

REASONS AND CONDITIONS THAT CONTRIBUTE TO THE COMMISSION OF OFFENSES BY CHILDREN

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Abstract. In the article, the author revealed the most urgent problems of the causes and conditions of committing offenses by children. It has been established that overcoming the manifestation of illegal behavior by children has certain difficulties, since the child's behavior can be influenced by peers, school environment, family environment, mass media, etc. The author claims that children in conflict with the law have the right to special approaches, according to their age. If such children are supported individually, their reintegration into society and prevention of repeated violations will be more successful.

The list is defined of the main entities that protect children's rights and whose activities are aimed at preventing the commission of offenses by children. The author established that conducting preventive work with a child is an effective measure to prevent the commission of offenses in the children's environment, which depends on the individual needs of the child and the purpose of preventive activities. The choice of the form of preventive measures depends on whether the work is carried out individually or with a group.

Methodology. The authors of the article have used a combination of general and special scientific methods of building and carrying out scientific research, in particular, the formal and logical method, the formal and dogmatic method, analysis and synthesis, interpretation of legal norms, the method of comparative legislation, the systemic and structural method.

The main key risk factors are characterized regarding the possibility of committing offenses by minors and ways to overcome this phenomenon are proposed. The concepts of child, delinquent child, child in conflict with the law are defined.

Results. The main conclusions are presented on overcoming illegal behavior among children and improvement of activities of entities protecting children's rights. The necessity to improve the mechanism of preventive activities by units of the National Police is expressed, to develop preventive programs that are specially developed and provide for the algorithm of actions of children's rights protection subjects in various directions of prevention, to periodically conduct training courses with children's rights protection subjects in order to improve their knowledge in this direction.

Keywords: children in conflict with the law, offenses, preventive work, subjects of protection of children's rights.

1. Introduction

Among the scientists who, to one degree or another, conducted research into the causes and conditions that contribute to the commission of offenses by children, the following ones should be noted: O. Kovalova, T. Matyushkova, T. Shanskova, A. Kapska, T. Faranova, V. Lyuty, O. Kalashnyk, O. Kochemirovska, T. Woitsyach, E. Glyuk, A. Kettle. However, these studies either partially reveal the reasons and conditions for committing offenses by children, or do not take into account the provisions of the updated legislation in this area. However, the issue of the causes of committing offenses by children, the mechanism of effective preventive work with them, the study of psychological and age periods of child development, the elimination of the causes and conditions that lead to the commission of administrative and criminal offenses by children, remains relevant and needs its own research.

In this regard, the purpose of this article is to determine the reasons and establish the conditions

that contribute to the commission of offenses by children, outline the main key risk factors regarding the possibility of committing offenses by minors, to propose ways to overcome this phenomenon, to detail the subjects of protection of children's rights.

2. Research methodology

The authors of the article have used a combination of general and special scientific methods of building and carrying out scientific research, in particular, the formal and logical method, the formal and dogmatic method, analysis and synthesis, interpretation of legal norms, the method of comparative legislation, the systemic and structural method.

3. Results

A child remains a child even when he does bad things. Sometimes, due to lack of life experience, being in difficult life circumstances, deprivation of parental care, inability to correctly and objectively as-

sess the situation in which a teenager finds himself, he comes into conflict with the law. Ukrainian society has begun to realize how widespread the commission of offenses by and against children is. Regardless of whether the child is the offender or the child victim, it traumatizes them, harming both the child and society.

Children in conflict with the law have the right to special approaches, according to their age. If such children are supported individually, their reintegration into society and prevention of repeated violations will be more successful. Offenses committed by children, of course, are not exclusively a problem for Ukraine. Scientific and practical workers of many European countries of the world are engaged in the study of this problem.

A child is a person under the age of 18 (adult) if, according to the law applicable to him, he does not acquire the rights of an adult earlier. There is no legal definition of «delinquent child» and «child in conflict with the law». We agree with the opinion of T. V. Zhuravel that a child who is in conflict with the law is a minor who has committed an offense and/or is under preventive registration in the department/sector of juvenile prevention, or is serving a sentence under a court sentence (according to associated with deprivation of liberty or an alternative punishment). Kovaleva O.V. believes that a child in conflict with the law is a child who is suspected or accused of committing actions for which criminal or administrative responsibility is provided for children of the appropriate age or adults.

Among the key risk factors for the possibility of committing offenses by minors, the following can be named:

- **Negative influence in the family:**
 - prolonged neglect; children systematically voluntarily leave their place of permanent residence;
 - excessive care and strictness;
 - conflicting family relationships, weakening of family ties, improper upbringing in the family, which increases unfavorable living conditions;
 - divorce of parents, antisocial behavior of parents, evasion or exclusion of parents from fulfilling their responsibilities for raising children, cruelty and violence in families;
 - poverty, unemployment;
 - low level of legal knowledge of parents, insufficient attention, direct disdain on the part of parents to the upbringing and problems of children;
 - incitement by adults to commit crimes;
 - the presence of criminogenic experience in parents or other family members
- **Ways to overcome:**
 - study of the minor's living conditions (subjects of protection of children's rights, together with the class teacher, go to the child's place of residence);
 - study of the students' environment at their place of residence (subjects of protection of children's rights, together with the class teacher, a social

pedagogue, make an exit to the child's place of residence);

- diagnosis of the psychological climate of the family (can be carried out by a psychologist);
- centers of social services for family, children and youth, together with police officers, should promote the establishment of relations with the family and the immediate environment of the child;
- identify the causes of the negative influence of the family, establish the conditions (difficult life circumstances) in which the child is and have a negative impact on his life, behavior, and development;
- **Negative leisure activities:**
 - meaningless, idle spending of free time in a group of peers or older friends together with alcohol and cigarettes, this way of life becomes a habit, then forms the corresponding needs;
 - non-medical use of narcotics and other psychotropic substances;
 - unlimited access of minors to gaming business;
 - deficiencies in the system of organization of children's leisure time;
 - lack of personal interests.
- **Ways to overcome:**
 - to promote the development and implementation of programs that organize leisure time for teenagers;
 - Involvement of police officers and volunteers in joint leisure activities with children (sports competitions, contests);
 - promoting a healthy lifestyle, comprehensive and systematic teaching of all knowledge should become part of compulsory education at school, starting from the younger grades, prevention of sexually transmitted infections and HIV/AIDS (with the involvement of medical workers, social educators, psychologists, a police officer should systematically conduct preventive conversations, show videos and multimedia presentations on the impact of harmful habits on a child's health);
 - educational work among teachers, parents, the public about the inadmissibility of smoking and the use of narcotic substances in the presence of children;
 - conducting mass and group cultural events, physical education and sports;
 - socio-psychological and psychological individual counseling of minors who use narcotic drugs, psychotropic substances and alcoholic products.
- **Influence of mass media (media):**
 - dissemination of ideas and views in the mass media that lead to the growth of intolerance, violence, deception, drug addiction, alcoholism, prostitution, carefree easy life;
 - uncontrolled viewing of Internet sites containing games and plots with elements of violence, cruelty, debauchery;
 - committing crimes using the Internet or under the influence of negative content (information about the production and distribution of narcotic substanc-

es, methods of stealing money, manufacturing explosives, engaging in prostitution, etc.).

➤ **Ways to overcome:**

- increasing the level of educational work with parents regarding the risks hidden by the global network;

- involvement of the cyber police to carry out preventive measures in order to provide assistance to parents in protecting children from the influence of harmful information (during parent meetings, online lectures, etc.);

- providing assistance to parents and teachers regarding the protection of children from the risks of the Internet, providing a list of recommended online resources that will help to find out which site the child is visiting, how to control the child's activities on the Internet, which programs to install on the computer to protect the child in the Internet space.

➤ **School environment factors:**

- low level of school security; access to the territory of the school by outsiders;

- sale of psychotropic substances, etc., on the territory of the school;

- excessively strict requirements for successful studies;

- bullying – bullying of a child by peers or other participants in the educational process;

- conflicts between school adolescent groups;

- illegal behavior of close school friends.

➤ **Ways to overcome:**

- involvement of students in socially useful activities and extracurricular or extracurricular activities;

- conducting preventive lectures by a police officer in school institutions with students and teachers regarding the establishment of relations between students and teachers, low level of success in education, competition between students, attitude to education;

- development and distribution by police officers of printed informational materials containing information on the consequences of bullying, skipping classes without valid reasons, use of psychotropic and alcoholic substances, etc.

➤ **Social factors:**

- aggravation of social inequality;

- loss of moral principles of social life, antisocial way of life;

- insufficient level of legal awareness and legal knowledge;

- insufficient network of cultural and household objects, sports institutions, limited resources for recreation;

- deterioration of the living conditions of certain social groups;

- migration processes (parents go to earn money in order to provide education for their children, thereby leaving them without proper education);

- neglect and lack of proper control by the relevant services over the behavior, relationships and nature of how the teenager spends time;

- shortcomings in the system of employment of minors;

- high level of crime in the area where the child lives;

- absence of state or public social assistance, the family remains alone with its problems.

➤ **Ways to overcome:**

- to organize a cycle of lectures and discussions on legal topics and holding legal education events;

- involving the mass media in the promotion of a healthy lifestyle, respect for universal values, raising the level of legal culture (subjects of the protection of children's rights should participate in television and radio programs on these issues, cover these issues in the press, involve the scientific community in developing methodological recommendations, visual manuals on this issue);

- centers of social services for family, children and youth, together with police officers, should provide assistance in the preparation of legal documents, contribute to the preliminary resolution of issues related to the registration, employment or education of the child; provision of socio-pedagogical, socio-medical, psychological, legal, informational services.

The main entities that protect children's rights and whose activities are aimed at preventing the commission of offenses by children are representatives of state authorities, among them: the central executive authority, which ensures the formation of state policy in the field of family and children, the central executive authority, which implements state policy in the field of family and children, the executive body of the Autonomous Republic of Crimea in the field of family and children, relevant structural units of regional, Kyiv and Sevastopol city, district state administrations, executive bodies of city and district councils in cities; authorized units of the National Police; schools of social rehabilitation and vocational schools of social rehabilitation of educational bodies; centers for medical and social rehabilitation of children in health care institutions; special educational institutions of the State Criminal Enforcement Service of Ukraine; shelters for children; centers for social and psychological rehabilitation of children; social rehabilitation centers (children's towns).

In our opinion, the effective implementation of preventive measures affect the prevention of offenses and conflicts in the children's environment, the prevention of social problems or the overcoming of some of its factors. Organized preventive work motivates children to lawful, safe behavior, forms in them knowledge about a healthy lifestyle, which will have a positive effect on their future, restores relationships in the family, since preventive measures can be carried out both with children and with legal representatives of children.

It is worth paying attention that the concept of «prevention» is not limited only to the influence on the child's behavior, but also includes identifying and

eliminating the causes/factors and conditions that contribute to the commission of offenses by children, which includes a more comprehensive approach to child response and assistance is better at preventing offending than dealing with children in conflict with the law afterwards.

4. Conclusion

Therefore, we offer the following conclusions regarding overcoming illegal behavior among children:

- it is necessary to improve the mechanism of carrying out preventive activities by the units of the National Police, since they primarily respond to cases of offenses committed by children and protect their interests;
- to periodically conduct training courses for the officials dealing with the protection of children's

rights, regarding the improvement of skills and abilities in the implementation of preventive activities; involve them in conducting trainings, conferences and discussing practical problems with the scientific community in order to further make proposals for improving the current legislation in the direction of preventive (prophylactic) work with children;

- to develop preventive programs that would be specially developed and provide for the algorithm of actions of the officials protecting children's rights in various directions of prevention and the involvement in its implementation of specialists of various specialties who have knowledge and are interested in the implementation of effective measures to prevent the commission of offenses by children and increase their legal and moral culture, which will positively affect their spiritual and physical development.

References

1. On the protection of childhood: Law of Ukraine no April 26, 2001 No. 2402-III. Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 30, Article 142
2. A. V. Anosova, O. V. Bezpalko, T. P. Tyuman and others. / In general ed.: T. V. Zhuravel, Z. P. Kiyanietsy. Social work with vulnerable families and children: manual. in the 2nd hour; Part 2 Kyiv. 2017. 352 p.
3. Training of employees of structural divisions of the National Police of Ukraine in terms of ensuring and protecting children's rights. Educational and methodological manual; Part 1. / T.V. Zhuravel, T.V. Zub, O.V. Kovaleva, Yu.V. Sawdust Kyiv. 2019. 515 p.
4. About bodies and services for children and special institutions for children: Law of Ukraine dated January 24, 1995 No. 20/95-VR. Information of the Verkhovna Rada of Ukraine, Information of the Verkhovna Rada of Ukraine (VVR), 1995, No. 6, Art. 35