

On the content of the concept of “criminological situation”

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Abstract. The article considers the content of the concept of “criminological situation” in the criminological aspect, determines its structure. The differentiation of the concept of “criminological situation” with related concepts used in the special literature is given. The concept of criminological situation is proposed, taking into account its division into the main constituent elements, the mechanism of interaction between phenomena and the result of this interaction is shown. The main features of a criminological situation are determined, these features are defined by common regular connections and dependencies between the phenomena of social development and crime at the levels of the development of the social environment, the formation of the system of social relations, the state and development of social processes management. Considering a criminological situation as a dynamic category, the authors determined the affecting criminogenic, anti-criminogenic or functional factors. It is concluded that their in-depth study and analysis create favorable conditions for generating organizational-tactical decisions, taking into account the real possibilities of society and the state in combating crime, determining the main directions, strategies. Innovative methods for studying, analyzing and assessing a criminological situation, as well as the ways, forms of combating crime are considered. A critical judgment is made about why some developments and recommendations proposed by specialists, despite the high scientific-technical level, do not bring the desired effect in practice. It is concluded that a criminological situation acts as a social reality, an objectively given phenomenon, and therefore its assessment should be the same for all institutions of the state and society.

Keywords: criminological security, determinants of crime, operational situation, criminal policy strategy, rule of law

1 Introduction

The effective activity of law enforcement agencies, state and local self-government authorities in the field of security in modern conditions, characterized by the dynamism of

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social processes, is impossible without an analysis of the criminological situation, its scientifically based assessment, forecasting the trends that determine its development.

In the legal literature, they quite often use the concepts of “criminological situation”, “criminogenic situation”, “criminal situation”, “operational situation”. The authors of works, where these terms are used, often use them as identical concepts. Currently, there is no detailed concept of “criminological situation”, despite the fact that it is quite common in the specialized literature. This circumstance leads to a certain confusion and ongoing discussions about the essence of the phenomenon under study. In particular, the opinion of P.N. Nazarov and B.I. Baranenko, who think that the operational situation is a sociological (criminological) category in nature and by no means legal, not operational, has been reasonably criticized in the literature [1]. To argue their position, the authors point to social factors as an element of the operational situation, but do not reveal the nature of the relationship of these factors with other elements and their place, role in the phenomenon as a whole.

The foundations of the doctrine of the criminological situation were laid by the Russian criminologist K.K. Goryainov [2]. In his opinion, the criminological situation should be understood as the state of crime, assessed in connection with the complex of determining factors, the characteristics of the most important social processes, as well as the state and activities of social institutions, criminal justice bodies that influence the state of offenses. As is seen, this definition clearly identifies the following independent elements: crime (its state); socio-economic, socio-psychological, demographic and other determining factors; activities of social institutions involved in crime prevention; activities of law enforcement agencies in general as a specific factor; policy makers’ orders; direction of criminal policy.

Various aspects of the content of the concept were considered in the works by G.A. Avanesov [3], A.I. Dolgova [4], A.V. Chernov [5], V.N. Kudryavtsev and V.E. Eminov [6], O.V. Starkov [7], M.M. Babaev [8], V.A. Pleshakov [9], Yu.V. Novikova [10], M.P. Kleimenov [11], A.V. Evseev [12], V.V. Sednev [13] and other researchers. Attention should also be paid to the results of the analysis of foreign researchers on the considered issues – N. Christie, D. Heide, P.H. Robinson, L.P. Ulausen.

New derivative concepts, which define even though related, but different phenomena, are introduced into the criminological glossary. For example, such as “criminogenic environment” [14], “criminal situation” [15], “criminogenic situation” [16]. In their content, properties, structure, forms of manifestation, they differ significantly, however, the researchers rightly point out the existing mixing of these concepts in practice, they think that this gap needs to be eliminated [17].

At the same time, for example, the study of the criminological and operational situation has much in common. Most of the authors who have studied the concept of “operational situation” in the most general form consider it as a set of real conditions for a law enforcement officer to solve specific tasks in combating crime and strengthening the rule of law. N.P. Barabanov understands the operational situation in a correctional institution as a set of internal and external conditions (factors) that make up the operational situation that affect the criminogenic situation [18]. However, the concept of “criminological situation” is sociological (criminological) in a general sense and, in relation to the fight against crime, determines the main directions, strategy.

The general defining element that is part of the content of both the criminological and operational situation should be called crime. It acts as a link that mediates the mutual influence of the criminological and operational situation. The totality of the characteristics of the operational situation can determine trends, which, in turn, will characterize the criminological situation from one or more sides. At the same time, despite the ongoing changes in the criminological situation (under the influence of the emerging operational situation), it always shows features of a certain constancy and stability of certain tendencies, influencing factors that determine the operational situation to a large extent.

In the new millennium, the study of this phenomenon has acquired a new meaning: new methods of study [19], analysis and assessment of the criminological situation [20]; the ways, forms of combating crime, requiring a single concept and plan [21], are emerging. This further confirms the thesis that the criminological situation is not frozen in its manifestations, although at certain stages of social development certain general causal factors may dominate for a long time, determining the patterns of its changes. It can be stated that some developments and recommendations proposed by specialists, despite their technical attractiveness, high scientific-technical level, do not bring the desired effect in practice [22]. This is due to some formalization of innovative developments, little knowledge of the real processes of occurrence and commission of crimes, circumstances, situations that contribute to the implementation of illegal intentions, motives and purposes of illegal acts. The criminological situation is a complex dialectic of fight and the impact of exciting, controlling and restraining forces in public behavior within the framework of the requirements regulated by criminal law. In-depth study, analysis and assessment of the criminological situation ultimately create favorable prerequisites for generating organizational-tactical decisions on the prevention and detection of crimes [23, 24].

2 Materials and methods

When conducting this study, the authors used methods of empirical knowledge acquisition: historical, system-structural, formal-logical, comparative-legal analysis, the method of interpretation of legal norms; private methods: observation, statistical method, content analysis of media materials. In combination, these methods made it possible to comprehensively study the phenomenon under consideration as a social, legal phenomenon, to systematize the patterns of its determination and the main directions of development.

3 Results

The phenomenon of the criminological situation can be considered as an interconnected complex of crime itself and processes, phenomena, events and circumstances acting as factors of the criminogenic, anti-criminogenic or functional orientation of its state at a given time and in a certain territory. The concept characterizes the criminological aspect of ongoing social processes, their socially negative spin-off result, the degree of achievement by society over a period of time of the goal of reducing crime, neutralizing and eliminating phenomena acting as causes and conditions.

The criminological situation is a set of heterogeneous factors (causal and functional ones) interacting and constituting a new quality, dynamically acting in relation to crime. It consists of the qualitatively new that is made up of factors, each of which, taken separately, does not determine one crime, a group of crimes and crime rate in general. This is a new quality on a social scale, a kind of synthesis, integration of various (in nature, by intensity and other qualities) forces that act criminogenically, this is a kind of interlacing of criminogenicity.

4 Discussion

Although crime and the rule of law are intersecting phenomena, they do not coincide. Crime as a social and legal phenomenon includes events and facts that are assessed as having criminal law significance [25]. They are an integral part of the content of the rule of law, the protection of which is carried out by law enforcement agencies within their competence. The content of the rule of law includes a number of legal phenomena regulated not by the norms

of criminal law, but, for example, by administrative law, etc. Such phenomena can only act as facts affecting the state of crime.

The proposed understanding of the criminological situation requires dividing these phenomena, expressing a certain social reality, into the main constituent elements, showing the mechanism of interaction between them and the result of such interaction.

The main features of the criminological situation are determined by the general regular connections and dependencies between the phenomena of social development and crime, primarily at the following levels:

- development of the social environment;
- formation and development of the system of public relations;
- the state and development of social processes management.

The influences and processes that are relevant to the criminological situation can affect it not by their essence (in most cases these are positively directed phenomena, for example, urbanization, migration), but by those ambiguous consequences, including negative ones, that are characteristic of any phenomenon. In addition, the effect of these consequences may decrease or increase depending on the characteristics of a particular social environment [26].

The essence and “behaviour” of the criminological situation is not only the result of the actions of law enforcement agencies in response to external influences. In this case, it would lose its self-determination as a phenomenon through “dissolution” in the influencing forces, constituting a part of them. In the same way, it cannot be represented as an entity that is autonomous from the environment, acting in it entirely “at its own discretion”. Being a product of the environment, separated from it, the criminological situation remains connected with the environment in its functioning and changes.

5 Conclusion

The criminological situation acts as a social reality, an objectively given phenomenon, therefore its assessment should be the same for all institutions of the state and society. This is a general social assessment of crime in terms of developing a concept for its reduction, for reducing public danger, developing a strategy to combat crime in this historical period.

Knowledge of the criminological situation is important for determining the capabilities of specific law enforcement agencies in solving the general task of combating crime, for developing a concept taking into account the available forces and means within the competence. The main features of the criminological situation, which have methodological significance in terms of its understanding, are as follows:

- the complexity of the studied social reality;
- dynamism (qualitative and quantitative transformation, since crime is in a state of continuous change);
- historical conditionality (correlations of content and form, essence and phenomenon);
- versatility (specificity of manifestation at various levels of social reality);
- temporal certainty;
- spatial diversity.

The main components in the modeled picture of the criminological situation are in the planes of general regular connections and dependencies between the phenomena of socio-economic development and crime, primarily at the following levels:

- development of the social environment (the phenomenon of urbanization, industrialization, migration, etc.);
- formation and development of a system of social values (the influence of culture, customs, morality, the state of education, legal responsibility, etc.);

- the state and development of the management of social processes, including social technology (the influence of legislation, the organization of the fight against crime, etc.).

In this case, only the systematization of the most important components is indicated, not their hierarchy, which implies an arrangement according to the degree of significance.

External phenomena and processes that are relevant to the criminological situation can affect it not by their essence, but by those ambiguous negative consequences that are characteristic of any positive phenomenon. However, the effect of these consequences may decrease or increase depending on the characteristics of a particular social environment. Hence, the criminological situation can be objective insofar as the phenomena and processes determining its state and development are objective, and therefore, as their function, it is an objective reality. But at the same time, it can also be subjective insofar as its specific characteristics, parameters and sometimes trends depend on the quality of management, on people's will.

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