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## MEASURES FOR JUVENILE DELINQUENCY PREVENTION IN UKRAINE

*The article is devoted to the complex criminological study of the phenomenon of violence among secondary school pupils. The issue of juvenile delinquency prevention has always been a great deal of attention in Ukrainian criminology, a significant number of monographs and papers have been edited, and a number of dissertations on this topic have been defended. Instead, the precautionary measures in these studies are highlighted mostly fragmentely, referring to specific areas or spheres of mentioned activity.*

*Practical suggestions and recommendations for the improvement of national legislation aimed at the ensuring of the effective protection of a child from all forms of violence in education are substantiated.*

**Keywords:** *violence among pupils, general education school, physical violence, mental violence, criminological characteristics, prevention.*

The issue of juvenile delinquency prevention has always been particularly acute as the state of crime in the future society depends on the effectiveness of such activities. Studies show that their first criminal experience recidivists and professional criminals usually get under the age of adolescence.

The significant decrease of the number of juvenile offenders in Ukraine in recent years (their part among all those who committed crimes fell from 10.6 % in 2003 to 3.4 % in 2018) in no way reduces the relevance and social significance of above mentioned problem, as it was mostly due to the implementation of the humanization of the criminal legal policy of the state, which main direction is a significant restriction of the application of criminal law measures against minors. As a result, the growing number of crimes committed by them remains latent. It is possible to compensate this only due to scientifically substantiated system of precautionary measures.

The issue of juvenile delinquency prevention has always been a great deal of attention in Ukrainian criminology, a significant number of monographs and papers [1–5] have been edited, and a number of dissertations on this topic have been defended [6; 7]. Instead, the precautionary measures in these studies are highlighted mostly fragmentally, referring to specific areas or spheres of mentioned activity. Our task was to formulate on the basis of the results of our own research, the studies of other authors, to generalize foreign experience and to formulate the most comprehensive, suitable for Ukraine and actual system of measures for the prevention of juvenile delinquency.

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### **1. General social measures**

1. Due to the restriction of social programs, almost complete absence of free out-of-school institutions of a various orientation children have got more free time they to spend outdoors, where they often see different examples of anti-social behavior, resemble it themselves, and later commit criminal offenses.

Today, the concern for children by the state is minimized. During past 30 years, virtually all previously created links of a specialized educational and preventive system have been destroyed or fundamentally rebuilt in Ukraine. Schools, other educational institutions for minors lose educational functions. Numerous youth community organizations related to leisure have stopped their activities. There are neither mentors nor civic educators for juvenile offenders.

It is expedient for the improvement of the situation:

- to foresee mandatory participation in the decision of the issue of the existence of out-of-school children's institutions of representatives of the service for children of the relevant region (city), district in the city administration, and to make necessary amendments to the Clause 7 of Art. 14 of the Law of Ukraine "On Extracurricular Education" [8];

- to restore gradually the network of out-of-school institutions (sports sections, clubs of different orientations), both in the place of residence and on the territory of educational institutions. It is required that in every general educational institution it should be at least 4 free clubs for children (it is expedient to entrust them to specialized educators on the decision of the pedagogical council);

- to provide an access to cultural and recreational establishments for families with children (theaters, cinema and concert halls, summer recreation centers, sports camps, etc.), and for schoolchildren, as an encouragement for schooling achievements or flawless behavior, to receive free tickets for visiting cinema, theater, excursions, etc. It is advisable to encourage individual entrepreneurs and citizens to finance such activities;

- to increase the number of camps for children with deviant behavior, or certain changes in health camps. An example of such a camp may be the profile sporting-improving, patriotic camp "Young Athlete" (on the basis of the Dakhnivska Sich Charity Foundation, Svydivok village, Cherkasy Region), where 50 children from prospective athletes and children with deviant behavior received health-improving services and military skills);

2. In accordance with the Concept for the implementation of the state policy in the field of reforming general secondary education "New Ukrainian School" for the period up to 2029, approved by the Decree of the Cabinet of Ministers of Ukraine of December 14, 2016 No 988-r [9] (hereinafter – the Concept), on its second stage (2019–2022) it is supposed to develop professional standards of teaching activities. The policy of standardization in the field of education began to be implemented in 1980–1990 and was implemented not only in developed countries (such as the United States, Great Britain, France, Germany, Australia, New Zealand, etc.), but also in developing countries (Pakistan, India, Philippines, etc.) [10]. It is clear that the scale, intensity, speed and standardization of the listed countries are different. In our

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view, when developing standards for domestic teachers it would be advisable to use foreign experience.

At the same time, in addition to the subject competence, attention should be drawn to the training of teachers in other areas, such as: psychological and pedagogical support; student safety in the educational environment, conflict resolution skills; educational communication (relations of teachers with students); relations of cooperation (professional relations, relations with parents, public, administration of educational organizations); professional improvement, qualification improvement; regulations of professional ethics, professional responsibility of the teacher, pedagogical culture, etc.

The introduction of the professional standard of a teacher of an educational institution, in our opinion, would greatly help in solving the issue of improving the level of training of the teaching staff. In our view, transitional form to the introduction of a professional standard may be independent testing among teachers, in particular on the level of educational work skills, which will help not only to identify incompetent teachers but also to increase the respect of students and society as a whole to conscientious and professionally trained teachers.

3. Among the juvenile offenders, the largest group is made by students of secondary schools. This suggests the need to improve significantly preventive activities among minors in schools.

According to the above-mentioned Concept, an educational institution should implement a democratic culture through the development of appropriate procedures to protect the rights of the child and the formation of democratic values, in particular to protect the rights and interests of the child, to become a safe place for the child, to create an atmosphere of trust and mutual respect, where there is no violence and discrimination.

Currently, only verbal educational methods dominate at schools, but they are ineffective. A significant disadvantage in the educational work of teachers is that educational activities have been already based on the fact of committing a destructive, unlawful act. That is, educational, preventive work among students is carried out only from time to time, although it is expedient that it be conducted continuously. The main reason for this situation is that teachers usually do not have information about mood, problems, conflicts among schoolchildren.

Taking into account the above mentioned, the Ministry of Education and Science of Ukraine recommends introducing elective courses in secondary schools aimed at strengthening the psychological component in the upbringing of children and young people. That is, the need to use psychological mechanisms of personality formation, which is an essential condition for the success of the transformation of the educational requirements of society into the internal regulators of the behavior and activities of the growing personality.

In order to improve the existing and to introduce new modern forms of educational work in educational institutions, it is necessary to ensure:

- continuity of educational work, and most importantly, its timeliness, focus on prevention of negative phenomena among students, the neutralization of their causes and conditions;

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- active use of psychological skills for connecting the emotional component of a child;
- development of children's autonomy and initiative, freedom of self-government, self-education, etc. while preserving the influence of adults;
- the introduction of a system of control by the relevant education authorities and, if it is necessary, other bodies and services for children. One possible form of such monitoring may be the questioning of children and parents;
- solving of the issue of optimization of the load on the positions of a class leader and a practical psychologist.

It should be noted that for today there is no any effective mechanism for the enforcement of discipline in educational institutions. As a result, the teaching staff has no any means of influence on violators of discipline and "difficult" teens, and those, in turn, become more courageous in their actions as a result of impunity. The rules for the enforcement of discipline by students stated in the Provision on a comprehensive educational institution namely "discipline in institutions" is based on the mutual respect of all the participants in the educational process; maintenance of the rules of the internal regulations and the Statute of the educational establishment (paragraphs 75, 77) [11] has too general, declarative nature.

To ensure an effective mechanism of discipline in schools, it should be recommended:

- to conduct in schools monitoring of the implementation of the Regulations of the internal order, the Statute of the educational institution;
- to supplement them (if it is necessary) with clauses concerning the prohibition on bringing firearms, cold weapons, alcoholic and tobacco products, drugs, pornographic production to the educational institution, etc.;
- to formulate and supplement the Statute of the educational institution a clear list of violations of discipline and the corresponding list of disciplinary penalties for their commission (for example, the cleaning of the school's territory, school arrest, etc.), and also to foresee, in specific cases, the responsibility of parents for violating the discipline by their children;
- determination of the procedure of consideration, decision-making and organization of its implementation in case of violation by the students of the Statute of the educational institution, to put on the Board of Prevention the Rules of the internal order of a comprehensive educational institution, since one of the tasks of the Council of Prevention is the organization of a regular work to prevent negative manifestations in the student environment and improve systems of organization of preventive work at school (Clause 2 of the Approximate Provision on the Council of Prevention of the educational establishments institution, approved by the Department of Education by the Order No 173 dated 30.03.2010).

5. Although the number of working minors who have not worked and studied at the time of the crime has a tendency to decrease, but nowadays it is a rather big group of people, accounting for almost 19 % of all juvenile offenders; therefore the conduction of preventive activities with them is an obligatory link in the system of preventive activities.

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The main subject of general preventive activities in working with adolescents who do not work or study anywhere is a juvenile service, which can and should plead with enterprises (institutions, organizations) regarding the employment of adolescents who are not studying at all and do not work (especially those who are in difficult conditions, suffer from violence in the family, etc.).

It is suggested to supplement Clause 4.10 of the Model Regulations on the juvenile service of the regional, Kyiv and Sevastopol cities state administrations with the norm on the implementation by the structural units of the state administration, authorized units of the bodies of the National Police, measures for social protection of children, assistance to the child in solving employment-related issues, identification of the causes of child neglect and homelessness, prevention of children from committing offenses.

Police bodies, in particular juvenile delinquency units, should organize child support in solving issues related to the employment, leisure activities, establishment of socially useful contacts, choice of life goals, as well as an involvement of the child in socially useful occupations of labor, sports, creative, amateur in the framework of individual prevention nature.

It is also advisable to implement the UN recommendations regarding the adoption of a separate normative act on informal (not counting official educational establishments) and informational (not counting any educational institutions and establishments) education. It should contain the definition of such kind of education, its purpose and tasks as well as to set target groups, and to reveal the basics of their functioning. However, it should be ensured that no regulations create too rigid or bureaucratic rules for the organization of an informal education. The priority should be to meet the educational needs of vulnerable or excluded categories of minors and young people in general.

6. Numerous scientific studies have shown that motion activity greatly contributes to the observance of a healthy lifestyle by humans, as well as in certain cases to reduce negative effects on humans of harmful habits, to increase tolerance and distract from antisocial behavior. That is, it performs a preventive function.

In accordance with the National Strategy for Motion Rehabilitation in Ukraine up to 2025, “Motion activity – a healthy lifestyle is a healthy nation”, approved by the Decree of the President of Ukraine dated February 9, 2016, No 42/2016 [12], to support the health of citizens, especially children as the highest social value in the state, the following tasks need to be solved:

formation of the value attitude of youth and children to their own health, an improvement of physical development and physical training taking into account the requirements of future professional activity; increase of the number of public sports events for an active family rest in the places of mass recreation of citizens;

creation of a network of summer schools for swimming in open water;

streamlining of the network of the centers of physical health of the population “Sport for Everybody” and the improvement of the regulatory framework for the activities of such centers.

In our opinion, one should draw attention to the foreign experience on this issue. For example, in the United States, about 18 million children and teenagers

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annually participate in the Testing and Rewarding Program initiated by the Coordinating Council for Physical Education under the President of the country. The President's Medal for a responsible attitude to their health is obtained by about 700 thousand schoolchildren who have met the relevant standards after lengthy physical activity [13]. This motivates minors to lead a healthy lifestyle.

In order to encourage juveniles to a healthy lifestyle, it is advisable for the active participation of media:

1) to provide children with elementary rules, forms of healthy lifestyle (elementary hygiene, health-improving gymnastics, proper nutrition) in secondary educational institutions;

2) to promote awareness of the youth about the negative effects of smoking, drinking, drug use, etc. At present, the spread of bad habits in adolescence is alarming. According to polls, 76 % of adolescents have an experience in the use of low-alcohol beverages, 15 % – began to use alcohol from 11 years [14].

3) to expand the implementation of physical culture and recreation measures among minors, especially the student's youth, and to improve the organization of conducting lessons of physical education;

4) to introduce systematic sports competitions, tourist trips, excursions, etc. in secondary schools of higher education;

5) to organize work of parents' lectures on healthy lifestyle;

6) to ensure access of children to medical care with the preservation of the right to confidentiality, to organize the proper training of medical staff for work with minors on their health issues (the consequences of drinking, drug addiction, the possibility of free delivery of tests for HIV, prevention of unwanted pregnancy, etc.).

Summarizing the above mentioned, it should be noted that in developed countries, programs of prevention of social degradation and crime among children and youth, which provide for a system of complex measures aimed at preventing socially unacceptable child upbringing, are being successfully implemented. Attention is drawn to: proper living conditions of the child; the regularity of the processes of education and upbringing of the child; respect for children's rights, provision of children with a sense of security, adoption and empowerment of children; active participation of children in cultural life and the creation of opportunities for proper leisure management; development of social security, assistance to children and families in difficult financial situation; security and public order. Children have wide limits of freedom, and the main condition is the inadmissibility of violation of rights and freedoms of other people.

Consequently, in development of a system of program measures for the correction and prevention of juvenile delinquency in Ukraine, foreign positive experience regarding the adaptability of various components of long-term and early intervention programs for persons of different age groups should be taken into account, as well as the possibility of their application to children. It is necessary to provide an integrated approach to coordination of the activities of social institutions (especially in the family and the sphere of education) with the support of local authorities, local self-government bodies, law enforcement and public health authorities, and the public.

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## ЗАХОДИ ЗАПОБІГАННЯ ЗЛОЧИНАМ НЕПОВНОЛІТНІХ В УКРАЇНІ

Стаття присвячена комплексному кримінологічному дослідженню явища насильства серед учнів середньої школи. Розглянуто ознаки, види та основні

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тенденції насильства серед учнів середніх шкіл, кримінологічні характеристики учнів – учасників насильства.

Проблемі запобігання злочинам неповнолітніх в українській кримінології завжди приділялася значна увага, вийшли друком значна кількість монографій, статей, було захищено низку дисертацій із зазначеної тематики. Натомість положення щодо запобіжних заходів у цих роботах мають здебільшого фрагментарний характер, стосуються окремих сфер або напрямів цієї діяльності. У роботі ми ставили за мету на основі результатів власного дослідження, робіт інших авторів, узагальнення зарубіжного досвіду сформулювати найбільш повну, придатну для України та актуальну систему заходів запобігання злочинності неповнолітніх.

У розвинутих країнах досить успішно реалізуються програми попередження соціальної дезадаптації і злочинності серед дітей і молоді, які передбачають систему комплексних заходів, спрямованих на запобігання соціально неприйнятному розвитку дитини. При цьому увагу зосереджено на: належних умовах життя дитини; регулярності процесів освіти і виховання дитини; дотриманні прав дітей, забезпеченні дітям почуття безпеки, прийнятті та розширенні прав і можливостей дітей; активній участі дітей у культурному житті і створенні можливостей для належного управління дозволями; розвитку соціального забезпечення, допомозі дітям і сім'ям, які перебувають у складному фінансовому становищі; заходах безпеки та публічному порядку. Дітям забезпечено широкі межі свободи, а головною умовою є недопустимість порушення прав, свобод інших людей.

Наголошується, що при формуванні системи програмних заходів корекції й запобігання злочинам неповнолітніх в Україні слід враховувати зарубіжний позитивний досвід щодо адаптованості різноманітних компонентів програм тривалого та раннього втручання до осіб різних вікових груп, а також наявність можливості їх застосування до дітей. Необхідно забезпечити комплексний підхід до координації діяльності соціальних інститутів суспільства (особливо у сфері сім'ї та освіти) за підтримки місцевих органів виконавчої влади, органів місцевого самоврядування, органів охорони правопорядку та охорони здоров'я, громадськості.

**Ключові слова:** насильство серед учнів, загальноосвітній навчальний заклад, фізичне насильство, психічне насильство, кримінологічна характеристика, запобігання.

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