

## COMBATING OFFENCES: ADMINISTRATIVE-LEGAL, CRIMINAL-LEGAL AND CRIMINOLOGICAL ASPECTS

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### DETERMINANTS OF VIOLENT CRIME

**Abstract.** The criminological problem of crime detection has a deliberative character and does not find an explicit solution by scientific collaboration. There is no doubt that the determination of crime is a kind of social determination, which in its turn is an element of the philosophical doctrine of the highest level of abstraction - dialectical determinism – general law on universal connection, interdependence and intersectionality between subjects, phenomena, processes, events of nature and society. The philosophical statements about general objective interrelation of all phenomena and processes of the world are connected with the doctrine of determinism, which embodies the active form of this interrelation.

Serious violent crimes against life and health of a human provided by law, having a criminal-legal commonality, for a set of determining criminogenic phenomena, as well as the structure of the conflict in the specific life situation are not identical. A significant number of researches, conducted by foreign and domestic scientists, are devoted to the problems of the conflict, especially the criminogenic conflict, its structure, the reasons for the existence and the mechanism of its development. The structural elements of any conflict can be the different personal and individual specificities of the participants in the conflicts.

we can identify the determinants of violent crimes, the main of which are the following: 1) general causes of crime (social, economic, psychological, political, etc.); 2) self-determination of violent crime (on the basis of criminal violence there are new manifestations of violence, the development of criminal traditions and customs on its background); 3) domestic violence, which becomes a breeding ground for the formation of violent ways of resolving conflicts not only in intra-family relations, but also outside of the family; 4) negative social phenomena (background phenomena) that are directly interrelated with violent crime: alcoholism, drug abuse, prostitution, begging, freeloading. They are a condition and a ground for violence. Mental disorders that occur in parents and their children due to constant drinking and taking drugs are also one of the causes of criminal violence.

This list should not be considered closed, because in addition to the above reasons and conditions of violent crime, there are many other no less important, no less fatal ones, however, even taking some of them into account in the organization of preventive work will improve the fight against violent crime.

**Keywords:** *violence, crime, punishment, determination, defects of consciousness.*

**Relevance of the study.** The criminological problem of crime detection has a deliberative character and does not find an explicit solution by scientific collaboration. There is no doubt that the determination of crime is a kind of social determination, which in its turn is an element of the philosophical doctrine of the highest level of abstraction - dialectical determinism – general law on universal connection, interdependence and intersectionality

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Serious violent crimes against life and health of a human provided by law, having a criminal-legal commonality, for a set of determining criminogenic phenomena, as well as the structure of the conflict in the specific life situation are not identical. A significant number of researches, conducted by foreign and domestic scientists, are devoted to the problems of the conflict, especially the criminogenic conflict, its structure, the reasons for the existence and the mechanism of its development. The structural elements of any conflict can be the different personal and individual specificities of the participants in the conflicts.

**Recent publications review.** Research on the determinants of violent crime has been carried out by many researchers, for example. A. Iosypiv, E. Bafiya, V. Golina, N. Kuznetsova, V. Orekhov and others.

**The article's objective** is to study the essence of the determinants of violent crime in Ukraine.

**Discussion.** In general, the essence of the problem is as follows. All known criminological approaches to the explanation of crime detection can be conditionally grouped into two main ones: 1) with the predominance of objective determinants of crime; 2) with the predominance of subjective determinants of crime.

The former devote causative role to the environment, and the predetermining one – to the people, the others - on the contrary. Adherents of the first approach apply a multifactorial method and link the determinants of crime with the imperfections of social system, shortcomings and miscalculations of social policy and administration, legislative regulation of public relations and, in part, with defective legal awareness of society members [1, p. 121-122]. In other words, the primary role in causing of crime is assigned to the objective factors of public life, while the determining role is performed by the conscience of individuals, who committed a crime. Such universality, simplicity, and conventionality of explanation of the origin of a crime is appealing.

According to the logic of the supporters of this idea, it turns out that the social environment (macro and micro), which is external to the offender, is the basis of causality. That is, the determinants of human activity lie in the sphere of social existence, and not in the social consciousness, and, accordingly, precautionary measures should be aimed at eliminating the social contradictions and shortcomings of this environment, which, in the result, should lead, if not to the elimination, to, at least, a significant reduction in the crime rate. But then, the question arises: how to be in the case, when due to the current crisis it is objectively impossible to improve the material conditions of existence of the environment, in particular youth, or to arrange the sphere of everyday life and leisure [2, p. 133] ?

The objectivity of the detection of violent crime is quite conditional, because it is a dialectical contradiction of subjectivity, the highest level of abstract thinking. Functioning, development, reproduction of the investigated crime first of all depend on collective wrongful activity of people of a certain structure of personal directedness. These people do not live in isolation, they dissolved among all population groups, thus the highest concentration of the violent –oriented carriers was recorded in the deviant youth environment. We understand the situation in terms of the socio-cultural space of youth existence as a socio-demographic group of the population [3, p. 78].

The deviant person interacts, exchanges energy and information with other social groups, structurally enters to the part of the general system of the social organization, forms under the influence of various social institutes, processes, social facts. This environment affects the consciousness and will of individuals, representatives of this community, as well as individuals through life, cumulative activity, motivational lines and behavioral programs determine the qualitative content and external form of functioning of this environment.

It is important to understand that external influences only indirectly determine human activity, insofar as they are wringed through consciousness and are regulated by thinking, they are contained by volitional efforts, correlate with the needs and interests and value orientations of people, through the prism of which they can noticeably bend and modify in motivation of determined effort [1, p. 119].

Summarizing these data, we answer the question about the specific groups of features of the person, which are the basis of the subjective determinants of violent crimes, allocation of

which were proposed by A. Iosypiv [1, p. 120]: 1) expansion of the non-adaptive to the law-abidingness population layer, expansion of criminal views and subcultures, and with it, the primitivism and stereotype of interpersonal relations based on disregard for human beings, violence and alcohol abuse give rise to conflict, aggressiveness, often a violent way of addressing the specific life situations; 2) criminogenic crime, which is caused by the socio-economic psychology of people, which is based on something that does not disappear for centuries, doesn't depend on the stage of the society development. the desire to accumulate money and material values, abducting of other people's things, to unjust enrichment, wealth, opulence, etc.; 3) various forms of victim behavior of victims; 4) weak criminological sensitization of the population about violent crime, which significantly complicates applying of precautionary measures; 5) deterioration of the socio-psychological climate at work, in the family, in the relations between the spouses, which is caused by the deviating behaviour of different participants of relations; 6) unprecedented dissemination in the media, in the cinema, on the television of the cult of power and club law, violence, sexual promiscuity, debauchery, mockery of yourself, money power, which reduces the immunity of the human personality, inflames low tempers, permissiveness, criminal business, justifies «cool» behavior [4, p. 44-46]. Just look at modern cinema - the vast majority of film and television products are focused on the justification of violence and making a heroes of bandits and criminals. Such information can encourage forceful violation, because carries with it stereotypes of behavior. People appeared, ready to kill anyone by order and for money; 7) weakening of social control over crime. Social control is constantly lag behind the criminal boundless, because there is no (or weakly adjusted) system of advanced self-defense.

Should bear in mind that the analyzed type of crime is a phenomenon of public life, it is an integral part of a more general system – criminality in general, and at the highest level of theoretical generalizations, the determination of these phenomena is interconnected and interdependent [5, p. 33-34]. Since the violent crime belongs to the class of phenomena of public life, it can be argued that it is affected by the provisions of the social determinism – teaching about the relationship of people in the process of subject-specific activity, interpersonal interaction, inclusion in social relations.

In other words, violent crime in its activities is a product (consequence) of socially dangerous activity of people, the result of the selection of violence as a way of illicit enrichment. It follows that the immediate cause of the analyzed type of crime is criminologically oriented collective consciousness and psychology, and not some superhuman forces of nature and society, although the influence of previous on the public consciousness and will is not rejected, because they are found in other non-causative determinative connections (statistical, correlative, functional, connections of conditions, etc.) [6, p. 570]. It convincingly combines rational and irrational elements, conscious and unconscious moments. Needs, interests, motivational lines, goal-setting tendencies, which give social connections not strict, but stochastic nature – in mass activity of people intertwine and objectivize.

Thus, in the first approximation to the solution of the problem, we state that the cause of violent crime, as a type of social determination, should be explored in the area of defect of mind and will of deviant youth, because, in our opinion, the immediate cause of the criminal activity of young people has a socio-psychological origin. The last statement touches the problem of crime detection, its most controversial position.

And the most important: in case of unfavorable scenario of life, given a category of people, will be actively looking for alternative for legal sources to meet their needs and interests, will oppose its own individual position to the requirements of moral and legal norms, basic values of coexistence, will form micro-units and circles of like-minded people.

It is thought that the connection between the states of common consciousness and the existence of the past and the present will lead to one-moment changes of the person for the better. People's thinking is inherent, acquired criminogenic experience, formed negative traits, personality orientation automatically do not change only influenced by external objective factors of environment. It is necessary to combine time and systemic environmental changes with the psychological correction of consciousness and will of the carriers of the root cause of crime - persons who have criminogenic orientation with regard to obtaining material benefits by means of criminal violence. It is not only needed that objective changes in social life have mirrored in the minds of the masses, but, also, needed a subjective perception of their positive content, the establishment of a receptive attitude to them, that is, for them there must be a support, a corresponding basis in the thinking of people [7, p. 21-22].

The use of an objective approach to the explanation of the causes of crime and its manifestations is based on the acquisition of knowledge from cause to effect, when the real conditions of social life, which are based in this historical period of time, are recognized in the meaning of the cause, under the influence of which the person who committed the crime is formed. However, for such a development of knowledge in the scheme the environment – a person, another important causal link – a person – the crime (as a social fact), is being lost and its not worth to jump through it, otherwise, happens that the society (environment) implicitly produces a criminal phenomenon, with which it is impossible to agree.

The cause of the previous cause is not the cause of the consequence (event of the crime), it can only be its condition, obviously, it is more productive to look for the immediate cause, the closest link to the criminal manifestation (consequence). The criminogenic elements of consciousness and psychology of the person of the criminal act as such, and their formation, is nothing else, as a necessary condition that provides criminal act. Out of here, the epistemological emphasis of causality shifts from the objective to the subjective flatness.

With regard to it, it is very problematic to rise from the concrete to the abstract level, where the determination of violent crime of life is actually taking place. The marked contradiction for today is partially removed thanks to efforts of social psychology - branch of knowledge that emerged on the border of general psychology and sociology. This science studies the masses of mental phenomena and processes, laws and mechanisms of the relationship between the individual and society.

The socio-psychological sphere of determination of criminal phenomena in criminology is generally considered to be the average level of abstraction, the sphere of action of the causality of the micro-environment of the person, those small social groups in which the life of each of us flows (family, labor collective, household environment, informal leisure companies, circle of friends). That is, these are everyday conditions for the formation of personality in the everyday flow of life and activity, the usual communicative process.

Socio-psychological determinants of crime and its manifestations are formed from top to bottom, from society to the individual and his psyche and consciousness, under the influence and even to some extent due to the «pressure» of general negative phenomena and processes that develop in the socio-political, socio-economical, socio-cultural, moral-psychological, household-leisure, social-health-improving and other spheres of social life. However, this does not mean that the phenomena of social existence immediately give rise to the corresponding phenomena of consciousness and psychoforms in the flatness: phenomenon – psycho-form of reflection by public consciousness [4, p. 133].

In our opinion, the predominance of criminogenic elements over non-criminogenic ones in the public consciousness and psychology of certain circles of youth, which entails a change in the perception and attitude towards the mass psychological readiness to receive the material benefit criminally. Such an attitude psychologically adjusts a significant number of people to violent crimes, therefore, we consider it a determinant of the highest level of abstraction, which inevitably causes the phenomenon of violent crime in society.

Concerning doubts about the possibility of the spread of the action of socio-psychological factors on the general level, we note some obsolescence of the criminological knowledge, inconsistency to the level of development of progressive scientific thought. The existence of individuals is integrated into the existence of a small social group, while the individual and group consciousness and psychology interpenetrate and interdependence, that is, new reality appears. From this it becomes clear that the so-called large social groups, their consciousness and psychology are formed from the integrative characteristics of small groups. At the highest level of observance, the public consciousness and psychology do not appear out of nowhere [8, p. 97].

The existence, consciousness and psychology of large social groups are made of the material of integrated small groups of people, saturated with the spirit of the everyday psychology, morality, social imaginations, way of thinking, attitudes and experiences. Living in the same kind of environmental conditions, representatives of the same homogeneous social group have a more or less similar order of life, have a similar lifestyle, and their opinions on common social problems and challenges of the present coincide in many ways.

During communications, a variety of activities, a common solution of urgent life problems, people exchange thoughts, personal experience, come to the joint position, at the same time the elements of individual consciousness and psyche are partially connected, integrate into the collective mind, common ideas and assessments of the surrounding reality, on

the basis of which appear massive attitudes and feelings, fears and hopes, and public opinion is being formed [4, p. 44].

Thus, for example, there is a general anxiety with the problem of determining the sources of means of subsistence in the crisis period, which is subject to mass thinking from the angle of social expectations and aspirations, people's assessment of their capabilities, determination of the permissible limit of alternative solutions. Comprehension takes place on the emotional-sensory and rational levels, accompanied by daily discussions and prevailing mindsets, relies on existing common ideas, morality, correlation of general and individual interests, in this way a general opinion is formed, a common position, which is secretly or openly shared by many.

It should also be determined what causes such order, unifies the collective position. Until now, it was believed that these are exclusively similar living conditions of social groups, the same external factors of the social environment, which reconstruct social consciousness and psychology. This is correct only in part, in view of the complete stratification of the society and the stable socio-economic situation in the country.

Now about what applied relevance the discussion provisions of the criminological theory of determination in the study of the problem of child determination have. Declared by us position of observance of the socio-psychological approach at clarification of determination of violent crime and its manifestations is a logical continuation of the reasoned conclusions based on the results of knowledge of the identity of the perpetrator. We will proceed from the previously proved position on the fact that the causal basis for the commission of criminal behavior is the orientation of violent behavior as an integrative moral and psychological property of the personality of the criminal.

The above gives grounds to think: is the thrust of violent manifestation really spreading to the level of group psychology and consciousness? Of course not. The fact is that in the case of a group or mass interaction, the empathy of individuals is connected only in the part of certain elements, fragmentarily coincides psychology, which in the result are transformed into other whole new elements of the collective psyche, formation of a more general order [1, p. 118]. At this point, the thrust of the person exhausts its action. It remains to figure out: what is this innovation? Specialists in the field of social psychology agree on the thought-hyper-individual psychological composition and spiritual-emotional unity, which express typical. The interesting is classification of the determinants of violent crimes proposed by V. Golina [9, p. 44-46] and characteristics of its elements:

Criminogenic phenomena and processes that determine family and domestic violent crimes:

1. A characteristic feature of this group of crimes is that criminogenic phenomena and processes are intertwined and a complex objective-subjective interpersonal situation is created, which gives rise, as a rule, to stable or periodically criminogenic situations. The recent arise or exist constantly, because often the basis of the conflict is a lasting clash of sides over real or imagined material or spiritual needs and values. Outwardly, they manifest in the form of mutual hostility, hatred, dislike, suspicion, suspicion, jealousy, revenge and so on; quarrels over the immoral behavior of one of the participants in the conflict, material or housing problems, interference of relatives in the family life of spouses and numerous other household and family-household problems. Most of the violent crimes were the result of quarrels, mutual fights, threats, provocations for the part of the victims or encirclement.

2. Crimes are often preceded by aggravation and complication of the conflict in connection with the one-sided or mutual usage of physical force to solve conflict episodes. According to research, in all criminogenic situations, the regularity of the transition from simple quarrels to mutual fights and damage was revealed.

3. An important criminogenic determinant of conflicts and violent crimes is the alcoholization of micro-environments and their direct participants - the degree of conflict incidents. Family-domestic and violent crimes are determined by the shortcomings in the activities of law enforcement agencies, local government agencies, the public, the passivity of close relatives, and so on.

Criminogenic phenomena and processes that determine situational violent crimes:

1. Insufficient material base of cultural and leisure institutions. It is about the inaccessibility of cultural leisure for a large part of the population. Street-friendships of the youth, aimless waste of time, dubious set of daily entertainment, drinking of alcoholic beverages in random places and with random or barely-known people near beer bars, in parks,

backyards or basements; gambling – form a marginal environment and create the same type of criminogenic situations.

2. Low social status of many criminals, caused by demographic, family-specific characteristics (low wages, poor housing conditions and poverty and so on.).

3. Strengthening of mental load and tension in modern conditions.

4. The negative role of the criminal subculture, which is manifested, in particular, in the fact that the behavior of convicted persons in the field of leisure has morbid, often anti-social character.

Increased conflict, excitability, drunkenness, chronic alcoholism, drug addiction, criminal habits, profanity, the frequency of accidental conflicts – all of these make of such people the most probable actors and victims of violent crimes.

5. The contradiction between the status of a person and his inflated orientations creates psychological discomfort, in connection with which, companies, where spends leisure time, are a convenient place for reimbursement of failures in another areas.

6. Reduction of social and preventive control of state bodies, labor collectives, publicity for those spheres of life that contribute to the spread in society of drunkenness, aggression, violence and evil, frustration, mental pathology, fear of crime, criminal lawlessness, organizational and spiritual consolidation of the criminal world, passivity of the population, formalism and incompetence in the work of law enforcement bodies, especially in the field of crime prevention, etc.

Criminogenic phenomena and processes that determine willful murders and grievous bodily harm, which are planned in advance:

1. Unfavorable socio-economic and moral-psychological situation in the country and near abroad. Fundamental and sometimes painful transformation of many spheres of life has caused economic instability in the country, a change in the level of state policy of ideological attitudes of the person regarding property, means of production, frankly self – serving desires of a significant part of the new businessmen and even the proprietary extremism of many of them. Individualism, extortion, legal and moral nihilism appear among all branches of society, more over among marginal layer; limited material resources and the intention to gain access to them, even at the cost of another's life, becomes the dominant of selfishness, the cause of strained interpersonal relations and conflicts in many spheres of human existence, which often end tragically. Social inequality, which in our country manifests itself loudly and unjustifiably cruelly and unfairly, diminishes the importance of the human person as a social value, destroys solidarity in society, removes the moral and legal prohibition «Do not kill!» Decrease in the level of person's inviolability makes the life and health unprotected and available for different criminal manipulations.

2. Lumpenization, marginality, alcoholization of significant groups of the population. Expansion of the population, which is not adaptable to the law-abidingness, spread of criminal views and subcultures, and with it the primitivism and stereotype of interpersonal relations, which are based on humiliation, violence and abuse of alcohol, give rise to conflict, aggression, and often a violent way of solving specific life situations.

3. Criminogenic coerciveness, which is caused by the socio-economic psychology of people, built on something that does not disappear for centuries, does not depend on the stage of development of society, the desire to accumulate money and material values, to unjust enrichment, wealth, luxury, etc.

4. Different forms of victim behavior of victims.

5. Weak criminological awareness of the population about violent crime, which significantly complicates the use of precautionary measures.

6. Deterioration of the social and psychological climate at work, in the family, in the relations, which is caused, in particular, by the deviant behavior of different participants.

7. Unprecedented propaganda in the mass media, in the cinema, on television, the cult of power and club law, violence, sexual perversion, debauchery, humiliation of the person, the power of money, which reduces the inviolability of the human personality, inflames low attachments, permissiveness, criminal business, justifies "cruel" behavior. Such information can encourage violent crimes, because it carries stereotypes of behavior. Appeared people, who are ready to kill anyone on orders and for money.

8. Weakening of social control over crime. Social control is constantly lagging behind criminal lawlessness, because there is no (or poorly established) system of advanced self-defense of society. Precautionary work of all subjects of crime prevention is weakened, proper

work with criminal family troubles is not carried out, law enforcement agencies do not react enough to the onset of violent crime, the level of work of the bodies of internal affairs with the illegal possession of weapons by the citizens has decreased, weak work in places of imprisonment with criminals who committed violent encroachments, etc.

9. Insufficient psychological, physical, legal, technical protection of the person.

Criminogenic phenomena and processes that determine pathological premeditated murders and grievous bodily harm: Criminogenic phenomena that determine this group of crimes may include phenomena of socio-psychological and psychiatric, medical and pedagogical, medical-rehabilitation, organizational-administrative, legal and of another nature. First of all, it is a factor of mental distress of the population in general, as well as in places of deprivation of liberty, where this distress is exacerbated and then manifested in the recurrence of crimes. The rise of mental illness in all economically developed countries of the world is one of the important medical and social problems of our time (personality disorder, neurosis, psychosis, etc.).

Research shows that there is a direct relationship between the duration of criminal activity and the mental disorder of the convicts. The medical and pedagogical spectrum of criminogenic phenomena covers insufficient medical examination of the population for the purpose of establishing persons with mental anomalies. Measures are poorly implemented to combat the problem of alcoholism and narcotization of adolescents, there is no well-thought-out concept of medical and pedagogical influence on adolescents.

Criminogenic determinants of the medical-rehabilitation character are too complex, and some of them have not been studied at all. These include determinants of genetic and physiological origin, the influence of the external environment on the mental activity of man, etc. The country does not have a system of timely detection and registration of persons with mental anomalies, the way of life and behavior of which testify to the real possibility of committing a violent crime, cooperation between medical and law enforcement agencies, constant relevant information exchange between them, consultation is not provided at the proper level.

The work of health protection bodies, internal affairs bodies and other subjects of crime prevention with persons suffering from mental anomalies has significant shortcomings. There is practically no legal provision for such activities. In addition, literature, movies, television, videos with elements of sex and sadism have a very negative impact on the volatile psyche of minors and young people and forms perverted moral and legal views and ideas of criminals.

Therefore, having analyzed the above approaches to the selection of the determinant of violent crimes and their division into objective and subjective, we can propose the following list of determinants of crimes:

- 1) Negative influence of the micro-environment;
- 2) Drunkenness;
- 3) Unfriendly interpersonal relations;
- 4) Conflict situations between the offender and the victim. In some cases, they occur suddenly, in others they are the result of the development of persistent hostile situations. In any case, the behavior of the victim, which serves as a victimogenic factor, plays a significant role here;
- 5) Criminalization of the person which is being expressed in (increase in numbers of convicts and also unemployed and non-students; increase in the amount of criminals that are negatively characterized by place of residence; in the number of conditionally convicted and conditionally released persons; in increase in the number of persons recognized by courts as insane in connection with the commission of socially dangerous acts against life and health of citizens);
- 6) Insufficient control over convicts in places of deprivation of liberty. In the structure of penitentiary crimes, the encroachment on life and health of a person occupies a prominent place. Most of these crimes are committed on the basis of hostile relations, mutual resentment, quarrels between groups of convicts, which are formed on the basis of signs of association;
- 7) Shortcomings in the prevention of violent crimes. In analytical works there is no clearly defined focus to the detection of qualitative processes, which determine the determinants, state and tendencies of serious violent crimes. The social, medical and psychological aspects of the problem are not studied. Possibilities of scientific research institutions and educational establishments of the system of Ministry of Internal Affairs of Ukraine are insufficiently used; a number of internal law enforcement agencies do not provide

a comprehensive approach to the development and use of measures to prevent violent crimes; in the process of planning the activities of internal affairs bodies regarding the prevention of these crimes, the appropriate level of possibilities of all services is not taken into account, the concentration of their efforts on the performance of the main tasks is not provided. The system of responding to statements and notifications about domestic conflicts does not provide timely prevention of crimes; there is often no clear connection between the duty units and the district police inspectors, flexibility and maneuverability in managing the available forces and means for the needs of immediate response to signals of scandals, fights, riots; statements and reports on domestic conflicts in many bodies of internal affairs are viewed superficially. The actions of the co-workers, as a rule, are reduced to the issuance of a referral for a forensic examination; despite the objective possibility of obtaining information on the occurrence of a conflict situation, the work on the detection of persons who commit offenses in everyday life is unsatisfactory; in the detection of such persons and situations, the possibilities of publicity are poorly used.

Complaints and statements of citizens concerning violation of criminal cases, materials of forensic medical examinations, private prosecutions, proceedings on marriage are rarely analyzed. Possibilities of the secret apparatus, accounts of medical sobering-ups and also accounts of the persons whom imposed an administrative responsibility for petty hooliganism are badly used; the individual-preventive work does not take into account the need for the primary use of measures aimed at eliminating the causes that cause the conflict situation; the influence on the persons who are on the account is carried out in a stereotyped way, it is reduced only to episodic visiting of apartments by district inspectors of the police; The rules of criminal law on liability for murder, threats of murder and infliction of grievous bodily harm are poorly used; low efficiency of administrative and legal forms of influence on offenders, issuance of official warning are carried out formally, administrative supervision often does not give the desired results; weakened fight against hooliganism on the administrative-legal and preventive lines; no proper control over the acquisition, storage and usage of firearms, by removing it from persons who systematically commit offenses.

8) Deficiencies in the field of the detection of crime offenses (victims among persons, who are being wanted as missing-persons are not detected in a timely manner; in the course of investigation the behavior of the victim before commission of a crime is superficially studied; inspections of the scene of the incident are not always carried out with reports of grievous bodily harm; weakly organized search of criminals by signs. Testimonies of victims, eyewitnesses of the crime and other witnesses are incompletely used; specialization in the detection of crimes against the person has not been completed; insufficiently effective system of receiving information about the processes that take place in the community of convicts and persons who are under pressure, theirs attitudes and intentions; information is not always sent to the territorial authorities regarding persons who try to make a reprisal against witnesses, relatives, friends, neighbors).

As we can see, the determinants of violent crime have their own specifics, they do not act on their own, but in the context with socio-economic, political, culturological and other criminogenic factors. Solving rather difficult question of developing of effective means of overcoming and resisting violent crimes against life and health of the person, it is important to pay attention to the investigation of its causes (organic set of social phenomena and processes, which in interaction with the circumstances play the role of condition, determine the existence of crime as a social phenomenon).

Therefore, among the main reasons and conditions of violent crime, against life and health of a person can be distinguished as follows: 1) Preliminary reevaluation of former values and moral principles, increasing recognition by the mass consciousness of the power of money, the material factor as the only value; devaluation of human life, if it is not supported by high material indicators; the cult of cruelty; 2) Legal nihilism, contemptuous attitude to the activities of law enforcement agencies, the influence of criminal subculture; 3) Criminogenic influence of negative conditions in the micro-environment (lasting and purposeful influence on young people by demoralized, often convicted persons, leaders with anti-social activism); family criminal misconduct, which is characterized by manifestations of aggression; 4) Unfavorable housing conditions: rising housing prices, which makes it impossible to buy your own housing (criminal conflicts, and subsequently crimes against life and health, often occur between residents of communal flats, divorced, but living in the same house). After all, a large number of murders are committed for the purpose of taking someone else's house, for example,



pensioners, for whom there is no one to take care of; 5) Contemptuous attitude of law enforcement agencies to the facts of animal abuse, leveling the fact that almost all maniacs and serial killers began their "activity" with the abuse of animals. For the time being, in the Criminal Code of Ukraine, provision 299 "Cruel treatment of animals", despite the large number of facts of commitment of such a crime, only some of them are registered. 7) Improper response of internal affairs bodies to the facts of death threats, persecution of the victim, as well as preparation for the commission of a crime; 8. In the end, the high level of security of the population, which is caused by the improper work of law enforcement agencies and the detection of the facts of illegal production, storage and carrying of cold and firearm weapon.

**Conclusions.** Thus, we can identify the determinants of violent crimes, the main of which are the following: 1) general causes of crime (social, economic, psychological, political, etc.); 2) self-determination of violent crime (on the basis of criminal violence there are new manifestations of violence, the development of criminal traditions and customs on its background); 3) domestic violence, which becomes a breeding ground for the formation of violent ways of resolving conflicts not only in intra-family relations, but also outside of the family; 4) negative social phenomena (background phenomena) that are directly interrelated with violent crime: alcoholism, drug abuse, prostitution, begging, freeloading. They are a condition and a ground for violence. Mental disorders that occur in parents and their children due to constant drinking and taking drugs are also one of the causes of criminal violence.

This list should not be considered closed, because in addition to the above reasons and conditions of violent crime, there are many other no less important, no less fatal ones, however, even taking some of them into account in the organization of preventive work will improve the fight against violent crime.

*Conflict of Interest and other Ethics Statements*

The author declares no conflict of interest.

**References**

1. Iosypiv A. Psykholoho-pedahohichni prychyny nasyt'stva [Psychological and pedagogical causes of violence]. Yurydychna Ukrayina. 2009. Vol. 6. Pp. 117-122. [In Ukr.]
2. Криминологія [Criminology] / Pod obshchey pedaktsyey Yu. Kvashy. R.-D., Feniks, 2002. 407 p. [In Russ.]
3. Bafiya E. Problemy kriminologii. Dialektika krimynohennoy situatsii [Problems of criminology. The dialectic of the criminogenic situation]. M., Yuridicheskaya literatura, 1983. 150 p. [In Russ.]
4. Golina V. Poperedzhennya tyazhkykh nasyt'nyts'kykh zlochyniv proty zhyttya, zdorovya ocboty [Prevention of serious violent crimes during life, personal health]. Kharkiv, Pravo, 1997. 298 p. [In Ukr.]
5. Kryzhna L. Poperedzhennya zlochyniv, shcho vchynuyutsya u sfepi simeyno-pobutovykh vidnosyn [Prevention of crimes committed in the field of family and domestic relations] : Dys. ... kand. yuryd. nauk: 12.00.08. Kyiv, 2000. 215 p. [In Ukr.]
6. Iosypiv A. Prychyny nasyt'stva ta umovy yoho poperedzhennya [Causes of violence and conditions of its prevention]. Zbirnyk naukovykh prats' Instytutu derzhavy i prava im. V.M. Korets'koho. 2009. Vol. 43. Pp. 569-574 [In Ukr.]
7. Koretsky D. Tyazhkye bytovy prectupleniya i ikh preduprezhdenie [Severe household offenses and their prevention]. M., VZYUSH MVD, 1989. 84 p. [In Russ.]
8. Kriminologiya. Obshchaya chast' [Criminology. General part] / Pod redaktsyey V. Orekhova. SPb., 1992. 216 p. [In Russ.]
9. Kryminologiya. Osoblyva chastyna [Criminology. A special part]. Za redaktsiyeyu I. Dan'shyna. Kharkiv, Pravo, 1999. 232 p. [In Ukr.]

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**Костянтин МАРІСЮК  
ДЕТЕРМІНАНТИ НАСИЛЬНИЦЬКОЇ ЗЛОЧИННОСТІ**

**Анотація.** Кримінологічна проблема детермінації злочинності має дискусійний характер і не знаходить однозначного вирішення науковим співтовариством. Не викликає заперечень, що детермінація злочинності — різновид соціальної детермінації, котра у свою чергу є складовою філософського вчення найвищого рівня абстракції — діалектичного детермінізму — загального закону про універсальний зв'язок, взаємозалежність та взаємообумовленість між предметами, явищами, процесами, подіями природи і суспільства. З філософськими положеннями про загальний об'єктивний взаємозв'язок всіх явищ і процесів світу пов'язане вчення про детермінізм, який уособлює активну форму цього взаємозв'язку.

Передбачені законом тяжкі насильницькі злочини проти життя і здоров'я особи, маючи кримінально-правову природу спільність, за набором детермінуючих їх криміногенних явищ, а також структурою конфлікту в конкретній життєвій ситуації неоднакові. Девіантна особа взаємодіє, обмінюється енергією та інформацією з іншими соціальними групами, структурно входить до загальної системи суспільної організації, формується під впливом різних соціальних інститутів, процесів, соціальних фактів. Означене середовище впливає на свідомість і волю фізичних осіб, представників цієї спільноти, рівно як і останні через спосіб життя, сукупну діяльність, мотиваційні лінії і поведінкові програми визначають якісний зміст і зовнішню форму функціонування даного середовища.

Важливо розуміти, що зовнішні впливи лише опосередковано зумовлюють людську активність, оскільки заломлюються через свідомість й упорядковуються мисленням, стримуються вольовими зусиллями, співвідносяться із потребами та інтересами, ціннісними орієнтаціями людей, крізь призму яких можуть помітно викривлятися й модифікуватися у мотивації цілеспрямованої діяльності. Причинність насильницької злочинності як вид соціальної детермінації слід шукати у площині дефектів свідомості і волі девіантної молоді, бо, на наш погляд, безпосередня причинність кримінальної активності молодих людей має соціально-психологічне походження.

**Ключові слова:** *насильство, злочинність, злочин, покарання, детермінація, дефекти свідомості.*

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### **DOCTRINAL FRAMEWORK OF DEVELOPING A SAFE-ORIENTED DIMENSION OF THE FUNCTIONING OF PRISONS OF THE MINISTRY OF JUSTICE OF UKRAINE**

**Abstract.** The author's analysis of the conceptual apparatus in the field of penitentiary security is carried out in the article. Author's definitions of such concepts as: "security in the penitentiary system", "danger in the process of execution / serving sentences in places of detention of the Ministry of Justice of Ukraine", "penitentiary threat", "personal security during execution / serving sentences", "right of convicts" for personal safety".

**Keywords:** *security, danger, threat, personal security, right of convicts to personal security.*

**Relevance of the study.** The current state of reform (development) of the penitentiary system of Ukraine [1], and the doctrine of domestic criminal executive (penitentiary) law [2; 3; 4; 5; 6; 7; 8] put new approaches to understanding the traditional categories to the practice of execution of punishments in this area. One of such categories is "security" in the penitentiary (penitentiary) sphere of legal relations.

**Recent publications review.** Within the framework of the criminal-executive

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