

Family welfare as a basis of fighting crime

El bienestar familiar como base de la lucha contra el crimen

Bem-estar familiar como base do combate ao crime

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Abstract

This article presents the results of a criminological study of juvenile delinquency conditions predetermined by the social environment in which they grow up. The formation of antisocial characteristics of the personality begins in childhood, and the older a person gets, the more difficult it is to correct their criminal attitudes. On the basis of the fact that a happy family is the basis of the moral education of the child, a necessary condition for their behavior respectful of the law, a system of prevention of crimes for minors must be built. The main determinants of the delinquent behavior of the child in the modern world are considered: family problems, the inequality of the socioeconomic situation of the families, even in relation to the availability and quality of various social services in the field of education and leisure, and the free dissemination of information that represents a threat to the child's normal mental development.

In many ways, the elimination of these factors that affect the child's criminal behavior depends on the preventive measures implemented by the

Resumen

Este artículo presenta los resultados de un estudio criminológico de las condiciones de delincuencia juvenil determinadas por el entorno social en el que crecen. La formación de características antisociales de la personalidad comienza en la infancia, y cuanto más envejece una persona más difícil es corregir sus actitudes criminales. Sobre la base del hecho de que una familia feliz es la base de la educación moral del niño, una condición necesaria para su comportamiento respetuoso de la ley, se debe construir un Sistema de prevención de delitos para menores. Los principales determinantes de la conducta delictiva del niño en el mundo moderno se consideran: problemas familiares, la desigualdad de la situación socioeconómica de las familias, incluso en relación con la disponibilidad y la calidad de diversos servicios sociales en el ámbito de la educación y el ocio, y la difusión gratuita de información que representa una amenaza para el Desarrollo mental normal del niño.

En muchos sentidos, la eliminación de estos factores que afectan el comportamiento criminal

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state. Based on the analysis of the socio-economic programs carried out in the last decade in Russia, the article identifies the most effective measures to reduce juvenile delinquency.

Keywords: Criminological research, juvenile delinquency, determinants of crimes, crime prevention measures.

del niño depende de las medidas preventivas implementadas por el estado. Basado en el análisis de los programas socioeconómicos realizados en la última década en Rusia, el artículo identifica las medidas más efectivas para reducir la delincuencia juvenil.

Palabras claves: Investigación criminológica, delincuencia juvenil, determinantes de delitos, medidas de prevención del delito.

Resumo

Este artigo apresenta os resultados de um estudo criminológico das condições de delinquência juvenil pré-determinado pelo meio social em que crescem. A formação de características antissociais da personalidade começa na infância, e quanto mais velha a pessoa fica, mais difícil é corrigir suas atitudes criminosas. Com base no fato de que uma família feliz é a base da educação moral da criança, uma condição necessária para seu comportamento respeitoso da lei, um sistema de prevenção de crimes para menores deve ser construído. Os principais determinantes do comportamento criminoso de crianças no mundo moderno são considerados: problemas familiares, a desigualdade de status socioeconômico das famílias, incluindo em relação à disponibilidade e qualidade dos diversos serviços sociais no campo da educação e lazer, e a livre disseminação de informação que represente uma ameaça ao desenvolvimento mental normal da criança.

De muitas maneiras, a eliminação desses fatores que afetam o comportamento criminoso da criança depende das medidas preventivas implementadas pelo estado. Com base na análise dos programas socioeconômicos realizados na última década na Rússia, o artigo identifica as medidas mais eficazes para reduzir a delinquência juvenil.

Palavras-chave: Investigação criminal, delinquência juvenil, determinantes de crimes, medidas de prevenção do crime.

Introduction

The primary task of any state is to identify the causes and conditions that contribute to the commission of crimes by a child, as well as on this basis the development of measures to prevent juvenile delinquency. The system of knowledge about criminological characteristics of the considered type of crime should be constantly updated. Changes in the social, economic, cultural and political situation in the country also determine the emergence of new determinants of criminal behavior of a minor.

The specificity of juvenile delinquency lies primarily in the characteristics of the perpetrators. At establishing the age in the law with which the features of the criminal responsibility are associated, the stages of

formation and socialization of the individual are taken into account.

Juvenile delinquency as anti-social is one of the problems, the solution of which largely depends on the correctness of the overall strategy to overcome it. Great interest in this issue is not only among scientists criminologists and practical law enforcement officers, but also in the public at large. This is primarily due to the psychological characteristics of the teenager, predetermining the possibility, in the case of timely response to the criminal behavior of a minor, his re-education. The identification and elimination of the determinants of the child's anti-social behaviour not only ensures the realization of the task of individual prevention of crimes that he or

she may subsequently commit, but also provides a basis for the prevention of crime as a whole.

Materials and methods of research

The paper presents the further development of criminology provisions related to juvenile delinquency, including the typology of family dysfunctions and the assessment of the impact of different types of family problems on the formation of the personality of a juvenile offender.

A comprehensive study of possible solutions to the problems arising in the field of juvenile delinquency prevention should be carried out taking into account the new directions of society development at the present stage. The analysis of statistical data and materials of criminal cases, in the part concerning the characteristics of the personality of juvenile convicts, as well as their interviewing, allows clarifying scientific ideas about the determination of juvenile delinquency.

In determining the measures aimed at preventing juvenile delinquency, it should be assumed that they should primarily be aimed at creating conditions for the normal physical and moral development of the child.

In 1995, the Russian Federation developed National plan of action for children, under which many national projects were implemented until 2000. The most significant from the point of view of prevention of deviant behavior of minors are target programs "Children-orphans", "Family Planning", "Gifted children", "Organization of summer rest of children" and "Children of families of refugees and displaced people" (Federal law, 2015).

During this period, a large number of legal acts were developed to prevent the most significant threats to the normal development of the child's personality. Much attention was paid to social support for families with children. For the first time in Russia, a large-scale national information campaign was carried out to combat child abuse and a single helpline number was introduced. In view of the fact that the cruelty against the child, causing him the anger, makes it aggressive, these measures can be considered as a prerequisite for the prevention of violent crime of minors.

To implement support for childhood in Russia, many new public and state institutions were created that the purpose of its activities was the protection of childhood. For example, the post

of Commissioner of the President of the Russian Federation on the rights of the child was established. A Fund has been established to support children in difficult situations. The institution of the Commissioner for the rights of the child was established in a number of constituent entities of the Russian Federation (Lundberg & Squire, 2003).

The volume of funding for social spending from the Federal budget and the budgets of the constituent entities of the Russian Federation increased, and new measures were taken to provide social support to families with children. This social policy of the state, aimed at protecting children in Russia, contributed to a significant reduction in juvenile delinquency: by 2012, compared with 1995, it decreased by 70%.

At the end of 2017, the share of crimes committed by minors in the overall structure of crime is 4.5% (Lankina & Platonova, 2015). Qualitative indicators of crime of minors in accordance with held criminological studies in recent years show that most crimes committed by teenagers are serious crimes (40 %) or moderate (35 %). These are crimes of a violent and mercenary nature (Romanova, 2006).

Results and discussion

Unfortunately, on the background of the overall positive dynamics of fighting juvenile delinquency, the negative trends of recent years should be noted. First, the involvement of minors in the illegal sale of narcotic drugs and psychotropic substances, the commission of terrorist and extremist crimes. The study of the causes and conditions of juvenile delinquency remains relevant. The main factors that can be considered as determinants of criminal behavior of minors are:

- family trouble;
- inequality of socio-economic status of families, including in relation to the availability and quality of various social services in the field of education and leisure;
- free dissemination of information that poses a threat to the normal mental development of the child.

There is no doubt that the latter factor in the determination of juvenile delinquency is itself predetermined, first of all, by the prevalence of the use of high technologies in all countries of the world.

According to the Ministry of Internal Affairs of Russia, the number of sites containing materials with child pornography increased by almost three times, and the number of Internet materials themselves – by 25 times (Voronov, 2013). A significant number of sites dedicated to suicide, description of cruel scenes of violence, information about the methods of manufacturing psychoactive substances are available to modern adolescents at any time.

Without denying the importance of control over the media in terms of dissemination of information that negatively affects the education of the child and the need to restrict access to it by minors, it should be recognized that the most important role in the formation of high moral behavior of a teenager is played by his social environment.

Fighting juvenile delinquency can be effective only at understanding of intransigence to antisocial behavior in the first place by the people closest to him, closest social group to child – the family. Therefore, the criminological explanation of the existence of juvenile delinquency requires the study of the institution of the family and its impact on the development of the child.

The family which has allowed commission of crime by the child, has to be considered dysfunctional. The dysfunctionality of such a family is determined not on the basis of the socio-psychological characteristics of its members, but on the basis of how the family realizes the upbringing of their children.

So a positive mother from all sides, who alone brings up her children without a permanent source of income, can be evaluated by society exclusively positively, but at the same time is not able to ensure the full development of the child. It is fully possible that a child of wealthy, happy parents commits a crime and for them it turns out to be a surprise, which means that in such a family its main function – the upbringing of the child is not sufficiently realized.

Violation family structures, immorality or criminal orientation of its members, lack of pedagogical knowledge of parents, formation of a wrong parenting skills, etc can be attributed to the signs of family problems. Thus, under dysfunctional family for a child is encouraged to understand the group living with him close

people, who do not fulfill duties on education of the child imposed by the society and the law.

If, as a result of non-performance or improper performance by the parents or persons substituting them their duties, the child's behavior becomes anti-social, and there is no control of the family over his behavior, then such a minor can be recognized as unaccompanied.

A dysfunctional family on the basis of neglect is characterized by the fact that parents of adolescents often fail to meet their requirements, they are characterized by connivance and inability to interact with their children in difficult situations. Therefore, adolescents have appropriate response feelings towards their family.

One of the first reasons for the child's neglect is seen in the stereotype of "denial" of the importance of the stability of family ties. Appropriate sociological, demographic and psychological research shows that "marriage" is losing its value.

In this regard, the criminological study of the family structure of juvenile offenders is of great interest, which showed that violations in the family structure are observed in more than 60 % of adolescents who have committed a crime.

The next characteristic indicating the trouble of the family is the criminal orientation of its members. As a rule, if the family is encouraged to commit crimes, then the child who grew up in such a family can perceive as the correct criminal attitudes, positively assess anti-social behavior and approve the commission of crimes.

The greatest probability of this will be in those families in which their member was able to avoid criminal liability or committed crimes which remained latent, if it became known to the child. It is not possible to identify the number of such families because of the latency of criminal activity.

Another condition for the formation of a dysfunctional family is the state of health of its members. In the case of a serious illness of one of the parents or even worse parents raising a child alone for objective reasons, there are certain difficulties in the life of the child, for example, neglect of the interests of the child, the formation of socially-disapproving personal properties, dissatisfaction with his needs (not only material, but also the other).

Often the family dysfunctional depends on the fact that the parents drink alcohol, suffer from drug addiction or toxicomania, involve minors in the use of psychoactive substances.

The types of dysfunctional families, from the point of view of a child's upbringing should include families with great guardianship. Thus, minors who are constantly under guardianship are not able to make a decision on their own and can fall under the influence of any person, including a criminally characterized one. In such families, the child may seek to get out of the constant total control of the parents, including committing a crime "to spite" them.

So, the most common cause of the criminal behavior of a minor today is his neglect. The peculiarity of the personality of a minor is the lack of formed their own system of values. The child in the formation of their behavior is dependent on the behavior stereotypes of surrounding adults. It is not their own opinion that is important, but the assessments and opinions of their close environment, especially those in respect of whom the minor develops a strong emotional closeness.

Prevention of neglect, crimes committed by minors, as well as crimes committed against them, is one of the priorities of the law enforcement agencies of any state.

Taking into account the urgency of this problem at the state level, a set of organizational and practical measures aimed at the prevention of neglect and juvenile delinquency should be systematically implemented. The involvement of the public is important.

Such events include, for example, holding the Olympiad among students of schools, colleges, institutes by public councils under law enforcement agencies together with police officers in Russia. The purpose of this event was to strengthen the authority of law enforcement, education of patriotism and internationalism among adolescents.

In accordance with the Federal Law "On basic guarantees of the rights of the child in the Russian Federation" of 1998, the Internal Affairs bodies regularly carry out preventive measures at night in order to identify minors who are on the street at night, in restaurants, attending night sessions in cinemas without adult supervision.

In England, "if the police or local authorities have evidence that the behavior of a teenager creates problems for society, they can invite them to sign a Treaty on acceptable behavior" (Natale, 2010).

In the Police Department of Los Angeles (the USA) the effectiveness of the program is proved, which is aimed at the psychological effects on the teenagers, who do not commit crimes yet, but consisting on the account in police for the tendency to antisocial behavior.

In Germany, there is a youth police unit, whose staff is focused on establishing contacts with schools and conducting preventive work among students (Shaydenko, 2014).

In the context of the ongoing process of criminal law unification in the modern world, great prospects for improving the national legal regulation and the organization of the state of juvenile crime prevention acquire generally recognized norms and principles of international law. As Professor A. Kibalnik notes: "At the end of the XX — the beginning of the XXI century, international criminal law has become one of the fastest growing branches" (Kibalnik & Volosyuk, 2017).

At the same time, it seems that in recent years the international community has paid very little attention to juvenile delinquency, while transnational organized groups have actively involved adolescents in their criminal activities.

The effectiveness of the prevention of juvenile delinquency depends on how accurately its causes are established, on the thoroughness of the development and consistent implementation of measures aimed at preventing this type of crime (Das et al. 2004).

In order to disseminate ethic and moral values among minors, it is necessary to provide them with information on the consequences of criminal life. Therefore, at the initiative of public authorities, the issues of preventing the spread of ideas of extremism, prevention of alcoholism, drug addiction and juvenile delinquency should be constantly discussed at a meeting with students of educational institutions.

In order to prevent child neglect and juvenile delinquency, it is necessary to identify dysfunctional families and children who find themselves in difficult life situations. Children in socially dangerous situations should receive

assistance from states, which is ensured by sending them to social state institutions.

As a form of preventive and educational work with "difficult teenagers" it is necessary to develop the institution of mentoring.

Bringing minors to criminal and administrative responsibility and imposing a fair punishment for the commission of an offence is a prerequisite for the elimination of legal nihilism and a sense of permissiveness of minors.

Parents who do not perform the duties of upbringing and maintenance of minor children should also be brought to administrative responsibility (Mathieson, 1982).

In case of detection of the use of alcoholic beverages, drugs and toxic substances by minors, they must be provided with appropriate treatment and they must be registered with law enforcement agencies.

Despite the fact that the stereotypes of behavior and norms of communication adopted in the family, become stable personal characteristics of the child, it should be borne in mind that the formation of personality is not only influenced by the lifestyle of the family, but also depends on other social groups, in which he becomes a member.

Conclusions

1. The identification of modern problems and trends in the development of adverse effects on minors has led to the conclusion that in the wider social environment in modern Russia, compared with the beginning of the 21st century, stable social norms and principles of behavior corresponding to the law have developed, a system of their guarantees and real security has been established. Negative norms are formed at the level of individual micro-groups.

2. The main factors that determine the criminal orientation of the individual are formed in the social group closest to the child, most often it is the family. The family dysfunctional for a minor is not determined by the socio-psychological characteristics of the family members, nor by the financial situation of the family, but by the way the family implements the upbringing of its children. The main reason for the criminal behavior of a minor today is his neglect.

3. The types of dysfunctional, from the point of view of a child's upbringing should include families with great guardianship. Minors who are constantly under guardianship are not able to make their own decisions and can fall under the influence of any person, including criminally characterized one.

4. A person who falls under the influence of a criminal group, who meets not sharp criticism of their negative positions from other members of society, but sympathetic or neutral attitude towards them, being not sufficiently sure that following positive norms will really provide her or him with the expected benefits, often experiences less fluctuations in the election of a criminal subculture.

5. It is the strengthening of family values, as well as the protection of young and low-income families that measures for the prevention of juvenile delinquency should be directed to, the implementation of which is the responsibility of the state. The further development of international standards for the prevention of juvenile delinquency at the international level is also promising.

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