requires a purposeful policy of involving the public in solving the main tasks of law enforcement, in particular, the protection of public order and the prevention of criminal offences.

One of the many existing shortcomings in the protection of public order and the fight against crime is: the lack of proper propaganda on the issues of

public participation in law enforcement activities and their state support.

A necessary condition for the effective activity of the National Police of Ukraine in matters of public order protection and crime fighting is the involvement of broad sections of the population, including and public formations.

The successful and effective interaction of the National Police of Ukraine with the public is an important component of solving issues related to the prevention of crime, drug addiction, begging and vagrancy among minors.

Protection of public order and provision of public safety, observance of legality and strengthening of law and order in the state do not make sense without the participation of citizens in this matter. Relying on the support of citizens and public organizations is one of the conditions for the effective activity of the police in preventing and stopping crimes.

The main document that regulates the involvement of citizens in the protection of public order and crime prevention is the Law of Ukraine "On the Participation of Citizens in the Protection of Public Order and the State Border" dated June, 22, 2000.

The Law of Ukraine "On the Basic Principles of Youth Policy" dated April 27, 2021 states that a youth public organization is a public association whose founders and members (participants) are natural persons aged 14 to 35, except for cases specified by this Law. A youth public association is a voluntary association of individuals aged 14 to 35, except for the cases specified by this Law, and/or youth public organizations to ensure the realization and protection of the rights and freedoms of young people, the satisfaction of their social, in particular economic, social, cultural, environmental and other needs and interests

In this case, by analogy, we can say that student (youth) public formations are associations of citizens aged 18 to 35 on a voluntary basis, the purpose of which is to assist local self-government bodies, law enforcement agencies, the State Border Service and executive bodies authorities, as well as officials in preventing and stopping administrative and criminal offences, protecting the life and health of citizens, interests of society and the state from illegal encroachments, as well as saving people and property during natural disasters and other emergency situations.

Local state administrations, local self-government bodies and law enforcement agencies provide all kinds of assistance and support in the creation of public formations for the protection of public order and the state border.

The public formation for the protection of public order and the state border operates on the basis of its provision (statute).

The statute must correspond to the form specified by the Model statute

on public formations for the protection of public order and the state border, approved by Resolution of the Cabinet of Ministers of Ukraine dated 12.20.2000 No. 1872.

The regulation (statute) of the public formation on the protection of public order must contain:

- 1) the name, purpose, tasks of the public formation and its legal address;
- 2) information about the structure of the formation and the territory within which it will conduct its activities;
- 3) determination of the order of creation and activity of management and executive bodies (staffs, coordination councils, boards), their powers;
- 4) conditions and procedure for accepting citizens into public formation and leaving it;
- 5) statutory rights and obligations of members of a public formation;
- 6) sources of income, procedure for using funds and other property of the public formation;
- 7) the procedure for reimbursement of expenses for the use of private motor vehicles or in case of damage to the property of a member of a public formation during the performance of his duties;
- 8) the procedure for introducing changes and additions to the provision (statute);
- 9) the procedure for terminating the activity of a public formation and resolving issues related to its liquidation.

The provision (statute) may provide for other norms that relate to the specifics of the creation and activity of a public formation.

The developed provision (statute) is coordinated with the leadership of the relevant territorial body of the National Police, a division of the State Border Service of Ukraine, as well as the executive body of the council, on the territory of which this public formation will operate.

For the registration of a public formation for the protection of public order and the state border (Article 6 of the Law), a decision on its creation, supported by the relevant body of the National Police or a unit of the State Border Service of Ukraine, the regulations (statute) agreed with these bodies, information on the composition of the governing body, is submitted, as well as a list of formation members.

The public formation for the protection of public order and the state border, in case of changes to the statutory documents, notifies the subject of state registration of legal entities, natural persons – entrepreneurs, and public formations within five days from the date of adoption of such a decision.

Citizens of Ukraine who have reached the age of 18, who have expressed a desire to participate in the strengthening of law and order and in the protection of the state border, and who are capable of performing voluntary

tasks based on their business, moral qualities and health obligations are basically assumed.

Members of public formations for the protection of public order and the state border may participate in the maintenance of law and order and the protection of the state border at the place of registration of these associations only after passing the appropriate legal and special training in the bodies of the National Police, units of the State Border Service of Ukraine and obtaining a local self-government, a certificate of a member of a public formation and an armband, samples of which are approved by the Cabinet of Ministers of Ukraine. The training of the members of the mentioned public formations is carried out in accordance with the procedure established by the Ministry by the Ministry of Internal Affairs in agreement with the specially authorized central body of the executive power in matters of protection of the state border of Ukraine.

Persons who violate public order, persons whose criminal record has not been expunged or not extinguished in accordance with the procedure established by law, and previously convicted of intentional criminal offences, patients with chronic alcoholism and drug addiction, recognized in a court of law as incompetent or other persons are also limited to legal capacity in the cases provided for by the laws of Ukraine.

Members of public formations for the protection of public order are obliged to:

1) take an active part in the protection of public order and the state border, the termination of administrative and criminal offences and their prevention;

2) to have a personal identification card of a member of a public organization and an armband while performing duties for the protection of public order and the state border;

3) deliver persons who have committed an administrative offence to the authorities of the National Police, to units of the State Border Service of Ukraine, the headquarters of a public formation for the protection of public order or a public point for the protection of public order, the premises of the executive body of the settlement, village council, with the aim of terminating it, if other means have been exhausted influence measures, establishing the identity of the violator, drawing up a report on an administrative offence if it is impossible to draw it up at the place of the offence, if drawing up a report is mandatory;

4) within the limits of the rights granted to them, provide assistance to people's deputies of Ukraine, representatives of state authorities and local self-government bodies in their legal activities, if they are opposed or threatened by criminals.

Members of public formations, while performing their duties for the protection of public order, after mandatory presentation of a certificate of a member of a public formation, have the right to:

1) demand from citizens to observe law and order, stop administrative and criminal offences;

2) in case of suspicion of committing administrative and criminal offences, check citizens' documents certifying their identity;

3) jointly with the police and military personnel of the State Border Service of Ukraine to detain and deliver to the National Police body, a subdivision of the State Border Service of Ukraine, the headquarters of a public formation for the protection of public order or a public point for the protection of public order persons who have shown malicious disobedience to the legal requirements of a member of the public formation for protection public order and do not comply with the requirements for the termination of an administrative offence;

4) draw up protocols on administrative offences;

5) enter clubs, cinemas, stadiums, other public places and premises with the consent of the owner or the body authorized by him to pursue an offender who is hiding, or to stop administrative and criminal offences;

7) in urgent cases, use vehicles belonging to enterprises, institutions, organizations or citizens (with their consent), except for vehicles of diplomatic, consular and other representative offices of foreign states, international organizations, special purpose vehicles, to deliver persons to medical institutions, who are in a helpless state, as well as persons who suffered from accidents or offences and need urgent medical assistance;

8) in case of violation by drivers of the Traffic Rules, creating a real threat to the life or health of citizens, take measures to stop this offence, check the documents of drivers for the right to use and drive vehicles, as well as prevent persons who do not have documents or are in a state of intoxication, before further driving vehicles;

9) while performing the duties of a member of a public organization, use his own or another private motor vehicle at his own will with the consent of the owner or the person in whose possession it is. Reimbursement of expenses for its use in such cases can be carried out at the expense of the funds of the public formation in the manner determined by its provisions (statutes);

10) apply measures of physical impact, special means of individual protection and self-defense in the prescribed manner.

In order to fulfill the tasks specified in the Law of Ukraine "On the Participation of Citizens in the Protection of Public Order and the State Border", public formations for the protection of public order and their members participate in the protection of public order together with the police, military

personnel of the State Border Service of Ukraine, and in rural localities – independently by carrying out specific assignments of the head of the relevant National Police body or unit of the State Border Service of Ukraine.

In addition, public formations for the protection of public order and the state border and their members have the right:

1) take joint measures with the police to stop administrative and criminal offences;

2) to represent and protect the interests of its members in the village public bodies and enterprises, institutions, organizations, educational institutions;

3) interact with other bodies of public self-activity that participate in activities aimed at:

– conducting individual preventive work with persons prone to committing administrative and criminal offences;

– providing assistance in the fight against criminal offences in the field of economics, tax legislation, as well as drunkenness, drug addiction, violations of trade rules and in the field of improvement of the territory of cities and other settlements;

– protection of nature, historical and cultural monuments;

– ensuring road traffic safety;

4) submit to state authorities, local self-government bodies, enterprises, institutions and organizations, regardless of ownership, proposals to prevent administrative and criminal offences, the occurrence of causes and conditions that contribute to their commission;

5) to maintain relations with relevant public organizations of other countries for the purpose of exchanging work experience (Article 10 of the Law).

5.3. Forms and methods of interaction of departments of juvenile prevention with student (youth) public formations for the protection of public order and prevention of criminal offences among children

A necessary element of the formation and development of a democratic and legal state is the activity of public organizations. In modern conditions, public organizations in Ukraine are political and legal institutes, the activities of which, among other things, are aimed at the relationship between society and public authorities in order to ensure and protect the rights and freedoms of citizens. Public organizations today play a major role in the formation of social, state and law enforcement policies. Despite the diversity of public organizations, their diversity, objectively they contribute to the formation of a

democratic civil society, citizens' interest in interaction with the state. The solution to many issues in the activities of law enforcement agencies depends on how relations with public organizations will develop.

Article 11 of the Law of Ukraine "On the National Police" states that the activities of the police are carried out in close cooperation and interaction with the population, territorial communities and public associations on the basis of partnership and are aimed at meeting their needs. To determine the reasons and/or conditions for committing crimes, the planning of official activities of police bodies and units is carried out taking into account the specifics of the region and the problems of territorial communities. The level of public trust in the police is the main criterion for evaluating the effectiveness of police bodies and units. The assessment of the level of public trust in the police is carried out by independent sociological services in accordance with the procedure determined by the Cabinet of Ministers of Ukraine. It should be noted that the directions of interaction between public organizations and the police cannot be exhaustively defined in the legislation. But with regard to the reasons for interaction, public organizations can identify situations that they perceive as problematic from the point of view of the state of law and order, and police officers who operate in the law-and-order support system can directly influence the causes of the problem and its possible solutions. Therefore, the areas of interaction between police authorities and public organizations can be aimed at:

1) participation in the development and review of programs, concepts, plans for law enforcement and the activities of police bodies;

2) exchange of information on the state of public order and public safety; firstly, this information is necessary to determine the actual tasks related to the prevention and cessation of crimes, planning the work of the police, improving its efficiency; secondly, the exchange of such information will have a positive effect on the level of trust of citizens;

3) monitoring and stopping the dissemination of information that can provoke mass unrest;

4) assisting the police in maintaining law and order (joint patrols with police officers, general control over the activities of police officers, etc.);

5) training of members of the public in methods and forms of crime prevention by police representatives; carrying out legal training work with them; provision of methodical and other assistance in planning and accounting of their activities;

6) organization of work with youth and children's organizations to conduct joint activities, primarily aimed at informational work on crime prevention;

7) involving volunteers and journalists in covering the work of the police. These measures can be implemented in various forms: publication of materials

in mass media; coverage of the work of patrol police or precinct police, etc.; analytical work on the disclosure or non-disclosure of criminal offences during a certain period, etc.;

8) development of a map of dangerous areas of the city (compared to other areas) with the participation of the public in order to strengthen patrolling;

9) organization of periodic meetings with the population regarding reporting with the aim of highlighting the activities of the police, creating educational programs for training citizens, thanks to which they can familiarize themselves with the work of police officers and better understand all aspects of their daily activities.

Juvenile prevention units interact with other authorized bodies and subdivisions of the NPU, state authorities and local self-government bodies, united territorial communities, international and public organizations in the following areas:

1) prevention of offences in the children's environment, combating domestic violence and child neglect;

2) ensuring the rights and interests of children;

3) implementation of the best international methods and practices of working with children who are in conflict with the law and children who have suffered as a result of illegal acts, including the implementation of joint projects on the prevention of offences among children;

4) raising the professional level, acquiring knowledge, skills and abilities through participation in seminars, trainings and other practical and theoretical activities.

Such interaction is carried out on the basis of partnership and is aimed at meeting the needs of territorial communities and fulfilling the tasks assigned to juvenile prevention units.

Police officers of juvenile prevention units on matters within their competence:

1) participate in meetings, conferences, round tables;

2) highlight (including through the mass media) information on the state of crime in the children's environment and measures to improve it, which are taken by the police, as well as give recommendations to parents, legal representatives on preventing the commission of offences by children and in relation to them, the spread of negative phenomena among children;

3) together with other authorized bodies and subdivisions of the NPU, interested bodies of state power, local self-government, united territorial communities, and public organizations, organize preventive measures among children.

Public formations for the protection of public order and the state border

carry out their activities under the control of the National Police, units of the State Border Service of Ukraine by:

1) joint patrolling with the police, border guards and setting up posts on streets, squares, railway stations, airports, sea and river ports, in places of compact residence of citizens, locations of enterprises, institutions, organizations, educational institutions, as well as in places of possible appearance of violators the border within the area controlled by the State Border Service of Ukraine, the border strip; participation in ensuring the protection of public order during mass events, agreed in the cases provided for by law, with the executive bodies of local self-government;

2) carrying out, together with the border guards, an inspection of the routes of possible movement of violators of the state border, their hiding places, means of transport, the area adjacent to the state border in order to establish the reasons and conditions for the presence of unknown persons;

3) participation in the activities of law enforcement agencies aimed at combating certain types of offences.

CONTROL QUESTIONS

1. Name the legal principles of activity of student (youth) public formations for the protection of public order and prevention of criminal offences among children.

2. What is the procedure for creating student (youth) public formations for the protection of public order and prevention of criminal offences among children?

3. What forms and methods of interaction of juvenile prevention units with student (youth) public formations on the protection of public order and prevention of criminal offences among children do you know?

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SECTION 6 FEATURES OF CRIMINAL LIABILITY AND PUNISHMENT OF MINORS

The plan

1. Peculiarities of criminal responsibility and grounds for releasing minors from it.
2. The system of punishments and features of their imposition for minors.
3. Supervisory probation for minors.
4. Features of release of minors from punishment, its serving, repayment and removal of criminal record.

6.1. Characteristics of criminal liability and grounds for exemption of minors

The criminal law does not define special grounds for the criminal liability of minors compared to adults. Yes, in accordance with Part 1 of Art. 2 of the Criminal Code of Ukraine, the only basis for criminal liability is the perpetration by a person of a socially dangerous act containing the elements of a criminal offence. That is, even for minors, the only basis for bringing them to criminal responsibility is the presence of a specific criminal offence in the act they committed.

However, special features of criminal liability and punishment are provided for minors – these are the rules established by the criminal and criminal executives laws, which are exclusive, compared to those established for adults, regarding the application of influence measures (coercive measures of an educational nature, punishment), their content, grounds for imposition, the procedure and conditions of execution, exemption from criminal liability and serving the sentence, repayment terms and removal of criminal record. These features are due to their age and, as a result, a different perception of the phenomena of objective reality and assessment of their own behaviour, unlike that of adults, which, in turn, requires a sensibly softer character, the degree of severity of criminal responsibility and punishment for minors.

Such features are provided in particular in Chapter XV of the General Part of the Criminal Code of Ukraine "Peculiarities of Criminal Responsibility and Punishment of Minors" and relate to:

- release of minors from criminal responsibility with the use of coercive measures of an educational nature (Article 97 of the Criminal Code of Ukraine) and in connection with the expiration of the statute of limitations (parts 1, 2 of Article 106 of the Criminal Code of Ukraine);

- types and amounts of punishments applied to minors (Articles 98-102 of the Criminal Code of Ukraine);
- sentencing (Article 103 of the Criminal Code of Ukraine);
- exemption from punishment and its serving (Articles 104, 105, Part 3 of Article 106, Article 107 of the Criminal Code of Ukraine);
- repayment and removal of a criminal record (Article 108 of the Criminal Code of Ukraine).

In addition, in the Criminal Code of Ukraine, the norms that determine the specifics of the criminal responsibility of minors are also placed in other sections of the General part of the Criminal Code of Ukraine. This is, for example:

- the age from which criminal liability may arise (Article 22 of the Criminal Code of Ukraine);
- the impossibility of applying separate punishments to minors, namely: arrest for persons under the age of sixteen (Part 3 of Article 60 of the Criminal Code of Ukraine); restriction of free will (Part 3 of Article 61 of the Criminal Code of Ukraine); life imprisonment (Part 2 of Article 64 of the Criminal Code of Ukraine);
- the commission of a criminal offence by a minor, as a circumstance mitigating the punishment (clause 3, part 1, article 66 of the Criminal Code of Ukraine).

In the Criminal and Executive Code of Ukraine, the specifics of serving a sentence by juvenile convicts have a sufficiently detailed regulation. For example, the features of serving a sentence in the form of deprivation of liberty by minors are fixed in Chapter 21 "Peculiarities of serving a sentence in the form of deprivation of liberty by convicted women and minors" of this code.

Regarding the release of minors from criminal responsibility, the Criminal Code of Ukraine provides for two such types.

The first type in accordance with Art. 97 of the Criminal Code of Ukraine consists in releasing minors from criminal responsibility with the use of coercive measures of an educational nature.

The prerequisites for such release are the first commission of: a) a criminal misdemeanor; b) careless non-serious crime.

Grounds for dismissal: the court found out the possibility of correction of the minor without punishment.

In the presence of one of these prerequisites, as well as grounds, the court can release a minor from criminal liability. It is important that such release is optional for the court.

At the same time, it is necessary to take into account the circumstances established in clause 18 of the Resolution of the Plenum of the Supreme Court of Ukraine "On the practice of court consideration of cases on the application of coercive measures of an educational nature" dated May 15, 2006, No. 2 and Art. 485 of the Criminal Procedure Code of Ukraine, in particular such as:

complete and comprehensive information about the identity of a minor; the minor's attitude towards the act committed by him; data on the minor's parents; conditions of life and upbringing of a minor, etc.

Simultaneously with the adoption of a decision on exemption from criminal liability, the court is obliged to impose certain conditions on the minor, i.e. to apply coercive measures of an educational nature, which are regulated in Part 2 of Article 105 of the Criminal Code of Ukraine. Thus, this type of release from criminal liability of minors is optional and conditional.

The second type in accordance with part 1, 2 of Art. 106 of the Criminal Code of Ukraine consists in the release of minors from criminal liability in connection with the expiration of the statute of limitations.

Yes, the court is obliged, guided primarily by the provisions of Art. 49 of the Criminal Code of Ukraine, take into account the features indicated in Part 2 of Art. 106 of the Criminal Code of Ukraine. These features consist in the fact that for persons, if they committed a criminal offence before reaching the age of eighteen, regardless of their age at the time of deciding the issue of release from criminal liability, shorter statutes of limitations are established than those provided for adults in Art. 49 of the Criminal Code of Ukraine.

Such statutes of limitations are divided depending on the severity of the committed criminal offence, namely:

- 1) in case of committing a criminal misdemeanor – two years;
- 2) in case of committing a minor crime – five years;
- 3) in case of committing a serious crime – seven years;
- 4) in case of committing a particularly serious crime – ten years.

This type of exemption from criminal responsibility should be considered mandatory and unconditional.

In addition, in accordance with Part 2 of Art. 97 of the Criminal Code of Ukraine and Art. 498 of the Criminal Procedure Code of Ukraine, for persons between the ages of eleven and fourteen who have committed socially dangerous acts containing signs of criminal offences, the application of coercive measures of an educational nature, specified in Part 2 of Art. 105 of the Criminal Code of Ukraine.

6.2. The punishment system and the peculiarities of their imposition for juvenile persons

The system of punishments for minors has its own peculiarities, which consist in the fact that of the twelve types of punishments provided for in Art. 51 of the Criminal Code, minors in accordance with Part 1 of Art. 98 of the Criminal Code, only the following can be imposed as the main ones: a fine; public works; corrective works; arrest; imprisonment for a certain period.

These punishments are also, as in Art. 51 of the Criminal Code of Ukraine, arranged in sequence from the least severe to the most severe punishment.

In addition, minors may be subject to additional penalties such as fines and deprivation of the right to hold certain positions or engage in certain activities.

However, the limits of application of these types of punishments also differ from similar punishments applied to adults. These are, as a rule, smaller amounts or shorter terms of punishments, as well as easier conditions for serving these punishments.

A fine is a type of primary or additional punishment, which consists in the collection of funds belonging to the convicted minor to the state income and is imposed by the court in the cases and in the amount established in the sanctions of the articles of the Special Part of the Criminal Code of Ukraine, taking into account the provisions of Art. 99 of the Criminal Code of Ukraine.

Thus, an important difference from a fine, as a type of punishment imposed on adults, is that the fine is applied only to those minors who have independent income, their own funds or property that can be charged (Part 1 of Article 99 Criminal Code of Ukraine).

The size of the fine as punishment for minors is much lower than for adults. Depending on the severity of the committed criminal offence and taking into account the property status of a minor, he may in no case exceed five hundred of the non-taxable minimum incomes of citizens established by law (Part 2 of Article 99 of the Criminal Code of Ukraine).

In the event that a convicted minor does not have independent income, own funds or property that can be levied, and he has been convicted of a criminal offence for which the main punishment is provided only in the form of a fine of more than three thousand non-taxable minimum incomes of citizens, he may to be punished in the form of community service or correctional work in accordance with the provisions of Art. 100, 103 of the Criminal Code of Ukraine (Part 3 of Article 99 of the Criminal Code of Ukraine).

Today, this type of punishment is widely used as the main punishment for minors. Thus, in 2022, it was assigned to 6.8 % of convicted minors (68 persons). However, a fine was not assigned to any person as an additional punishment.

Deprivation of the right to hold certain positions or engage in certain activities is an additional type of criminal punishment that can be applied to a minor and is aimed at preventing the convicted person from committing criminal offences in the future using a certain position or as a result of engaging in a certain activity. It can be imposed for a period of one to three years.

This type of punishment can also be imposed in cases where it is not provided for in the sanction of the article (sanction of part of the article) of the

Special Part of the Criminal Code of Ukraine, provided that, taking into account the nature of the criminal offence committed in the position or in connection with engaging in a certain activity, the person a convicted minor and other circumstances of the case, the court recognizes that it is impossible for him to retain the right to hold certain positions or engage in certain activities.

For example, in 2022, the considered type of punishment as an additional type was applied to two juvenile convicts.

Community service is a type of the main punishment, which consists in the performance by convicted minors of 16 to 18 years of age of unpaid community service, the type of which is determined by local self-government bodies (Article 56 of the Criminal Code of Ukraine) during their free time from work or study. They can be: cleaning of streets, parks, squares, other territories, work on the improvement of the settlement, repair of buildings, communications, loading and unloading work, care for the sick, agricultural work, forest management work and other work that does not require special training or a certain qualification. Weekends and holidays should be considered free time, and on working days – time before or after work or study. The term of serving the punishment is calculated in hours and is set for minors in the amount of thirty to one hundred and twenty hours. At the same time, the duration of serving this type of punishment cannot exceed two hours in one day (Part 1 of Article 100 of the Criminal Code of Ukraine).

Thus, in 2022, the considered type of punishment was assigned to 71 persons, which is 7.1 % among convicted minors.

Correctional work is one of the main types of punishment, which limits the convict's right to change the place of work, promotion, deprives him of a part of his salary. It is imposed on minors between the ages of 16 and 18 for a period of two months to one year and takes place at the convict's place of work. From the amount of the convicted person's earnings, a deduction is made to the state income in the amount established by the court's verdict, ranging from 5 to 10 % (Article 57, Part 2, Article 100 of the Criminal Code of Ukraine).

Today, judicial practice rarely prescribes correctional labour as a type of punishment. For example, in 2019, only one minor was sentenced to the type of punishment in question, and in 2022 – none.

Arrest is the main punishment, which is a type of deprivation of liberty for a short period and consists in keeping a juvenile convict aged sixteen and older in conditions of isolation from society, established for a period of fifteen to forty-five days (Article 60, 101 of the Criminal Code of Ukraine). Such isolation of the convict is combined with the application to him of restrictions specially provided by the regime of serving this punishment, as well as with the application of educational measures.

Convicts serve their sentences in remand houses, the vast majority of

which are located on the territories of pretrial detention centres.

So, in 2022, 5 people were sentenced to the considered type of punishment.

Imprisonment for a certain period is a punishment that consists, in accordance with Art. 63 and 102 of the Criminal Code of Ukraine in forced isolation from society of a juvenile convict, for the term specified in the court's verdict, with mandatory placement in a closed penal institution – an educational colony. This type of punishment is established for a period of six months to ten years, except for the conviction of a minor for a particularly serious criminal offence combined with intentional deprivation of life. In the latter case, it is possible to sentence the minor to fifteen years of imprisonment. This rule is enshrined in Part 3 of Art. 102 of the Criminal Code of Ukraine.

In 2019, 166 minors were sentenced to the type of punishment under consideration. Also, according to the State Criminal Enforcement Service of Ukraine, as for July 30, 2020, 73 convicted minors were serving prison terms in two educational colonies and one relevant sector.

When imposing a punishment on a minor, the court must consider, in addition to the circumstances provided for in Art. 65-67 of the Criminal Code of Ukraine, as well as the conditions of his life and upbringing, the influence of adults, the level of development and other characteristics of a minor (Part 1, Article 103 of the Criminal Code of Ukraine). Such features, as we noted above, are listed in clause 18 of the Resolution of the Plenum of the Supreme Court of Ukraine "On the practice of court consideration of cases on the application of coercive measures of an educational nature" dated May 15, 2006, No. 2 and Art. 485 of the Criminal Procedure Code of Ukraine.

In addition, in accordance with Part 2 of Art. 103 of the Criminal Code of Ukraine, when punishing a minor for a combination of criminal offences or sentences, the final punishment in the form of deprivation of liberty cannot exceed fifteen years.

Children who have committed socially dangerous acts that constitute a criminal offence between the ages of eleven and fourteen, and whom the courts have decided to send to a special educational and educational institution for children and adolescents until it is corrected, but for a period not exceeding three years, are sent to schools and vocational schools of social rehabilitation. These institutions are subordinated to the Ministry of Education and Science of Ukraine. According to this Ministry (letter No. 5/16-21 dated January 14, 2021), 13 children were in such institutions (21 children in 2018), in particular:

1) in the Komysheva School of Social Rehabilitation (Zaporizhia Region), which is designed for 160 people – 8 people (6 people);

2) in the Balakhiv school of social rehabilitation (Kirovohrad region), which is designed for 180 people, in accordance with the order of the Ministry

of Education and Culture of Ukraine dated August 7, 2014, No. 915, the Makiiv professional school of social rehabilitation named after A. S. Makarenko – as for January 14, 2021, there were 5 children in it (15 children in 2018).

As for 2023, there are no statistical data. But according to available information, all children from the Komysheva School of Social Rehabilitation were transferred to the Balakhiv School of Social Rehabilitation due to the proximity of the first school to the places of active hostilities.

The above statistics refer to minors of the male sex, while minors of the female sex are supposed to be kept in the professional school of social rehabilitation of the city of Okhtyrka, which does not have persons of this category.

6.3. Supervised probation for minors

Supervisory probation for minors is the implementation of supervisory and social-educational measures for persons aged fourteen to eighteen years, sentenced to punishments in the form of deprivation of the right to hold certain positions or engage in certain activities, public works, correctional works; persons whose punishment in the form of deprivation of liberty for a certain period has been replaced by punishment in the form of community service or correctional work; persons released from serving a probationary sentence; persons to whom coercive measures of an educational nature have been applied, which are carried out by the authorized probation authorities of the Ministry of Justice of Ukraine.

In essence, supervision consists in the implementation of measures by the probation authority at the place of residence, work and education of convicts in order to comply with the obligations defined by law and imposed on them by the court.

According to the official data of the Probation Centre, as for December 1, 2022, out of 64,304 persons registered with the authorized probation authorities, 507 persons were minors.

The main difference between supervised probation and the system of execution of punishments not related to deprivation of liberty is its social component. In particular, during the period of supervised probation, subjects of probation are not only supervised, but also social-educational work, which consists in the implementation of measures carried out in accordance with an individual plan of work with the convicted person, taking into account the assessment of the risks of him committing repeated criminal offences and provides differentiated approach during the provision of advisory, psychological and other types of assistance; employment promotion; involvement in learning; participation in educational events and socially useful

activities; carrying out individual preventive work.

The legal basis of probation for minors is, in particular, Art. 12 of the Law of Ukraine "On Probation" dated February 5, 2015.

Thus, probation for minors is aimed at ensuring their normal physical and mental development, prevention of aggressive behaviour, motivation for positive personality changes and improvement of social relations (Part 2, Article 12 of the Law of Ukraine "On Probation").

Peculiarities of probation for minors are that, in addition to general supervision measures, within the framework of social and educational work, authorized probation authorities additionally ensure:

- implementation of measures within the framework of social and educational work together with bodies and services for children, special institutions and institutions that provide their social protection and crime prevention;
- the involvement of minors in education and their obtaining a full general secondary education;
- involvement of parents or legal representatives in social and educational work, if such a need arises;
- limiting communication with adult subjects of probation by establishing separate visiting days for minors and adult subjects of probation (in units where both categories are registered);
- use of programs, methods and tools intended for minors.

Authorized probation authorities use the following tools to work with juvenile probation subjects:

- assessment of the risks of repeated criminal offences by minors (order of the Ministry of Justice of Ukraine dated December 3, 2018 No. 3787/5);
- probation programs "Changing pro-criminal thinking", "Overcoming aggressive behaviour", "Prevention of the use of psychoactive substances" (order of the Ministry of Justice of Ukraine dated June 11, 2018 No. 1797/5);
- probation program "Formation of life skills" (order of the Ministry of Justice of Ukraine dated October 23, 2019 No. 3235/5).

6.4. Characteristics of the exemption of juvenile punishments, its serving, repayment and elimination of the conviction

The specifics of the application of general types of exemption from serving a sentence for minors are laid down in Chapter XV of the General Part of the Criminal Code of Ukraine, according to which minors are given more "favourable" opportunities than adults, opportunities for exemption from serving a sentence, repayment and removal of a criminal record.

The institution of exemption from punishment is quite widely used in

relation to convicted minors. For example, in 2022, 661 persons were released from punishment, which is 66.3 % of the total number of convicted juveniles.

Exemption from serving a probationary sentence. This type of release is applied in accordance with Art. 75-78 of the Criminal Code of Ukraine and considering the provisions of Art. 104 of the Criminal Code of Ukraine, namely:

1) exemption from serving a probationary sentence may be applied to a minor only in the case of his sentence to arrest or deprivation of liberty (Part 2 of Article 104 of the Criminal Code of Ukraine);

2) the examination period is established for one to two years (Part 3 of Article 104 of the Criminal Code of Ukraine);

3) in the case of release of a minor from serving a probationary sentence, the court may impose on an individual, with his consent or at his request, the duty to supervise the convict and carry out educational work with him (Part 4 of Article 104 of the Criminal Code of Ukraine).

This type of exemption from serving a sentence is the most widely used in juvenile court practice. For example, in 2022, 660 people were released on this basis, which is 66.2 % of the total number of convicted minors.

Exemption from punishment with the use of coercive measures of an educational nature.

The prerequisites for such dismissal are the commission of: a) a criminal misdemeanour; b) a minor crime.

Grounds for releasing a minor: a) his sincere repentance; b) impeccable behaviour after committing a criminal offence; c) the court found out that the minor at the time of sentencing does not need to be punished.

In the presence of one of the above-mentioned prerequisites, as well as a combination of three reasons, the court can release a minor from criminal liability, therefore, such release is optional for the court.

Types of coercive measures of an educational nature, in accordance with Part 2 of Art. 105 of the Criminal Code of Ukraine:

1) caveats;

2) restriction of leisure time and establishment of special requirements for the behaviour of a minor;

3) transfer of a minor to the supervision of parents or persons who replace them, or to the supervision of a pedagogical or labour team with his consent, as well as individual citizens at their request;

4) imposing on a minor who has reached the age of fifteen and has property, funds or earnings, the obligation to compensate the cost of property damage caused;

5) referral of a minor to a special educational institution for children and adolescents until his correction, but for a period not exceeding three years. The conditions of stay of minors in these institutions and the procedure for leaving

them are determined by law.

Such a list of measures is exhaustive, so the court is not entitled to apply any other restrictions to a minor, however, several coercive measures of an educational nature may be applied to a minor. The duration of the educational activities provided for in clauses 2 and 3 of part 2 of Article 105 of the Criminal Code of Ukraine, established by the court that imposes them. At the same time, the court may deem it necessary to appoint a tutor to the minor in accordance with the law.

Exemption from serving a sentence due to the expiration of the statute of limitations. This type of exemption from punishment is applied according to the rules similar to the exemption from criminal responsibility, which we considered in the first question.

In addition, in Part 3 of Art. 106 of the Criminal Code of Ukraine establishes the following statutes of limitations for the execution of a conviction:

1) two years – in case of conviction to a punishment not related to deprivation of liberty, as well as in case of conviction to a punishment in the form of deprivation of liberty for a criminal misdemeanor;

2) five years – in the case of a sentence of imprisonment for a non-serious crime, as well as in the case of a sentence of imprisonment for a term of not more than five years for a serious crime;

3) seven years – in the case of a conviction to imprisonment for a term of more than five years for a serious crime;

4) ten years – in the case of a conviction to imprisonment for a particularly serious crime.

This type of exemption from serving a sentence is mandatory and unconditional for the court.

Parole from serving a sentence. This type of exemption from serving a sentence, provided for in Art. 107 of the Criminal Code of Ukraine, has features that distinguish it from the general parole from serving a sentence provided for in Art. 81 of the Criminal Code of Ukraine, as it can be applied only to persons:

– who committed a criminal offence under the age of eighteen, even if they reached the age of majority at the time of serving the sentence or at the time of making a decision on such release;

– sentenced to imprisonment;

– who have committed a criminal offence of any severity;

– who, after being convicted, proved their correction by conscientious behavior, attitude to work and study.

In addition, in accordance with Part 4 of Art. 107 of the Criminal Code of Ukraine, the replacement of the unserved part of the sentence with a milder punishment does not apply to minors.

Also, in Part 3 of Art. 107 of the Criminal Code of Ukraine established abbreviated minimums, compared to Art. 81 of the Criminal Code of Ukraine,

terms of actually serving the sentence:

1) not less than a third of the prescribed term of imprisonment in the form of deprivation of liberty for a minor crime and for a careless serious crime;

2) not less than half of the term of imprisonment imposed by the court for an intentional serious crime or a careless particularly serious crime, as well as if the person previously served a prison sentence for an intentional criminal offence and committed it again at the age of under the age of eighteen, a new intentional criminal offence, for which she is sentenced to imprisonment;

3) not less than two-thirds of the term of imprisonment in the form of deprivation of liberty, imposed by the court for an intentional, particularly serious crime, as well as, if the person previously served a sentence in the form of deprivation of liberty and was paroled from serving the sentence, but before the end of the unserved part of the sentence and before reaching the age of eighteen, she again committed an intentional criminal offence, for which she was sentenced to imprisonment.

If a person for whom parole from serving a sentence has been applied commits a new criminal offence during the unserved part of the sentence, the court shall impose a punishment on him according to the rules provided for in Article 71, 72 of the Criminal Code of Ukraine, taking into account that the total maximum term of imprisonment cannot exceed fifteen years.

Redemption and expungement of criminal record. The legal consequences of sentencing minors to criminal penalties also have their own characteristics, which are provided for in Art. 108 of the Criminal Code of Ukraine.

Thus, shorter terms of repayment or removal of criminal records have been established for persons who have committed criminal offences under the age of eighteen.

These terms for repayment of a criminal record in accordance with Part 2 of Article 108 of the Criminal Code of Ukraine depend on the type of punishment or degree of severity of the criminal offence committed by a minor. Therefore, the criminal record is automatically extinguished if:

1) those sentenced to a punishment not related to deprivation of liberty have served such a punishment;

2) sentenced to imprisonment for a minor crime, if they do not commit a new criminal offence within one year from the date of serving the sentence;

3) sentenced to imprisonment for a serious crime, if they do not commit a new criminal offence within three years from the date of serving the sentence;

4) sentenced to imprisonment for a particularly serious crime, if they do not commit a new criminal offence within five years from the date of serving the sentence.

In accordance with Part 3 of Art. 108 of the Criminal Code of Ukraine, early expungement of a criminal record is allowed only for a person who:

- committed a serious or particularly serious crime;
- committed this crime under the age of eighteen;
- served a prison sentence for this crime;
- after serving her sentence, she proved her correction by exemplary behavior and conscientious attitude to work.

At the same time, it is necessary that no less than:

- one year and six months after the convicted person has served his sentence for a serious crime;
- two years and six months after the convicted person has served his sentence for a particularly serious crime.

CONTROL QUESTIONS

1. Name the main features of criminal responsibility and punishment of minors.
2. Reveal the main features of the release of minors from criminal responsibility with the use of coercive measures of an educational nature.
3. Describe the release of minors from criminal liability due to the expiration of the statute of limitations.
4. Reveal the features of punishment for minors.
5. Define the concept and content of supervised probation for minors.
6. Describe the features of the release of minors from punishment and its serving.
7. Describe the specifics of repayment and removal of criminal records for persons who committed a criminal offence under the age of eighteen.

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Навчальне видання

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ЮВЕНАЛЬНА ПРЕВЕНЦІЯ: КУРС ЛЕКЦІЙ

Навчальний посібник

АНГЛІЙСЬКОЮ МОВОЮ

Редактор, оригінал-макет –
А. В. Самотуга

Редактор *О. І. Галушко*

Підп. до друку 25.04.2024. Формат 60x84/16. Друк – цифровий. Гарнітура – Times.
Ум.-друк. арк. 6,05. Обл.-вид. арк. 6,50. Тираж – 35 прим. Зам. № 08/24-пп

Надруковано у Дніпропетровському державному університеті внутрішніх справ
49005, м. Дніпро, просп. Науки, 26, rvv_vonr@dduvs.in.ua.
Свідоцтво про внесення до державного реєстру ДК № 6054 від 28.02.2018