

JUVENILE DELINQUENCY RATES IN UKRAINE IN 2016–2017

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ABSTRACT

The article presents current tendencies related to juvenile delinquency in Ukraine based on data from the 2016–2017 period. Quantitative juvenile delinquency indices differ substantially from quantitative adult crime indices. This is primarily caused by the fact that the former apply to a four-year period (14–18 years of age), while the latter apply to the period after reaching the age of majority. Differences between juvenile and adult crime also manifest in the form of e.g. the nature and degree of social harm inflicted by the crimes, which is determined by the age of the perpetrators. Their age is not only related to the socio-psychological profiles of offenders, but also their position in society (which is why juvenile delinquency does not encompass e.g. economic crimes, professional offences etc.). The article presents the fundamental determinants of juvenile delinquency, based on the premise that a thorough analysis of crimes committed by persons under 18 years of age is necessary to effectively combat the phenomenon in Ukraine. The article also identifies the major methods currently used to prevent and counteract this type of crimes.

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INTRODUCTION

The issue of juvenile delinquency has always been in the focus of researchers, and is equally as important to the Ukrainian society of today. The problem affects a part of society which should receive special attention and all manner of physical, mental and moral support, in addition to preparing it to replace its preceding generations.

Juvenile delinquency research conducted by Ukrainian legal scholars can be traced back to the Soviet times and has been successfully continued in works of such modern-day researchers as J. A. Abrosimova, W. I. Borysov, O. I. Buher, V. V. Holina, B. M. Holovkin, N. M. Hradetska, I. M. Danshyn, O. M. Dzhuzha, V. M. Driomin, V. P. Yemelyanov, A. P. Zakaluk, V. J. Tatsiy and others.

The negative social processes which affected Ukraine in the last several years, particularly the economic and political crisis, gave rise to a marked increase in the number of crimes committed, especially by minors.

Juvenile delinquency is a type of crime, and is influenced by the same factors as other types of offences. However, there exist certain factors which influence its criminological indices and its rate, structure, dynamism etc. The aim of this article is to identify these dominant factors, and, based on them, present the current juvenile delinquency rates in Ukraine.

JUVENILE DELINQUENCY IN UKRAINE BETWEEN 2016 AND 2017

Quantitative juvenile delinquency indices differ substantially from adult crime indices. The primary cause of this is the fact that the former apply to a four-year period (14–18 years of age), while the latter apply to the period after reaching the age of majority¹.

Significant differences can also be observed in relation to qualitative juvenile delinquency indices. Persons under 18 years of age commit crimes which are different in nature and severity in comparison to adults. This is determined by their age, which not only influences the socio-psychological profiles of perpetrators, but is also related to their position in

¹ Yu.V. Aleksandrov, A.P. Hel', H.S. Semakov, *Kryminolohiya: kurs lektsiy*, Kyiv 2002, s. 295.

society. Thus, juvenile delinquency does not apply to e.g. economic crimes, professional offences etc.².

As an example, let us analyse juvenile delinquency data from the period between 2016 and 2017. Data provided by the State Judicial Administration of Ukraine (SJA) on juvenile delinquency between 2016 and 2017 shows that, in 2016, first-instance courts in Ukraine heard 6,041 criminal cases involving 7,438 minors. 4,240 cases were closed in the same year, including by e.g. a sentence – 3099 cases; discontinuation of criminal proceedings – 535 cases involving 574 minors; application of medical means of coercion – 12 cases involving 13 minors. In addition, 140 indictments were brought against 190 minors.

In 2017, in comparison with the previous year, the number of criminal proceedings involving minors increased. In the above-mentioned period, first-instance courts heard 6408 criminal cases against 7976 minors, with 3872 of these ending in a ruling, including 2854 cases against 3462 minors where the defendants were found guilty. Proceedings involving a total of 545 persons were discontinued. Medical means of coercion were applied in 15 cases (16 minors), and 90 indictments were brought against 128 perpetrators in 2017.

When we analyse data from a period longer than two years, e.g. from the last ten years, we observe a gradual decline in the number of crimes committed by minors. This tendency is noticeable and is relatively well-documented in the relevant literature³. The declining crime rates in the analysed age group is a result of various factors, which include the latency of particular crime types, lower population levels etc.

No official statistics are compiled in Ukraine on the number of registered crimes committed by juvenile delinquents on the temporarily-occupied areas of Donetsk and Lugansk Oblasts, as well as the Autonomous Republic of Crimea. Of course, this has a negative impact on our under-

² N.S. Yuzikova, *Problema kryminal'no-pravovoho zakhystu interesiv nepovnolitnikh: monohrafiya, Dnipropetrovs'k 1999, s. 172; Shchodo dotrymannya Ukrainoyu mizhnarodnykh standartiv zakhystu prav ditey u zbroynnykh konfliktakh: analitychna zapyska, <http://www.niss.gov.ua/articles/1660/> (access: 15.04.2019).*

³ Ye.M. Blazhivs'kyy, I.M. Koz'yakov, O.O. Knyzhenko, O.M. Lytvak, O.N. Yarmysh ta in., *Monitorynhovyy kryminolohichnyy analiz zlochynnosti v Ukraini (2009–2013): monogr*, Kyiv 2014, s. 484; I.M. Mykhaylova, *Yuvenal'na yustytisiya v systemi zapobihannya zlochynam nepovnolitnikh: 12.00.08: dys. kand. yuryd. nauk*, Kyiv 2015, s. 236; H.V. Popov, V.A. Mozhova, Ya.M. Shevchenko, H.V. Shcherbakova ta in., *Protydiya zlochynnosti nepovnolitnikh v Ukraini (teoriya i praktyka): nauk.-prakt. posib.*, Kyiv 2014, s. 230.

standing of this phenomenon and being able to present an accurate picture of juvenile crime in Ukraine – a fact that has to be kept in mind when attempting to analyse the phenomenon.

The only officially-confirmed information relates to the participation of minors in the activities of illegal paramilitary groups. An analytical memo by the National Institute of Strategy Studies titled “On the compliance of Ukraine with international standards in matters related to protecting children’s rights during military conflicts” notes that a new category of children has emerged in Ukraine, one which the state had never encountered, and thus has no tested practices or experience dealing with this new group. The group in question is child soldiers, who participate in military conflicts and fight using weapons. Certain reports claim that guerillas use children for intelligence purposes and train them to fight and act in an auxiliary capacity during military operations⁴.

The 2015 annual report on human trafficking by the US State Department also noted that minors participated in the military operations in the Donbas area – as soldiers, informants etc.⁵.

The Ukrainian law enforcement agencies record such cases as isolated incidents. What is more, these cases can only be confirmed based on information sufficient to identify the minors in question and verify their age. As a result, the number of opened criminal proceedings, not to mention those brought to court, is negligible.

General official statistics from 2016–2017 indicate that juveniles most frequently commit the following crimes:

- crimes against property – 74% of all crimes committed by minors (an overwhelming majority of these being larceny, looting and assault and robbery),
- crimes against the life and health of another person – 8% of all crimes committed by minors (mostly involving light or medium bodily harm),
- crimes against traffic safety and transportation – 7% of all crimes committed by persons under 18 years of age (the majority of these crimes being private vehicle theft),

⁴ *Shchodo dotrymannya Ukrainoyu mizhnarodnykh standartiv zakhystu prav ditey u zbroynnykh konfliktakh: analitychna zapyska*, <http://www.niss.gov.ua/articles/1660/>, op. cit.

⁵ *Trafficking in Persons Report: July 2015*, <https://www.state.gov/documents/organization/245365> (access: 15.04.2019).

- crimes related to trafficking in narcotics, psychoactive substances etc., as well as other crimes against health – 3% of all crimes committed by minors (mostly crimes penalised by Art. 307 and 309 of the Ukrainian Criminal Code, with a marked increase in crimes prohibited by Art. 310 and 315 of the Ukrainian Criminal Code),
- crimes against public order and morality – 2% of all crimes committed by minors (mostly related to hooliganism).

Several other types of crimes constitute a negligible percentage of the total⁶.

The general tendencies in juvenile delinquency in Ukraine became more noticeable in previous years as well. This increase has been noted by Ukrainian criminologists⁷

FACTORS AFFECTING JUVENILE CRIME RATES IN UKRAINE

It is important to note that the majority of juvenile delinquents are young males. At the same time, the juvenile crime index for the 14–16 age group is lower than for the 16–18 group. In addition, juveniles from the former category commit offences which are less severe than those aged between 16 and 18.

Juvenile crime rates are affected by e.g. substance abuse, alcoholism, toxicomania, prostitution, gambling addiction etc.

The state, level, structure and dynamism of juvenile delinquency is influenced to a large degree by local demographics and quality of life, e.g. the number of minors in a given region, the number of deprived families with children etc.

Juvenile delinquency in the occupied territories is influenced by new, previously unknown factors. It is noted that “the negative impact of armed conflicts is very long-lasting (physical and mental trauma, growing hatred, erosion of family and social bonds, death of parents and caretakers, declining quality of education and, as a result, the quality of adult life),

⁶ *Yedynnyy zvit pro osib, yaki vchynily kryminal'ni pravoporushennya za 2016/2017*, http://www.gp.gov.ua/ua/sts2011.html?dir_id=111482&libid=100820&=edit&_c=fo (access: 15.04.2019).

⁷ See: Ye.M. Blazhivs'kyi, I.M. Koz'yakov, O.O. Knyzhenko, O.M. Lytvak, O.N. Yarmysh ta in., *Monitorynhovyy kryminolohichnyy analiz ...*, op. cit., Kyiv 2014, s. 86–90; I.M. Mykhaylova, *Yuvenal'na yustytsiya ...*, op. cit., s. 6; H.V. Popov, V.A. Mozhova, Ya.M. Shevchenko, H.V. Shcherbakova ta in., *Protydiya zlochynnosti nepovnolitnikh ...*, op. cit., s. 21.

and has a deleterious effect on future generations”⁸. Other factors include economic factors, unemployment, high rates of violence committed by members of illegal paramilitary organisations and intimidation, no rehabilitation programmes for children who have lost family members or their home. An important factor influencing the behaviour of young people is the impunity with which criminals commit acts which are considered offences in Ukraine, but which are frequently considered heroic in the occupied territories, resulting in youths copying them. This is directly related to society’s lack of faith in justice. Experts conducting research on the enforcement of justice in East Ukraine under military occupation by the Russian Federation note that “criminals can act with impunity on uncontrolled territories”⁹. The issue was also analysed by the OSCE Special Monitoring Mission to Ukraine¹⁰.

In addition to those mentioned above, the main determinants of juvenile delinquency are: low quality of life of the majority of the Ukrainian population; difficulty for young people with learning and mastering a profession, translating to problems with finding employment in the future; no robust cultural recreation systems; adults with a criminal record inciting young people to join organised crime groups¹¹; substantial weakening of the family as a social institution responsible for the physical, intellectual and moral development of children; rising domestic violence rates; increasing homelessness and child neglect rates; alcohol, narcotic and psychotropic drug abuse in juveniles; violations of children’s property and habitation laws, frequently resulting in children living on the streets; ineffective juvenile rehabilitation methods; low juvenile offender employment and social readaptation rates.

Criminogenic motivations and their behavioural manifestations in minors are also largely influenced by flaws in the organisational and

⁸ *Trafficking in Persons Report: July 2015*, <https://www.state.gov/documents/organization/245365>, op. cit.

⁹ *Pravosuddya na Skhodi Ukrainy v umovakh zbroynoyi ahresiyi Rosiys'koyi Federatsiyi: zvit za rezul'tatamy doslidzhennya spromozhnosti sudovoyi systemy zabezpechuvaty pravosuddya v umovakh zbroynoho konfliktu na Skhodi Ukrainy*, Kyiv 2018, s. 339, 187.

¹⁰ *Spetsyal'naya monytorynhovaya myssyya v Ukrainy Orhanyzatsyy po bezopasnosty y sotrudnychestvu v Evrope, Dostup k pravosudyu v kontekste konflykta v Ukrainy: tematycheskyy otchet*, 2015, s. 55.

¹¹ O.S. Morhun, *Zlochynnist' nepovnolitnikh yak sotsial'nyy yak ob'yekt kryminolohichnoho doslidzhennya: dys. ... kand. yuryd. nauk: 12. 00. 08, Zaporizhzhya 2013*, s. 191.

management system used by bodies which, in accordance with the Act on child-related bodies and services and special institutions for children of 24 January 1999, are required to protect the social welfare of children and prevent juvenile delinquency. Similar flaws can be observed in the functioning of education institutions: pre-schools, general education and out-of-school institutions, colleges, congregate care and boarding houses, which may facilitate juvenile delinquency, particularly via their indifference to the problems children may be experiencing at home¹².

An extremely important legal determinant of crime is the lack of a holistic state and legal policy in relation to protecting children's rights or optimal legal mechanisms of enforcing them. This matter requires that the state adopts a comprehensive strategy to implement solutions aimed at counteracting juvenile delinquency in Ukraine by improving the normative-legal, organisational, information and research-methodological support for these solutions.

CONCLUSIONS

The above discussion leads to the conclusion that, when developing national and social programmes aimed at counteracting juvenile delinquency, it is important to take into account both the qualitative and quantitative indices of a given crime type. Analysing such data from a particular period renders it possible to provide a comprehensive description of the crimes studied and their related tendencies, and also to predict possible future changes in this area.

However, it is insufficient to only analyse the phenomenon – it is important to implement reforms in the area of juvenile penal policy, adapt the existing provisions to meet international standards and ensure that they are effectively enforced. In order to successfully counteract crime among persons under 18 years of age, it is also necessary to establish partnerships between the relevant bodies dealing with juvenile-related matters..

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