

Juvenile Offenders: Reasons and Characteristics of Criminal Behavior

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Abstract: The article examines the phenomenon of “juvenile delinquency”, assesses its actual state and establishes the tendencies of its manifestations. Juvenile delinquency in Ukraine as a part of crime in a broad sense arises and develops under the influence of certain determinants. The study of the causes and conditions of juvenile delinquency remains relevant today, which indicates the special danger of this kind of crime for the development of society. The purpose of the article is to study the state of the problem in Ukraine and the experience of other countries in minimising the criminal behaviour of minors in the process of property and non-property relations. The leading approach that was used when writing the article is the comparison and analysis of modern materials on the problems of criminal behaviour of criminals who have not reached the age of majority. As a result, it was possible to identify the social characteristics of juvenile criminals and the reasons for their criminal behaviour. Considerable attention is paid to the factors influencing the commission of crimes: a dysfunctional family, shortcomings of the educational process, the problem of alcohol and drug use by minors. In addition, some directions for the prevention of juvenile delinquency were developed. The applied value is the ability to change legislation in terms of work and correction of minor criminals' behaviour.

Keywords: Prevention, responsibility, property and non-property relations, Ukrainian legislation.

INTRODUCTION

Radical transformations in the political, social, economic conditions and in the public consciousness of the citizens of Ukraine, which brought a lot of positive things into public life, led at the same time to exacerbate contradictions in the youth environment. The ability to isolate them, understand the causes and interconnectedness, provide for ways to solve them in the interests of young people at the state, professional and individual levels could significantly improve the position of young people in the country and the opportunities for their life self-determination, intellectual, moral and physical development, the realisation of creative potential in the interests of both their own and Ukraine. The historical development of society largely depends on the extent to which such an effective factor of socio-political development as minors is used. First, it is determined by the share of young people in the structure of the population of each country. Secondly, at all times and among all peoples, young people have been at the forefront of social

movements, a kind of catalyst and engine of social transformations. One of the most acute problems of the present, affecting essentially all aspects of public life and, in particular, creating an immediate threat to economic and political transformations (a factor of social destabilisation in the society) is the steady growth of crime. Numerous studies have shown that the overwhelming majority of offenders enter the criminal path precisely at a minor age. The elimination of the causes of this phenomenon greatly contributes to the elimination of crimes that are committed not only by minors but also by adults.

The phenomenon of juvenile delinquency, regardless of the duration of its course, provides for a certain procedure for studying its genesis – determining the prerequisites for the occurrence of a crime; analysis of the appearance of its individual elements, their integration; identification of its internal mechanism. The study of the nature, causes, consequences, tendencies of a given social phenomenon has both scientific and practical significance. It can be the basis for improving social relations and civil society institutions, social norms and the practice of their application, for strengthening the system of social control, consistent implementation of measures of moral and legal

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education, social prevention and responsibility. All of them are aimed at ensuring maximum personal protection, meeting the interests of citizens, democratising and humanising society.

The article attempts to provide a criminological characteristic of a personality of a juvenile offender, considers the reasons and conditions that induce minors to commit illegal acts, emphasises the necessity to take comprehensive measures to combat juvenile delinquency, using their criminological characteristics. Much attention is paid to the problem of juvenile delinquency in criminology. At different times, scientists (Bugera 2014; Golina *et al.* 2006; Dedkovskaya 2016; Rybalko 1990; Aksonova, Vakulenko, and Vasiliev 2015; Yuzikova 2015). Most of them investigated a wide range of issues related to juvenile delinquency. Based on the results of their scientific research, new working hypotheses were put forward about: criminological characteristics of the most common crimes among juveniles; typical personality traits of a juvenile offender; determination of crime, as well as preventive measures. However, the developed theoretical provisions, conclusions and practical recommendations largely reflect the views on the problem of juvenile delinquency that were formed back in Soviet times. There is a lack of domestic studies of the current state of this phenomenon. An analysis of recent studies indicates that criminologists have established several features of the spread of juvenile delinquency and certain historical patterns of its development. Among them are: selfish orientation and predominantly group and street nature of criminal encroachments; the increased criminal activity of pupils of socially disadvantaged families, as well as children with mental and behavioural disorders; excessive aggression and unmotivated cruelty towards victims of violent crimes. Therefore, the still unresolved problems include the necessity to characterise the phenomenon of juvenile delinquency and a description of its latest manifestations, as well as an objective assessment of the current state of this issue.

MATERIALS AND METHODS

For the article, both materials of Ukrainian criminologists, lawyers, counsellors and doctors of sciences (Bandurka, Bocharova, and Zemlyanskaya 1998; Didorenko 2007; Steblinskaya 2013; Smetanina 2013; Golovkin 2013; Grabbe 2013), and research in the field of criminology of minors by foreign authors were used. When conducting criminological research, all methodological and methodical requirements that

may be applicable to social research were taken into account. The main methods used in writing this article included:

- 1) Reading the scientific literature, the results of research conducted earlier, social practice, as well as the analysis of the provisions that were covered in the literature, their evidence and assessment of the theoretical and practical significance.
- 2) The research methodology was developed in such a way that the collected information contained information of both objective and subjective character. Only a combination of objective and subjective indicators (objective-subjective complex) is one of the indispensable conditions for obtaining reliable results.
- 3) Methodology of sociological research – a set of methods for establishing specific social factors and means of obtaining and processing primary sociological information. This is a system of techniques that allow one or another method to be applied in a specific subject area in order to accumulate and systematise empirical material. It is about both the methods of obtaining the required data and the methods of processing the material. It is known that processing is an independent stage of research, and the methods that were applied were taken into account already at the first stages of the research; with their consideration the methods of obtaining primary information, the methodological documents themselves: questionnaires, programs, interviews, etc., were adjusted.
- 4) One of the methods of collecting information on juvenile delinquency was the document analysis method. The analysis of documents plays an essential role in social cognition, which is due to their place in public life. The documents reflect the spiritual and material life of society with varying degrees of completeness, they contain information about the processes and results of the activities of individuals, collectives, large groups of the population and society as a whole. Consequently, documentary information was of certain interest for this study.

RESULTS AND DISCUSSION

According to its content, the phenomenon of juvenile delinquency is the criminal activity of children

aged 11 to 18 years. The nature and direction of the criminal activity of children are determined by the unfavourable conditions for the formation and development of their personality during puberty, age-related characteristics of motivation, lifestyle, as well as the influence of persons with criminal experience. Minors take the path of committing crimes due to 4 main reasons: first, they are drawn into criminal activities by adults who have criminal experience; secondly, with the help of prohibited (illegal) behaviour, children express themselves in a play or protest form, distortedly exercise their right to independence (adulthood); third, the commission of crimes is a defensive reaction to social helplessness, feelings of abandonment, uncertainty and fear of the future; fourthly, criminal behaviour acts as a means of adaptation to difficult living conditions, the struggle for survival in any situation. The consequences of the growing level of juvenile delinquency is an increase in the rates of recidivism of crimes committed by adults. All the authors shared a similar opinion, incl. foreign ones who were engaged in the study of the crime situation in unfavourable areas of large industrial cities, incl. USA. These conclusions formed the basis of fundamental international legal acts against juvenile delinquency. At the same time, it should be remembered that persons who turned 16 years old before committing a crime are subject to criminal liability in Ukraine. However, for the commission of certain types of crimes, minors between the ages of 14 and 16 are prosecuted. Such types of punishments can be applied to minors found guilty of a crime, as fines, community service, correctional labour, arrest or imprisonment. Also, minors may be subject to additional punishments in the form of a fine and deprivation of the right to hold certain positions or engage in certain activities.

In addition, special, less strict and more humane conditions of criminal responsibility and punishment are provided for minors, in comparison with adult criminals, namely: under certain conditions, it is possible to release a juvenile from criminal responsibility with the use of compulsory educational measures; the types of punishments have been reduced and the terms of established punishments have been limited; there are softer requirements (conditions) for exemption from criminal punishment; the terms, after which it is possible to apply early conditional release to minors, as well as the terms of repayment and removal of conviction have been reduced. When sentencing juvenile offenders in Ukraine, a court takes into account

the severity of a crime committed, a personality of a perpetrator and the circumstances that mitigate and aggravate a punishment, as well as conditions of his life and upbringing, the influence of adults, the level of development and other characteristics of a personality of a minor. Also, the minor age of a person, in itself, is a circumstance that mitigates punishment – an interesting fact that must be taken into account when sentencing, regardless of whether a defendant has reached the age of majority at the time of a trial. The peculiarity of working with juvenile criminals is that they can be exempted from criminal punishment – Ukrainian legislation provides for this possibility, but under certain conditions. First, a minor can be released from punishment with a probationary period. Such release is possible if a person is sentenced to arrest or imprisonment. The probationary period is established for a duration of 1 to 2 years. Secondly, a minor can be released from punishment subject to the application of compulsory educational measures – if a minor has committed a crime of little or medium gravity, he can be released from punishment. However, it must be recognised that as a result of sincere remorse and further impeccable behaviour, a juvenile offender ceased to be dangerous to society. A similar practice of combating juvenile crime is found in the countries of the UN, the European Union and other international associations.

In Ukraine, as in many other developed countries, a minor can be imprisoned. Deprivation of liberty for a specified period is the most severe punishment for: repeated offences of little gravity (for a period not exceeding 1 year 6 months), a crime of average gravity (for a period not exceeding 4 years), a grave crime (for a period not exceeding 7 years), particularly grave crime (for a period not exceeding 10 years), particularly grave crime involving premeditated homicide (for a period up to 15 years). General types of exemption from criminal liability can be applied to minors: in connection with remorse; in connection with the reconciliation of a guilty person and a victim; in connection with the transfer of a guilty person on bail; due to a change in a situation. Parole can also be applied to minors from serving a sentence. However, the latter type applies only to those who have been sentenced to imprisonment. Separately, it can be noted that the coordinator of all areas of work related to the reform of the sphere of justice for children in Ukraine is the Ministry of Justice. Ukraine has introduced the National Strategy for Reforming Justice for Children for the Period until 2023, within the framework of which a

draft law "On Child-Friendly Justice" was developed, and the project "From Dream to Action" was launched, the purpose of which is to prevent juvenile delinquency. Additionally, the Ministry of Justice, together with the Prosecutor General's Office, launched a pilot project "Rehabilitation program for minors who are suspected of committing a crime" based on the system for providing BPD in Donetsk, Odesa, Lviv, Lugansk, Mykolaiv and Kharkiv regions. The key conditions for using the program are additional measures that will help the minor to build social connections, find a new hobby and change his behaviour. For this, specialised institutions and psychologists with experience in resocialisation of children are involved. Further, according to the results of the Recovery Program, if a minor compensates for the damage and reconciles with the victim, the criminal proceedings are closed. In this case, the minor will undergo resocialisation programs. According to the statistics of the Prosecutor General Office, in 70% of cases, a juvenile offender who is imprisoned for more than one year is sent to prison again. Therefore, restorative justice offers a chance to return to normal life.

Crimes are usually committed by juvenile offenders for specific reasons. Analysis of the information available today by domestic and foreign forensic experts has revealed some of the reasons for the criminal behaviour of minors. According to scientists, teachers, employees of various institutions that deal with minors (criminal police for minors, special institutions for minors, etc.), the main cause of juvenile delinquency is the unfavourable situation in the family and its negative impact. The family, in accordance with its nature, has an initial and, moreover, a very long-term function of raising children. It is the bearer of an emotional and psychological microclimate based on the unique closeness of educators and a child, and therefore directs the development of children's communication in all spheres of family, neighbours, educational, leisure, labour contacts and relationships. It is the family that provides lessons on gender relations and future family life; forms the attitude towards education and work activities, the requirements of responsibility to society, mutual assistance; determines the worldview, ideological, moral, legal values of the society; forms character, self-esteem and self-criticism; simulates leisure; ensures control over children and adolescents as members of society who are in the stage of intensive development and have not yet fully mastered the skills of social interaction. A special and very important component is

the specificity of the process of family education itself. Speaking about family education, it is necessary first of all to note its continuity, duration, versatility. In this, no other educational public institution can compare with the family. Deficiencies and violations in family education are the main sources of the formation of those distortions of a personality of a teenager, which determine the commission of a crime. They cause up to 80% of juvenile misconduct cases. It should be borne in mind that the influence of other sources of criminal "infection" of minors is largely stimulated by the position of the family.

The problem of juvenile delinquency is far from being limited to dysfunctional families, although for minors who grew up in them, the criminal risk increases four to five times compared to peers from families where there are no clear examples of daily antisocial behaviour. According to authors' data, 15.8% of the examined juvenile convicts lived in families where there were previously convicted persons among adults; 13.1% – where there were constant quarrels; 14.3% – where alcoholic beverages were abused. For 10.8% of families of convicted adolescents, hostile attitudes towards other people are characteristic. To neutralise unfavourable conditions in a family, their negative impact on the criminalisation of minors, a state program is necessary to overcome all types of family problems. The manifestations of juvenile delinquency are about ten of the most common types of crime among children. Children are also victims of unlawful attacks by minors in more than a third of cases. More than half of the crimes committed by minors are classified as grave and particularly grave. In the regional context, juvenile delinquency is spreading more intensively on the territory of densely populated industrial eastern and south-eastern regions of Ukraine, where a complex crime situation is always observed. Children living in depressed areas of large cities, regional and district centres are characterised by increased criminal activity. The consequence of the increase in the level of juvenile delinquency is an increase in the rate of recidivism of crimes committed by adults after a certain time. Based on these general provisions, the authors will try to give a quantitative and qualitative description of juvenile delinquency.

The legislator limited the period of committing crimes by minors according to the criterion of the lower limit of reaching the age of criminal responsibility (14 years) and the upper limit of reaching majority (18 years). However, in fact, the boundaries of the existence of the phenomenon of juvenile delinquency

are determined by the very criminal reality that has objectively developed among minors. Practice shows that children begin to experiment with committing offences and socially dangerous acts, as a rule, from the age of 11. From this age, for committing socially dangerous acts, for which the Criminal Code of Ukraine provides punishment in the form of imprisonment for a term of over five years, juvenile offenders are placed in reception centres for children. In general, juvenile offenders are characterised by two main models of criminal behaviour – poly-motivational and mono-motivational. The first is characterised by the ambivalence of desires and feelings, competition of needs and interests, scattering of goals, the uncertainty of intent regarding the ways, methods and means of unlawful encroachments, high dependence of the implementation of intentions on collective decisions, favourable situation development and victim behaviour. This model of behaviour is more typical for minors who are just taking the path of committing crimes and experimenting with various forms of dangerous behaviour and thereby strive to acquire a primary criminal experience and raise their status in the reference group. The mono-motivational model of juvenile criminal behaviour is based on homogeneous needs and interests, common motives and goals, priority forms and methods of criminal behaviour, which are covered by a single intent. Most often, such crimes are planned and committed in advance in criminal groups of mixed age composition of minors and adult criminals. Mostly these are crimes against property or against human life and health.

CONCLUSION

The criminological characteristics of a personality of a juvenile offender contain detailed information about a juvenile (age, state of health, level of development, other socio-psychological traits and properties), the presence of adult instigators and other accomplices in a criminal offence, negative inclinations (alcoholism, drug addiction, gambling addiction), mitigating and aggravating punishment of circumstances, the presence of causal relationships between motives, actions and the result of a committed unlawful act. The study of the criminological characteristics of a juvenile offender is necessary for organising counteraction to relevant crimes, developing a system of measures of state institutions and public organisations aimed at eliminating negative phenomena and processes that give rise to juvenile delinquency. The conducted research has allowed revealing some social

characteristics of juvenile criminals, the main determinants of their criminal behaviour. Crime belongs to the phenomena of social pathology, the consequences of which are dysfunctional, damaging society and an individual. Strengthening democratic institutions and building a civil society is impossible without reducing the negative effects of this type of deviation. The development of this problem may have not only theoretical but also practical interest, and its further study will provide additional opportunities for correct and timely conclusions regarding not only the present, but also the future in terms of creating favourable conditions for the harmonious development of youth, meeting the needs for voluntary choice of a behaviour type not prohibited by law, active participation in creative, cultural, sports and recreational activities.

In extreme conditions and in connection with the accelerated reform of law enforcement agencies, as well as the beginning of the development of criminal justice in relation to minors in Ukraine, the state clearly underestimates the threat from juvenile delinquency and does not pay sufficient attention to counteraction. Despite the optimistic statistical data in recent years, juvenile delinquency has been on the rise since 2014. This is due to the general complication of a crime situation in the state and the rapid criminalisation of the deviant teenage environment. The current state of juvenile delinquency is characterised by the following tendencies: exaggeration of selfish motivation, predetermination of common crimes by difficult life circumstances and the struggle for survival in an aggressive environment, an increase in the level of street violence in cities, the convergence of various forms of criminal behaviour, an increase in the proportion of repetition and recidivism, the involvement of minors in criminal activity by their parents, close relatives and other persons with criminal experience. Juvenile offenders are more and more focused on the seizure of money and property for a wide range of economic purposes. However, their criminal behaviour is predominantly unstable. Modern juvenile delinquency, on the one hand, is acquiring signs of a hybrid combination with offences, and on the other, it manifests itself in an increase in the proportion of grave and particularly grave criminal offences. The established trend has a negative impact on the effectiveness of prevention of this category of illegal acts in Ukraine and should be revised taking into account the identified models of behaviour of juvenile criminals.

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