

CO DO TREŚCI NIEKTÓRYCH DETERMINANTÓW PRZESTĘPSTW POPEŁNIANYCH PRZEZ PERSONEL KOLONII KARNYCH

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Streszczenie. W artykule przeprowadzono analizę treści pojęcia "determinanty przestępczości" i na tej podstawie zidentyfikowano niektóre uwarunkowania przestępstw, które powodują i prowadzą do popełniania przestępstw przez personel kolonii karnych. Ponadto, opracowano szereg uzasadnionych naukowo rozwiązań w celu ich prewencji, neutralizacji, eliminacji itd.

Słowa kluczowe: determinanty, uwarunkowania przestępczości, przyczyny, warunku, korelaty, personel kolonii, przestępstwo, zapobieganie, prewencja przestępstw.

REGARDING THE CONTENT OF SOME OF THE DETERMINANTS OF THE CRIMES COMMITTED BY THE PERSONNEL OF COLONIES

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Abstract. The article analyzes the content of the concept of "determinants of crime", and on this basis certain determinants of crimes are determined, which cause and determine the commission of crimes by personnel of the colonies. In addition, a number of scientifically grounded measures have been proposed for their neutralization, blocking, elimination, and the like.

Key words: crime determinants, reason, condition, correlators, personnel of colonies, crime, prevention of crimes.

ЩОДО ЗМІСТУ ДЕЯКИХ ДЕТЕРМІНАНТ ЗЛОЧИНІВ, ЩО ВЧИНЯЮТЬСЯ ПЕРСОНАЛОМ КОЛОНІЙ

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Анотація. В статті здійснено аналіз змісту поняття «детермінанти злочинності» та на цій підставі визначено деякі детермінанти злочинів, які спричинюють та обумовлюють вчинення злочинів персоналом колоній. Крім цього, запропоновано низку науково обґрунтованих заходів щодо їх нейтралізації, блокування, усунення тощо.

Ключові слова: детермінанти злочинності, причина, умова, корелянти, персонал колоній, злочин, запобігання злочинам.

Formulation of the problem. The study of scientific literature shows that issues of determination of crime are key to the study of any of its types, including crimes committed by the staff of the colonies. As AP Zakalyuk quite rightly remarked on this, the achievement of the main goal of criminology, which is the scientific substantiation of recommendations for the prevention of crime depends on its understanding (1, p.183). As established on the doctrinal level, in the broadest sense, the notion of determination reflects the dialectical essential property of being, that is, the general connection, interdependence and interdependence of objects, phenomena and processes (1, p.183). Proceeding from this, B. M. Golovkin unequivocally believes that the determination of crime - a set of different in nature negative phenomena of objective and subjective nature, which in their connection determine the criminal form of behavior in society (2, p. 71). At the same time, O.M. Dzhuzha is convinced that when the notion of determinants of crime is considered through the spectrum of the philosophical doctrine of causality, then, along with the notion of a cause which causes a certain consequence, the notion of a condition that does not cause this effect, but contributes reasons "to do their job" (3, p. 59). AI Dolgov takes a similar position, which argues that determinism, based on the fact of causation, speaks of why the corresponding process occurred in one way or another, why this particular phenomenon arose, which conditions of origin and the degree of stability of the process (4, p. 184). G. J. Schneider, not finding in general the notion of crime determination, in his writings the language speaks of the so-called multifactorial approach to studying the content of the latter, which involves the study of not one reason, but a number of causes (factors) that give rise to and determine the commission of crimes (5, p. 244). In the scientific literature can be found and other methodological approaches to the definition of the definition of crime crime (6, p. 39-40).

Thus, it should be admitted that the essence of the concept of "determinants of crime" has not yet been fully understood at the doctrinal level, which determined the choice of this article and defined its main task - to develop a number of scientifically grounded measures aimed at their neutralization, blocking, elimination, etc. in the field of execution of sentences, in particular.

State of research. The results of the study of scientific literature have shown that quite active and substantive issues related to the clarification of the content of the determinants of crime are engaged by such scholars as O. M. Bandarka, Yu.V. Baulin, V.I. Borisov, V.S. Bogatyreva, V.V.Vasilevich, V.V.Golina, B.M.Golovkin, A.M.Gumin, A.M.Dzhuzha, T. A. Denisova, V.M.Domin, A.P.Zakalyuk, I.G.Kalman, O.G.Kolb, O.M. Lytvynov, V.O.Merkulov, O.P. Ryabchinska, V.O.Tulyakov, etc.

In addition, there is unambiguously no understanding in criminology of the content of the concept of "determinants of crimes committed by staff of correctional colonies", which is one of the circumstances that negatively affects the state of preventive activities in the field of execution of sentences, which predetermined the choice of subject of this scientific articles.

Statement of the main provisions. As established during this research, summarizing the existing concepts in science, AP Zakalyuk deduced the following definition of crime determination, namely, the whole set of phenomena, processes, facts, manifestations with which it is interconnected and which it is caused (*1, p.184*). In this case, the importance for each researcher in clarifying the content of this concept, as shown by the results of this scientific development, has the classification of determinants of crime, which is used by one or the other of them. In science, the determinants of crime are classified according to different criteria: a) the mechanism of influence on crime is divided into: the determinants, causes, conditions and correlates; b) according to the sources of formation - anthropological and social; c) by structure - the determinants of all crime and its separate types (in this case - the crime of staff of the Internal Affairs Department of Ukraine); d) in terms of content - political, economic, socio-cultural, administrative, psychological, moral, legal, family-friendly, etc.; e) by operation time - the determinants, under the influence of which there was a preliminary formation of the identity of criminals of a certain generation, and determinants operating in the current conditions and cause the criminal activity of the appropriately-minded people (*2, p. 73*).

In addition, in the criminology, other crime classification determinants are proposed. In particular, O. M. Dzhuzh determinants, depending on their level of action, divided into: 1) the factors of crime in general; 2) factors of certain types of crime; 3) the factors of specific crimes (*3, p. 61*). In general, agreeing with this approach, it should nevertheless be noted that it somewhat complicated the understanding of the determinants of crime, by introducing in the course of their classification the word "factors", which literally means: the condition; driving force; the cause of any process that determines its character or one of the main features; factor (*7, p. 741*). More precisely, in this context, A.P. Zakalyuk carried out the classification of crime determinants, which divided them into groups according to the following criteria: a) functional purpose, that is, by function, which determinants in a certain link or in the determination system as a whole, namely - it: reasons, conditions, correlates, determinants of another (non-correlation) communication (*1, p. 211*). In science, the cause is called the phenomena (systems) that generate, produce other phenomena (systems) - the consequences (*1, p. 187*). Conditions are diverse phenomena, processes, circumstances that contribute or create the possibility of occurrence and manifestation of the cause, which gives rise to the consequence (*1, p. 188*). Correlation is a connection between events, phenomena, processes, in which the change of certain phenomena is accompanied (not caused or conditioned) by the change of others (*1, p.189*); b) by the level of functioning, the determinants are divided into: - the determinants of a higher level, which determine the crime in general in the sense of the integral set of its social manifestation; - systems of determinants of criminal manifestations of a certain type, which is united in a species by common features (motives, way of committing a crime, etc.); - determinants of a separate criminal manifestation, which have an individual belonging to it (*1, p. 216-217*); c) in the sphere of action determinants are divided into: economic, political, social, managerial, legal, other (*1, p. 217*); d) by value in the determination process - on: indigenous; the main ones; minor; contradictions that are inherent in any development and are realized in the process of the latter, and antagonistic, which require the special efforts of society to overcome them (*1, p. 218*).

The generalization of these and other scientific approaches to this problem has made it possible to formulate the following definition of "determinants of crimes committed by colony personnel", namely, a set of various events, phenomena and processes that, in their connection, cause and determine the criminal form of behavior of the said sub " the objects of crime in the process of execution and serving of criminal punishment in the form of imprisonment.

Thus, the system-forming features of the content of this concept should include the following:

1. This set of various events, phenomena and processes. In this case, the language is not about their simple "set", but about a peculiar system of interdependent and interactive social relations that determine the commission of crimes by the staff of the colonies. As established in the course of this study, the relationships of these events, phenomena and processes are diverse: a) internal and external; b) direct and indirect; c) direct and inverse; d) stable and unstable; e) substantial and non-essential; e) necessary and incidental; e) strong and weak; e) rigid (unambiguous) and non-rigid (multi-valued); g) directed and not directed (*1, p. 185*). On this basis, it should be noted that the determination of this type of crime (personnel of the colonies) is a kind of social determination - the determination of events and phenomena of nature and society, which manifests itself in the dialectic forms of interdependence and interaction(*1, p. 185*). In this case, the indicated interaction is a correlation, when changes in the state of one object (society, state, system of the DCA, etc.) is accompanied by changes in the state of another object (personnel of the colonies). And although these changes do not explain the nature and origin of change, yet they show that the changes of both objects occur simultaneously, under the same conditions, that is, they have a correlation (*1, p. 185*).

2. The above-mentioned events, phenomena and processes cause and determine the commission of crimes by the personnel of the colonies. The results of this study indicate that the causal connection in this case is manifested through such an internal structure: a) the binary (two-element) connection of the cause and effect; b) the causal chain, that is, the successive variability of the two-element links of the causal connection in which the reason for this link is the consequence of the previous link, its causes; c) causal network or "causality tree", under which in science is understood the system of processes and entities covered by a single dynamic structure, in which the state of each of the elements of the system directly or indirectly conditioned by the state of other elements of this system (*1, p. 187*). As A. P. Zakalyuk reasonably concluded in this regard, depending on the reason for belonging to a certain part of the causal chain, starting with the immediate one, the term "cause" determines a certain number of reasons: the "first", "the second", another link - this helps , although somewhat conditionally, to understand the meaning of each cause in the causal chain (*1, p. 188*). It was this approach that became dominant in defining the content of the above concept and in developing ways to improve the legal mechanism for preventing crimes committed by colony personnel.

The second after the cause of the type of determination of this type of crime are the conditions, the connection of which with the cause and effect of scientists called the condition (*1, p. 188*). In the course of this study, it was found that conditions that contribute to the commission of crimes by staff of the colonies include: a) those that contribute to the emergence (formation) of causes; b) those that ensure implementation of the process of induction; c) those who accompany the cause (create a general

condition of the condition); d) those that are necessary for reasons (without which its implementation can not occur); e) those that are sufficient for the cause (scientists call them "the optimal set of necessary conditions" (1, p. 189).

3. The above-mentioned events, phenomena and processes determine the commission of the crimes in the sphere of execution of sentences. In this case, as established in the course of this study, we are talking about the causes of crimes committed by staff of the colonies, which include socio-psychological determinants, in particular the elements of the social consciousness of these individuals in its various forms, primarily at the level of ordinary psychology, as part of everyday life consciousness (1, p. 210). In turn, the subsystem of the conditions of this type of crime, forming the negative anti-social elements of consciousness, in particular the consciousness of the personnel of these penitentiary institutions, includes in this situation the corresponding negative influences of the family, the immediate environment, the disadvantages of family life, school, labor, and domestic education of these persons, social inequality and injustice, indifference to power institutions, negative moral and psychological influence of mass media, etc. (1, p. 210-211). In addition, there is another subsystem of the conditions conducive to the commission of crimes by colony personnel, which includes the immediate consequences of the negative conditions for the formation of insolvency, the inability of these people to properly regulate and control their behavior, to restrain negative, illegal and criminal manifestations, namely - this : organizational and managerial deficiencies; incompetence; miscalculations; indifference to public affairs and gaps in preventive activities, as well as victimological factors related to the behavior of victims (1, p. 211).

As the results of this study showed, in the system of determination of crimes committed by colonial personnel, events, processes and phenomena that have a cause-and-effect relationship with it are also playing a significant role, and correlation synchronicity, a common systemic and structural situation, the states of states, the functions of these persons, etc. (1, p. 211). Equally important in the overall system for determining these crimes, as separate subsystems, is the system of determination of certain types of those committed by colony personnel and the determinants of individual criminal manifestations of these subjects and the mechanisms of the dialectical correlation of general, special and individual (1, p. 211).

4. The subjects of crimes committed in the field of execution of sentences are only persons from the staff of the colonies. Types of personnel of these penitentiary institutions are defined in Art. 14 of the Law of Ukraine "On the State Criminal Execution Service of Ukraine". In accordance with the requirements of the current legislation of Ukraine (Constitution (Part 1, Article 57), the Criminal Code (Articles 18, 19), the Code of Labor Laws of Ukraine, others), a person acquires one or another status from the moment that it is provided for by law rights, obligations and guarantees of their implementation under painting (in writing) and their performance (or non-fulfillment) at a certain workplace (in this case, in the system of the State Internal Affairs Committee of Ukraine). At the same time, as stated in Part 1 of Art. 18 of the Criminal Code of Ukraine, the subject of a crime is a physical criminal who has committed a crime at the age from which criminal liability may arise in accordance with this Code. Moreover, the specified person at the time of the commission of a crime should be condemned, that is, to realize his actions (inaction) and to manage them (Part 1 of Article 19 of the Criminal Code), and therefore, from this point of view, a direct relation to the definition of the

content of the activities of entities The crimes committed by colony personnel have the legal status of these individuals.

5. Criminological significance are only those crimes committed by the personnel of the penitentiary colonies. A meaningful expression of activity in this area of public relations is the two-way process of execution-serving punishment. At the same time, the execution of punishments in science refers to the administration of these penitentiary institutions to the convicted state coercion, which consists in the procedure of limiting their rights and freedoms, which are the content of punishments, as defined by the Criminal Code of Ukraine (8, p. 7). In turn, the serving of sentences is provided by state coercion of the legal status of the convicted person, which comes after the verdict of the court (court of law) has come to legal effect and consists in subjugating the behavior of the convicted person with the restrictions of the rights and freedoms envisaged by the Criminal Code of Ukraine with appropriate punishments (8, p. 7).

Consequently, all other crimes committed by colony personnel beyond the scope of punishment (in everyday life, family, etc.) do not relate to the meaning of the term "determinants of crime", which is being investigated in this paper. It is the totality of the above-mentioned system-forming features and defines the meaning of the notion of "determinants of crimes committed by colony personnel", which is taken in this study for a methodological basis in describing established phenomena, processes, facts and manifestations that cause and predetermine this type of crime.

Conclusion. In general, if we summarize the results obtained in the course of this study, then the mechanism of the criminal manifestation of the staff of the colonies, the main content of which is the connection and interaction of external determinants of objective reality (determinants of general and specific crime, established in this scientific article), and internal determinants (special and direct, defined in this scientific development), including mental processes and the status of the perpetrators of the offender, which cause and cause the emergence and development of criminogenic motivation, motives and decisions tion of crimes, as well as direct and control the implementation of this decision (1, p. 278).

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