

defined themselves as Russophobes, as supporters of liberal ideas, aided financially for example by America for Bulgaria Foundation.

The second – Russia has been in the process of reconsidering of the widely spread notion of national security and adoption of the pragmatic western definition of this term. Bulgarian politicians notwithstanding their party affiliation, however still remain surprisingly attached to the dogmas of etatism.

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IS THE PREVENTIVE POLICY FOR INTERRUPTION OFFENDERS' CRIMINAL CAREERS EFFECTIVE?

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The article is dedicated to the connection between institutional treatment in early age and following process of establishment of a lasting model of criminal behavior. The effectiveness of preventive policy is connected with inclusion of the offender's social environment in institutional impact on his behavior. That is a necessary condition for interruption his criminal career.

Keywords: preventive policy, stigmatization, minor and juvenile delinquents, institutional treatment of the delinquents, offenders' criminal careers.

Criminological views on approaches to interruption individual criminal behavior have undergone a long evolution. Criminal-oriented state policy narrows its borders. In the same time the adoption of alternative sanctions and measures to combat crime is widely applied in the laws of the various countries. The view that enlightenment and upbringing are among the main means of preventing crimes¹ is constant in time. No measure with repressive character can achieve such an effect as the early preventative impact.

Already in the second half of the last century, representatives of the new social defense arrived to a conclusion that the passive understanding of the criminals' isolation must be abandoned and an active impact on offenders must be undertaken to interrupt the danger of developing a criminal career. This impact involves healing and educational measures². The development of Symbolic interactionism leads to the emergence of the Labeling theory, which presents a new perspective on the causes of deviance³. The stigmatization of deviant is explained by social interactions and building self-consciousness as a result of sanctioning and labeling⁴. A number of international acts, among which United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules", 1985) and United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines, 1990), take into account the young offenders' risk of stigmatization. The focus in the new preventive policy is on limiting the contact of young people with the formal justice system and expanding opportunities to influence in family, school and community. An expression of these views is also the Restorative justice, exclusively oriented towards young offenders and their integration into society⁵.

Alongside these views in the modern criminology and social practice, during the last century in Bulgaria were laid the foundations of the humanistic criminal policy on juvenile offenders. The creation of specialized institutions for the accommodation of the perpetrators of anti-social acts and juveniles released from criminal liability is borrowed from the views of the new social defense. Such institutions are socio-pedagogical boarding school and educational boarding-school, where minors and juveniles offenders are accommodated.

In the whole process of reforming the policy to reduce juvenile crime, the role of local commission for fight against anti-social acts of minor and juvenile delinquents is particularly important. It develops on the basis of protecting the offender from the negative consequences of his contact with the court and providing the case for consideration by a special non-judicial jurisdiction. In performing the jurisdictional activity defined as „transformed jurisdictional powers”⁶, the focus is on the commissions' legal status as a state-public body. They include representatives of the public engaged in preventive activities. Thus, for over half a century, in the offenders' early preventative impact has been gained considerable practical experience. Nevertheless, antisocial acts of minors and juveniles and juvenile crime keep the persistent high levels achieved in the years after 1989⁷. This determines the unfavorable trends in recidivism among those who have started their criminal career at an early age.

In analyzing the reasons for the lack of sufficient effectiveness in the individual-preventative impact on young offenders, it is necessary to take into account the specifics of the crime prevention policy. Its characteristic feature is institutionalization. The legislator provides a range of institutions for fight against anti-social acts of minor and juvenile delinquents, children's protection

1 Beccaria, C. За престъпленията и наказанията [On Crimes and Punishments], Ed., Tedina”, Varna, 1993, pp. 133-137.

2 Ancel, M. Social Defense. A modern Approach to Criminal Problems. Routledge, 1998, p. 109.

3 21st Century Criminology: A Reference Handbook. Edited by J. Miller, volume 1, 2009, p. 254.

4 Tannenbaum, F. Crime and the Community. Columbia University Press. New York and London, 1938 (Original from University of Michigan), p. 19.

5 West, D. Delinquency: Its Roots, Careers and Prospects, London: Heinemann, 1982, pp.104-110. See also: Braithwaite, J. Crime, Shame and Reintegration. Cambridge University Press, 1989, p. 13. McGrath, A. Offenders' Perceptions of the Sentencing Process: A Study of Deterrence and Stigmatisation in the New South Wales Children's Court. The Australian and New Zealand Journal of Criminology, Vol. 42, № 1, 2009, p. 39.

6 Zdravkov, P. Противопоществените прояви на маловръстните [Antisocial acts of juveniles]. Sofia, 1967, p. 45.

7 Stankov, B. Малолетни, непълнолетни, противопоществени прояви, престъпления, отговорност, [Minors, juveniles, anti-social acts, crimes, liability], ВСУ „Черноризец Храбар”, Варна, 2012, с. 31-41. [VFU „Chernorizets Hrabar”, Varna, 2012, pp. 31-41].



and realization of the criminal liability of juvenile offenders. In all of them, the participation of the state is leading. Even when state-public bodies as local commissions are created, the representatives of the public included in their staff are specialists in the field of pedagogy, psychology and law. The direct contact and interaction with the wider social environment, including offenders' environment is limited.

This, in turn, leads to the institutionalization of juvenile deviants. It includes first of all offenders with primary deviations performing their first anti-social acts as minors and juveniles. They are the subject of an impact by local commissions when hearing educational case and enforcing educational measures and by inspector in a children's pedagogical room when taking into report. Further, when the possibilities of imposing the lighter educational measures are exhausted, the institutional response includes a wider range of institutions. These include the court, when local commission has made a proposal to impose an educational measure – accommodation in socio-pedagogical boarding school or educational boarding-school and the administration of these establishments. Going forward, when the process of formation of criminological attitudes develops, the juvenile who committed a crime is subject to the influence of the prosecutor of the pre-trial and the court in the trial proceedings. In cases where there are preconditions for diversion from the trial and releasing from criminal liability, prosecutor or court may refer the case to the local commission for the imposition an educational measure.

This formal institutional treatment of juvenile offenders has certain consequences on their personality and behavior. They are related to their future criminal activity. The results of the research conducted in 2016 among 225 individuals, serving a sentence of imprisonment at Varna prison, point to such a conclusion. According to them, reporting in a child pedagogical room ($F = 8,887$, $p < 0,01$), accommodation in a boarding school or reformatory ($F = 11,970$, $p < 0,01$) and conditional release ($F = 7,278$, $0,01 < p < 0,05$), show high coefficients of relevance to the stability of the criminal career. In the retrospective study on the mechanism of deviant's behavior escalation and its corresponding institutional response, the role of the social environment to deter deviant attitudes seems to be in the background.

There is a serious deficit of social support for the re-education and reintegration of young offenders in the process of institutional sanctioning and immediately afterwards. According to the respondents' data, the social environment is rather a catalyst for the formation of the negative self-assessment in result of the institutional impact. The analysis based on E. Lemert's model of secondary deviation¹, shows the negative effects of institutionalization.

First of all, the offender's family is not sufficiently involved in preventive policy. The retrospective approach provides an opportunity to trace the family environment factors influencing primary deviations and subsequent new primary deviations. It turns out that these factors have a significant impact on the stability of the criminal career further adulthood. They are predominantly connected with the father's attitude towards the deviant and include: „fear” ($F = 8,850$, $p < 0,01$), „lack of understanding” ($F = 7,278$, $p < 0,01$), „isolation” ($F = 3,657$, $p = 0,057$), „imposing severe punishments” ($F = 10,722$, $p < 0,01$), „eviction from home” ($F = 10,342$, $p < 0,01$). The interaction between local commissions as a specialized early warning authority and the families of the perpetrators of anti-social acts is related to the participation of parents in educational cases and sanctioning them for not taking sufficient care of the child's education (art. 15 of the Law, for fight against anti-social acts of minor and juvenile delinquents). It is illusory to think that state coercion towards the parents of institutionalized children can lead to effectiveness in the preventive impact. Interaction between the institutions and the family environment of offenders should be related to the involvement of the family in the overall process of re-education and reintegration of minors and juveniles. Particularly suitable is such a form of restorative justice such as family-group conferencing². Elements of this procedure can be included in the proceedings before the local commissions. Moreover, there are several educational measures with a restorative potential in the legislation for anti-social acts of the minors and juveniles like apology, reparation of the damage through work, community service³.

On the next place, the potential of the school for the resocialization of offenders is not fully used. The results of the study show an equal number of support reactions, respectively - the disapproval of the offenders by their classmates. However, reactions were detected like „indifference” (7,1 %) and „ignorance” (5,3 %) of the classmates in connection with the anti-social acts and crimes committed. There are also reactions related to lack of interest in dealing with offenders among teachers (6,3 %). Because of the negative effect of isolation and indifference in the process of socialization, it would be appropriate to use the method of joining juvenile deviants in the school environment. Mentoring is an effective form of interaction between the offender, other pupils and teachers, providing support and leadership skills⁴. It has the potential to overcome deviant attitudes and to support the educational process. Mentoring can be used on the principle of „snowball”. Offenders who have received support from their mentors in the process of correcting their behavior may become mentors of other pupils who have committed anti-social acts for the first time. In these cases, the imitation mechanism, which is characteristic of the age of the minority, will be used. Another effective form of interaction in the school environment for overcoming behavioral abnormalities is peer mediation. It can be used as an informal way to resolving school conflicts. Studies from the application of this method in other countries show a reduction in school conflicts of 80%⁵.

Furthermore, the wide social environment of neighbors and acquaintances of the offenders remains an unused resource in crime prevention. At the same time, this environment is among the factors of informal stigmatization fixed by the study in Varna prison. The disapproval reactions generated in it have a significant influence on the stability of the criminal career in interviewees ($F = 9,948$, $p < 0,01$). In the case of early preventive impact on individual criminal behavior, it is appropriate to work on the ground by teams of specialists. The practice of joint meetings of representatives of local committees, inspector in child pedagogical room and the public educator with the offender and his parents is a good basis for such interaction. It allows informal meetings in a family environment to identify a close circle of people who are familiar with the child's anti-social acts. This may subsequently allow the commissions to organize a meeting with these persons to discuss the issues and conflicts with a view to their future neutralization.

In summary, overcoming the institutionalization of juvenile offenders is necessary in order to limit adult recidivism. This can be achieved by: 1) reducing deviant's contact opportunities with too many correctional institutions; 2) restricting of measures on isolation from the social environment and accommodation in institutions; 3) active inclusion of the social environment of the offender in his reintegration.

1 Lemert, E. 1951. *Social pathology: a systematic approach to the theory of sociopathic behavior*. New York: McGraw-Hill, (Original from University of Michigan), p. 77.

2 McCold, P. *Primary Restorative Justice Practices. Restorative Justice for Juveniles. Conferencing, Mediation and Circles*. Ed. by A. Morris & G. Maxwell. Institute of Criminology Victoria University of Wellington, New Zealand, Oxford – Portland Oregon, 2001, p. 45.

3 Chankova, D., A. Păroșanu. *European Research on Restorative Juvenile Justice, Vol. I, International Juvenile Justice Observatory*, Brussels, 2015, p. 31.

4 Cowie, H., P. Wallace. *Peer Support in Action. From Bystanding to Standing By*. SAGE Publications, 2000, p. 21.

5 Ibid, p. 33.

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ПРОБЛЕМЪТ „ПРЕСТЪПНОСТ“ В БЪЛГАРСКИТЕ МЕДИИ / THE PROBLEM OF "CRIME" IN THE BULGARIAN MEDIA

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Обсъжда се проблемът за реалността на престъпността в медийната реалност на България днес. Очертават се основните проблеми и активността на медиите в тяхното отразяване.

Ключови думи: престъпност, наказателно правосъдие, медийна реалност, комуникационна спирала, медийна сугестия, организирана престъпност, корупция.

The article discusses the problem of the reality of crime in the media reality of Bulgaria of today. It outlines the main problems and the activity of the media in their coverage.

Keywords: crime, criminal justice, media reality, communication spiral, media suggestion, organized crime, corruption.

1. Престъпността като масово и исторически непреходно социално явление съпътства човешката цивилизация. Митът за нейното ликвидиране е преодолян. Породената от глобализацията транснационална престъпност не оставя съмнение в илюзорността да съществува в бъдеще общество без престъпления. Медийната активност в отразяване на съвременната криминална реалност също не разкрива основания за поддържане на отхвърлената теория за престъпността като иманентна само на определени общества.

От години електронните медии и „хартиената преса“ поднасят с такава интензивност криминалната информация, че човек започва да се възприема като част от усложняваща се криминална действителност, която измества положителното в обществото.

Престъпността и медиите са реалности антагонисти – първата има за свое битие тъмната страна на общественния живот и се чувства най – стабилна в латентната си форма. Противно на това, медиите съществуват доколкото дават живот на всичко, което поддържа обществен интерес. Те извеждат като императив, а понякога спекулативно като оправдание, „Обществото иска да знае“, запазвайки преценката за исканото за себе си. „Благодарение на медиите, пише У. Бек, ние водим един вид двойно съществуване в пространствено и социално отношение¹. Проблемът е, че медиите изграждат една „реалност“ за съществуващата престъпност и функциониращото наказателно правосъдие, която е субективно структурирана. Тя може да представя точно и обективно картината на престъпността, но може да я изкривява и то най – често съзнателно по начин, отговарящ на интересите на собствениците на медиите, които поддържат определена медийна политика. По субективно желание на медията един неособено значим криминален казус може посредством умело изградена „комуникационна спирала“ да го превърне в особено важен за потребителите на информация проблем. Спекулативният подход може да преследва и определена цел в конкретната политическа ситуация – отвлечане на вниманието от сериозни за обществото тези. Напълно противоположен е другият подход, на който акцентират българските медии – зрелищно провеждане на акции, с което се привлича вниманието и формира, респективно, поддържа обществено мнение за решимост на институциите да се противодейства на тежката престъпност, и в частност – на организираната престъпност и корупцията.

2. След 1989 г., т.е. в периода на трансформация на обществото към демокрация, престъпността в България стана сериозен проблем. През 1993-4г. бе отбелязан своеобразен взрив. Парадоксът е, че някъде към 1999 г. този проблем беше изваден от полето на системните криминологични изследвания, което улесни управляващите в представянето на изгодна на тях картина на престъпността. Получи се своеобразна надпревара в изтъкване успехите на всяко ново правителство в овладяване на престъпността.

Така, ако през 1992 г. полицията е регистрирала малко над 224 хиляди престъпления в страната, през 1997 г. – малко над 241 хиляди престъпления, то след това до 2016г. броят на регистрираните престъпления значително намалява. През 2016 г. броят им е под 100 хиляди. В същото време медиите агресивно „атакуват“ общественото съзнание с множество и ежедневно