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The System of Counteracting Crime: the Concept and Essence

Увага в цій статті приділена вивченню системи протидії злочинності, її основних характеристик, а також порівнянню з подібними категоріями. Визначено місце цього поняття серед кримінологічних категорій.

Ключові слова: протидія злочинності, система, профілактичні заходи, попередження злочинності, управління.

Внимание в данной статье уделяется изучению системы противодействия преступности, ее основным характеристикам, а также сравнению с подобными категориями. Определено место данного понятия среди криминологических категорий.

Ключевые слова: противодействие преступности, система, профилактические меры, предупреждение преступности, управление.

The authors point out that in the conditions of unprecedented worsening of the criminal situation in the country, which has caused a reduction in the level of security and increased the level of victimization of the society, preventive activities of the state are considered one of the major functions of the system that provides the achievements of real results in the sphere of crime deterrence, guaranteeing of keeping rights and freedoms of a man and citizen. It is stressed that organizational and legal models of guaranteeing security of individuals, society and the state become very important in case of the balance of interests of individuals, society and the state in the respective spheres of social life execution of basic constitutional duties, solving significant public problems in protecting the constitutional system, defense and security by the state. Thus, one of its most important responsibilities is to protect an individual against unlawful endeavors. At the same time, solving the related problems, is not confined solely to actions aimed at neutralizing criminals and reducing crime rate. It is highlighted that the above mentioned is not possible without purposeful work aimed at influencing various objective and subjective circumstances that somehow cause the commission of offenses, namely hard activities of the state to prevent violations and restrictions of rights and freedoms, development of the system of anticipating counteraction and provision of security. Thus, the authors of this paper have distinguished the essential features of the system for combating crime.

Keywords: crime counteraction, system, preventive measures, crime prevention, administration.

Issue. In the conditions of unprecedented worsening of the criminal situation in the country, which has caused a reduction in the level of security and increased the level of victimization of the society, preventive activities of the state are

considered one of the major functions of the system that provides the achievements of real results in the sphere of crime deterrence, guaranteeing of keeping rights and freedoms of a man and citizen. Organizational and legal models of guaranteeing

security of individuals, society and the state become very important in case of the balance of interests of individuals, society and the state in the respective spheres of social life execution of basic constitutional duties, solving significant public problems in protecting the constitutional system, defense and security by the state. Thus, one of its most important responsibilities is to protect an individual against unlawful endeavors. At the same time, solving the related problems, is not confined solely to actions aimed at neutralizing criminals and reducing crime rate. The above mentioned is not possible without purposeful work aimed at influencing various objective and subjective circumstances that somehow cause the commission of offenses, namely hard activities of the state to prevent violations and restrictions of rights and freedoms, development of the system of anticipating counteraction and provision of security.

Analysis of recent research and publications. Considering the above mentioned we should add that the scope of preventive activities is represented by a significant array of theoretical and applied criminological knowledge. However, despite this, for a long time, there is a considerable controversy about the correlation between the concepts that reflect different types and forms of criminological impact (mainly “counteraction” and “prevention”). Let’s try to understand, which of the terms is more concise, precise and that is the objective of the article.

Main body. Recently, combating crime is understood as a special integrated, multi-levelled object of social administration, which is contained by the diverse in forms activities of relevant subjects (government, non-government agencies and institutions, public associations and individuals) that interact as a system of diverse measures aimed at finding the ways, means and other possibilities of effective impact on crime in order to decrease the intensity of its determination at all levels, to neutralize the action of its causes and conditions to limit the number of criminal offenses to a certain level¹. In this sense counteraction, in fact, should be considered as the process of crime management. Moreover, there is the position, according to which

we are able to manage crime, as well as to control it. And this is true, because the ability to manage crime, the system of its determination lies, in particular, into the crime itself as a “cultural” phenomenon, as an element of culture, that is crime, being in interaction with other elements of the society, is determined by these elements and determines them; therefore, we can speak about crime only as an integrated effect of such interaction.

However, there is another point of view on the nature of the outlined problem in the science, which is interpreted through already mentioned above term of “prevention”. Thus, proponents of this vision of crime prevention define both a set of different activities and measures in the country aimed at improving social relations in order to eliminate negative phenomena and processes that give rise to crime or facilitate it and prevention of crimes commission on various stages of criminal conduct². In this case, the basic category is considered in a narrow sense, i.e. as an external, active form of protection of a person (providing its outside protection from criminal threats) and as implementation of the relevant (moral and psychological, legal nature) measures to ensure the state of stability of an individual facing criminal threats.

We have to stay with the fact that, developing a theory of social protection within the model of anti-criminal policies, this protection in the applied aspect should be considered as the development and implementation of a complex (a particular set of) of measures ensuring the state of security of a person from criminal threats. The primary role in this complex should be given to special mainly legal measures (protection), by the assistance of which we implement the norms of the law, but under the condition of amending them by other social protection measures, among which moral and psychological ones are provided with a special significance.

Other terms and categories for the characteristics of protective activity are used in criminological literature like “prevention”, “preventive measures”, “caution”, “termination”, “control”. According to s aptly remark by H. S.

¹ Criminology: Textbook / V. V. Holina, B. M. Holovkin, M. Yu. Valuiska and others; under edition of. V. V. Holina, B. M. Holovkin. – Kharkiv: Pravo, 2014. – P. 176.

² Criminology (General Part): Tutorial / group of authors A. B. Blaha, I. H. Bohatrov, L. M. Davydenko and others; under

general edition of O. M. Bandurka. – kharkiv: Publishing House of Kharkiv National University of Internal Affairs, 2011. – P. 142.

Sarkisov, “a significant number of terms suggests itself vague, and even debatable understanding of the concepts, which apparently are the result of insufficient elaboration of this problem”³.

Our position regarding this issue is well known. On the one hand, we support those scholars (V. M. Burlakov, L. M. Davydenko, V. M. Kudriavtsev, H. M. Minkovskiy, O. B. Sakharov, etc.), who believe that the terms “prevention”, “preventive measures”, “prophylaxis” regarding crime in some cases can be used interchangeably. On the other – we agree with A. F. Zelinskyi concerning the distinction between the concepts of “prevention”, “termination” and “prophylaxis” in the context of the impact on the system of “a crime”. They are the elements of one system. Herewith this prevention – is a focused activity to detect and eliminate the causes and conditions of specific crimes; prevention – non-admission of the implementation of intent crimes through identifying persons, who try to commit them, and to take necessary measures concerning them; suspension – is the obstruction to prolongation of the started crime and accomplish it. In this sense, prophylaxis, prevention and termination are a kind of bridge between combating crime in its classic sense (as a result of integration of actions in solving, investigation, crime prevention, correction of prisoners), etc. and law enforcement activities. We can say that prophylaxis, prevention and termination of crimes are functionally even closer to law enforcement activities, since it concerns such stages of the mechanism of criminal conduct, as the decision-making to commit a crime, its planning, preparation and execution.

Thus, allotting the stages of prevention, termination, preventive measures is very important to prevent crimes themselves. When we talk about crime in general as about a social phenomenon, we often use the term of “crime prevention” by allotting in the latter various types and stages of preventive activities. The latter has systemic character and specific objects, subjects, means of preventive impact. It includes general, special and criminological, individual crime prevention. Despite the attempts to make the limit between them named terms in the content sense are identical, functionally crossed.

At the same time, it is necessary to distinguish the concepts of “crime prevention”, “combating crime”, “control over crime”, “counteracting crime”. They have been used not only in the science, but also proving their worth, are used by experts involved in solving practical criminological problems.

Considering such a term as “control over crime”, it is necessary to address the understanding of the word “control” itself, which is interpreted as a test of something, observation in order to check. We share the point of view of Ya. I. Hilinskyi concerning the fact that social control is reduced to the following main points: a society through its institutions establishes values and norms; provides their translation and socialization to individuals; encourage for compliance with the norms and is acceptable in terms of social reform; punishes for violations of norms; takes measures to prevent undesirable forms of conduct.

The researcher notes that social control includes both legislation (concerning the creation, consolidation and distribution of the samples of lawful conduct in society) and a very wide range of state and social responses to a committed crime. And if the first component of control (legislation) is not to a great extent an object of criminology (although this does not exclude the problems of criminological examination of legislation), the second – control over the conduct – is not only the object of criminology, but also other branches of law of the criminal course⁴.

Analyzing the social control just as a control over criminal behavior, it is correctly to regard it as one of the directions of the state policy in the sphere of combating crime, which is implemented in the following types of the activities such as keeping public order and public safety; prevention, detection and investigation of crime; trial and imposing criminal punishment or other measures of criminal and legal nature; execution of criminal penalties; post-penitentiary impact on persons who have served a criminal sentence; compensation for victims of crime.

Thus, the “control over crime” includes a wide range of political actions, which, incidentally, makes this concept more vulnerable to criticism. In

³ H. S. Sarkisov, *Social System of Crime Prevention* / H. S. Sarkisov. – Yerevan: Aiastan, 1975. – P. 40.

⁴ Ya. I. Hylinskyi, *Deviance Study: Sociology of Crime, Drug Addiction, Prostitution, Suicides and Other «Deviations»* / Ya.

I. Hylinskyi. – SPb.: Publishing House «Yuridicheskii Tsentr Press», 2004. – P. 421.

general, it should be noted that a common shortcoming of the whole spectrum of conceptual apparatus of the theory of combating crime is considered that the existing terms are not always fully and objectively reflect the whole range and diversity of social practices of criminological impact on crime, conflict or confrontation with it.

The modern concept of combating and social “control over crime” in recent years has been the focus of the theory of “criminological security”. Summarizing the existing points of view on this subject, we can cite the following approaches to understanding this phenomenon:

1) the state of protection of vital interests of a man and citizen, society and state, while the constant development of the society, early detection, prevention and suppression of actual and potential criminal threats are provided;

2) the ability of the state and society to actively resist the endeavors of some criminal groups and criminals to the vital interests of citizens, the state and society and to neutralize the threats coming from them;

3) the activities of individuals, society and the state, the international community in detecting, preventing, weakening, elimination and prevention of criminal risks, threats for relevant objects;

4) multi-level, dynamic system, which reflects the state of balance between criminogenic threats to different parameters of proper functioning of the society and the existing means to neutralize them.

In general, developing this concept we can express the following statement that “control”, “combating”, “security” are the components of a more general social process that is combating crime. Speaking about the concept of “counteraction”, it should be noted that it is a compound word formed from the adverb “counter” – opposite, forward, and the noun “action” – 1) expression of certain energy, activities as well as the force itself, activity, functioning of something; 2) the result of the activities’ manifestation, impact. The term “counteraction” itself refers to an action that hinders another action; resistance.

There is an opinion in the science of criminology that the usage of the term “counteraction” concerning crime does not reflect the essence of the considered activities in combating it. However, it would be appropriate to cite, as the example of Newton’s third law – the law of “action

and counteraction”, is one of the fundamental laws of mechanics, according to which the actions of two material objects on each other are equal in magnitude and opposite in direction. In the context of criminological theory of “counteraction” will be useful, when the activity (in its essence and content) of state agencies, society and individual citizens will be equal and will be opposite in direction of people activities, who commit crimes.

At the same time, it is obvious that the usage of the term “counteracting crime” makes it possible to reflect the totality of the activities of the state, society and citizens in preventing criminal endeavors. No wonder recently this term has been widely used not only in the science but also in legislative activity.

Taking into account the legislative definition of these concepts, we can find out the following features of counteraction:

1) the activities of state authorities, institutions of civil society, organizations and individuals within their powers are directed against criminal endeavors;

2) the objective of counteraction is to minimize and (or) abolish the consequences of criminal activities;

3) can be carried out both by using early preventive activities directed on detection and further elimination of the causes of illegal (criminal) activities and through the struggle aimed at the detection, prevention, cessation, solving and investigation of crimes.

The conducted analysis has revealed that “counteracting crime” is a more appropriate term to determine the set of measures aimed at reducing the level of illegal acts and increasing the level of security of citizens, society and the state in the whole. Thus, counteracting crime can be represented as a system that includes prevention and preventive measures both to separate crimes and crime in general.

In this context, we should add that the system of combating crime functions effectively only in that case if it is aimed at neutralizing, blocking its main features. We consider it appropriate to note that nowadays the considered phenomenon has these characteristics: historical dependence, sociality, variability, global scope of spreading, the presence

of background events, structural construction, etc.⁵ Consequently, in this regard, there are specific relationships in the state, society and between individuals about the existence of crime and criminal activities. Thus, the object of combating crime is relations developed in the state, society and between individuals concerning the appearance and functioning of the crime.

The subject of counteraction is those elements without which the crime can not exist and function, that is we combat them, we try to prevent, resist them. Thus, the subject of counteraction will be corruption, the economic basis of crime, social factors that contribute to its successful functioning, structural elements of crime, etc.

Conclusions. Summarizing the above mentioned, we can distinguish the following essential features of the system for combating crime:

1) combating crime is a specific branch of social management, not haphazard, chaotic set of different measures;

2) a key feature in combating crime is its multilevel character. This is evident, in particular in the fact that it consists of addressing the causes of crime in general, causes of some of its varieties, as well as the causes and conditions of specific crimes;

3) combating crime is carried out both in the process of solving the overall objectives of social and economic development and in the process of

implementation of specially-criminological activities;

4) the process of combating crime consists of interaction between its various subjects, including authorities and managing agencies, law enforcement agencies, administration of enterprises and institutions, public associations, individuals;

5) among the hierarchy of the objectives that the system of combating crime has, the most important is early prevention. It is about preventing adverse identity formation, namely the formation of the possibility of criminogenic personal qualities. Thus, the factors of criminal behavior are eradicated in the beginning, in the bud;

6) the term “countering crime” is a collective, comprehensive and on individual level includes prevention, preventive measures and suppression of crimes. As a crime – is always a process that develops over time, the main way to prevent it is to, timely intervening in this process, to prevent its development. The main difference between these types of activities is in the temporal distance between their implementation and the fact of the crime commission, as well as in the degree of intensity and dynamic of application.

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