

УДК 343:94(477)«1960/1991»

CRIMINAL LAW AND CRIME PREVENTION IN UKRAINE IN THE FIRST HALF OF THE 1980S

Pavel MELNYK,

Postgraduate of Department of Law and State of
Taras Shevchenko National University of Kyiv

SUMMARY

The article defines the main directions of the criminal-legal counteraction to crime in the first half of the 1980s. Quantitative indicators of the level of crime, the identification of factors that influenced their dynamics and regions features of making crime were analyzed. The amnesty influence on recidivism was defined. The personalities without permanent residence influence on involving young people to commit a crime were illuminated. The drunkenness influence on committing a crime and their character under the alcohol intoxication was shown. The number of economical crimes increasing reasons and the criminal-law prevention character was defined.

Key words: crime, criminal law and crime prevention, economic crime, hooliganism, crime repetition.

АННОТАЦИЯ

В статье определены основные направления криминально-правового противодействия преступности в первой половине 1980-х годов. Проанализированы количественные показатели уровня преступности с определением факторов, которые влияли на их динамику, и региональных особенностей совершения определенных преступлений. Определено влияние амнистии на рецидивную преступность. Освещено влияние личностей без постоянного места проживания на втягивание в преступность молодежи и совершение преступлений. Показаны влияние пьянства на совершение преступлений и характер совершаемых преступлений под воздействием опьянения. Определены причины возрастания количества экономических преступлений и характер криминально-правового противодействия их совершению.

Ключевые слова: преступность, криминально-правовое противодействие преступности, экономические преступления, хулиганство, рецидивная преступность.

Formulation of the problem. During the first half of 1980s the process of organizing countermeasures against crime was caused by a number of factors, determination of which was determined by ideas about the nature of criminal activity as fundamentally alien to Soviet society. In the development of the law continued to dominate the revolutionary class feasibility. Legal norms evolved under the direct influence of Bolsheviks ideology and did not embrace the whole sphere of the legal action. The concept of the preventive sasquatches terror was dominated. Criminal law expanded the types of crimes and actors of the crimes and did more cruel punishments. The extremely high level of estetization was there. Soviet society contributed to the fact that the criminal law is actually not considered from the angle of reflection and implementing them in social values. Social danger of the crime was seen as a given that needed no substantive evidence, determining the changes of its degree, and hence the severity of the crime depending on the specific assessment of the social value of an object of criminal-legal protection and compliance with criminal law.

Relevance of the topic. In the post-Soviet period, published works, this had both theoretical and practical importance for the understanding of the process of combating crime. In this regard, we can highlight the studies of Yu.M. Antonyan [1], A.M. Bandurka and L.M. Davydenko [2], A.F. Zelensky [3], A.M. Litvak [4; 5], V.V. Luneev [6], V.M. Popovich [7].

So, **the purpose of the article** is determination of the main directions of the criminal-legal counteraction to crime in the first half of the 1980s.

The presentation of the main research material. In the early 1980s of the criminal law respond to the most pressing problems. So, when the increased dynamics of hooliganism, by a decree of the Presidium of the Supreme Soviet of the USSR "On strengthening responsibility for disorderly conduct" from June 5, 1981 has been strengthened criminal liability for that act, set tight timelines for investigation and trial on hooliganism. Established

more strict liability for hooliganism with the use or attempted use of weapons. In 1982–1985 in criminal law, changes were made to counter receding crime of theft of state and social property and speculation [9, p. 80]. Understanding overall negative impact proizonization of the population, the Soviet leadership favored the differentiation of penalties for different types of crimes with its amplification for serious crimes and the weakening of small. June 27, 1980, was adopted a Decree of the Presidium of the Supreme Soviet of the USSR "About Amnesty of some categories of persons" convicted to deprivation of liberty and of persons who have committed crimes that are not serious. On the basis of Article 1 of the Decree of the places of deprivation of liberty was supposed to release 1 152 person, including 417 participants of the Second world war, 320 disabled I-II groups, 170 people over 60 years old, 37 women older than 55 years, and 208 women who had children under the age of 7 years and pregnant women. According to Article 3 of the Decree of correctional labor institutions were released and went on building the economy up to 13 500 people. According to the Decree ceased a criminal case on 2 300 people. Thus, according to the Minister of internal Affairs Golovchenko, the Decree of Amnesty of June 27, 1980, was extended to almost 17 000 people [10, p.60].

Next to this, steps were taken to end vagrancy, since a relatively large amount of crime is committed by persons who had no permanent place of residence, systematically drunk, not wanting to work. Another Decree of the CPSU Central Committee and USSR Council of Ministers dated February 23, 1970 (№ 136 "On measures on strengthening the struggle against persons evading socially useful labor and leading anti-social parasitic way of life" (resolution of the Central Committee of the Communist party of Ukraine and the Council of Ministers of the USSR from March 10, 1970 № 138) were provided for the systematic vagrancy, begging alms, and for keeping for a long time parasitic lifestyle criminal liability (Article 214 of the criminal code of the Ukrainian SSR). On this basis, only during

September-October 1980 under article 214 of the criminal code of the USSR was condemned by 1 300 people [10, p. 43–44]. On May 13, 1981 according to information on the number and composition of prisoners held in places of deprivation of liberty, on the territory of the USSR contained 172 800 arrested and convicted citizens. During 1978–1980 the number of prisoners increased to 23 300. Four months of this year the number has increased by 12 000 people. Moreover, among those who were serving sentences in colonies 51.1% of first-time convicted and each third convicted at the age of 25 years [13, p. 5]. During 1971–1980 the number of murders and attempted murders, committed in the Republic on the basis of family and domestic relations has increased by 22.5% and serious and moderate injuries by 35%. Their share among the total number of crimes specified categories was in 1980 respectively for 60.6% and 53.2%. The largest increase in homicides during the mentioned period took place in Zaporizhzhya region (238.9%), Dnipropetrovsk region (164.2%), Volyn (by 109%), and serious and moderate injuries in Kherson region (of 172.2%), Dnipropetrovsk region (133.7%), Mykolaiv region (111.8%) [14, p. 3].

One of the major factors which contributed to the spread of crime remained drunkenness. Drunkenness, which was typical of 95% of individuals who had conflicts in household relations, occurred in nine of ten cases of crimes [14, p. 4]. March 21, 1980 the Central Committee of the Communist party of Ukraine adopted a resolution “On additional measures on strengthening of struggle against drunkenness and alcoholism” in which law enforcement officials should take appropriate action.

According to the Minister of internal Affairs of the USSR, Golovchenko, 1980 in the interior Ministry was delivered 840 406 of persons in public places in a condition of strong alcoholic intoxication, of which 693 197 were in a medical sobering-up stations [14, p. 27–28]. Therefore, in the apparatus of the internal Affairs of regional Executive committees were established special departments for the disclosure of the most complex crimes. The devices of the criminal investigation Department were additionally introduced 375 people. In regional centers and major regional centers were created quickly—an investigation team on disclosure of burglaries, illegal acquisition of vehicles. The colleges with the participation of the officers of the criminal investigation were discussed measures to improve the investigative and intelligence work. Militia only anti-alcohol legislation was prosecuted 1.1 million (+11%), of which nearly 700 thousand (+7%) was contained in Mediterranean, and 16 000 chronic alcoholics were sent for treatment in 31 the medical-labor dispensaries of the Ministry of interior [14, p. 34–35].

As a whole in 1980 were revealed 112.4 thousand crimes or 21.2 thousand more than in the previous year. It was spotted almost 26 000 offenders (86.7% of those who were wanted). In 1980 it was exposed 4 000 criminal groups (+10% from the previous year). Among the perpetrators of crimes were 926 heads of enterprises and organizations, 1 500 production managers, 917 accountants. Criminals have seized the money and valuables amounting to 10 million rubles, 48 kg of gold. Due to the fact that the production was 247 000 criminal cases in 1980 in the state were additionally introduced 600 investigators. In 1980 it was 196 902 crimes (+14.1%). The rising number of crimes was due to the growth of hooliganism (+14.1%), theft of personal property of citizens (+3 706 persons), theft of state and public ownership (+3.600). 54 500 crimes were committed drunk. 93 000 crimes were committed by persons under the age of 29, of them 18 341 crime – persons who have not attained 18 years of age. 43% of registered offences were theft and embezzlement, and 16% – hooliganism [14, p. 36–37]. The rising number of crimes was one of the evidences of lack of efficiency of criminal legal counteraction to crime and about the need to expand methods of criminological impacts related to the prevention of criminal activity.

In 1985, in Ukraine there were \$249.6 m thousand crimes based on the number of crimes registered by the internal Affairs bodies. From this the number of crimes of embezzlement of state or collective property – 41.4 thousand, crimes against private property of citizens is 57.5 (theft – 46 thousand, robberies, and 7.6 thousand extortion – 0.2 thousand), speculation – 6.2 thousand, deception of buyers and customers – 2.4 thousand, a violation of trade rules and illegal trading activity – 1.1 thousand, bribery – 1, 6 thousand, a violation of the rules on foreign exchange transactions – 0.3 thousand, the manufacture or sale of counterfeit money or securities – 0,02 thousand, premeditated murder and attempted murder – 2.1 thousand, intentional severe bodily injury – 3.8 thousand, rape and attempted rape – 2.2 thousand, disorderly conduct – 18.9, violation of safety rules of movement and operation of transport by persons that drive vehicles – 17.3 thousand. Almost every other crime registered by the bodies of internal Affairs, seriously. In the Commission of serious crimes in 1985 were killed 7.4 thousand persons [8, p. 477–478]. Thus, among the offences were dominated thefts of state or collective property, crimes against individual property of citizens, hooliganism and violation of safety rules. Theft of property of citizens in the cities were made, as a rule, small organized groups, in which one of the participants was a qualified person for illegal penetration into premises with the destruction of the castles (“bearskin”), in the rural areas theft is mainly committed by inhabitants of the same locality, and a large percentage of thieves was alcohol addiction people. There were also cases of theft from the neighbors for their absence in their own home.

In the period under study has seen a dramatic increase in the number of economic crimes, the Commission of which was attended by local party and government leaders of the Vinnytsya region. Thus, under the guise of an extension to the house of life “Jubilee” in Vinnitsa was carried out unscheduled the construction of the Palace of registration of acts of civil status with a total value of 454 thousand RUBS. In the absence of plans of allocation for the acquisition of equipment which did not require installation, June 30, 1980, were paid for by 72.8 thousand rubles. For the manufacture of furniture for non-existent Houses of culture which do not need a rebuilt. Vinnytsya regional Executive Committee sought artificially to 1 July 1980 to increase the technical readiness of the House of culture in order to circumvent the decision of the CPSU Central Committee and USSR Council of Ministers decree of June 14, 1980 № 486. According to employees of inspection bodies in the field is firmly rooted in the practice of defrauding the state by false reporting. In 1978, in the construction of the Vinnytsya region of the control commissions was checked construction and installation works in the amount of 37.8 million. And was identified 277 thousand additions. In 1979, when the amount of proven work at 35.4 million RUB amount additions was amounted to 634 thousand rubles, or 2.3 times more. Despite the position of the employees of the Stroibank of the USSR, in 1979, in gross violation of rules of acceptance was put into operation power of the State bearing plant № 18 in Vinnytsa and Mogilev-Podolsk machine-building plant named after Kirov and two houses. In the field only in September 1980 was incorrectly made 5 projects with a total amount of defects over 200 000 rubles, which is 50 times more for the whole of 1979 [11, p. 34–35].

Another region where there was an increase in the number of cases of theft of state and public property was the Odessa oblast. So, in October 1980, the Prosecutor’s office of Odessa region exposed a criminal group in the collective farm named after Maxim Gorky, which with the use of official position during 1977–1980, he has committed theft of money and valuables, engaged in corrupt, causing the state losses in excess of 100 000 RUB. To the group of 13 included the Chairman of the collective farm V. Bocharov and the chief accountant E. Minkovich [12, p. 166].

Noteworthy is the relative spread of bullying, testified to the existence of serious problems in the organization of leisure of citizens. Only in 1980 for disorderly conduct were prosecuted 20 500 people (+18% compared to the previous year), 347 000 person (+6%) was punished for disorderly conduct. On the preventive account in militia there were almost 900 000, including juvenile offenders 95 000, 83 000 persons who arrived from places of imprisonment [14, p. 33]. The greatest number of crimes was made in 1985 in Ukraine in the Dnipropetrovsk region – 25.6 thousand, Donetsk – 40,6 thousand, Zaporozhye – 12,1 thousand, Lugansk – 14.3 thousand, Odessa – 17 thousand, the Autonomous Republic of Crimea is 14.5 m. Kiev is 9.8. The smallest number of crimes in Volyn region – 3.3 thousand, Transcarpathian 2.3 thousand, Ivano-Frankivsk – 3.4 thousand, Rivne – 4.1 thousand, Ternopil – 2,8 thousand, in Khmelnytskyi – Chernivtsi 4 thousand and 2.7 thousand [8, p. 479].

In General, Ukraine in 1985 was convicted 173.9 thousand persons [8, p. 482]. In 1985 to imprisonment were convicted of 37.8% of convicts sentenced to imprisonment with suspended execution of the sentence of 9.9%, to correctional labor without deprivation of freedom – 22%, to conditional deprivation of liberty and punitive deduction of earnings for a probationary period of 2.8%, to fine – 16.6%, to other penalties of 10.9% [8, p. 483].

Comparison of the number of sentences, their quality characteristics, as well as the number of cases and convicted suggests a high proportion of sentences involving deprivation of liberty. However, the proportion of persons convicted to deprivation of freedom has to some extent declined in comparison with 1960s. The General trend was a decrease in punishment for minor crimes and a significant increase for serious crimes. Courts of first instance typically prescribed more severe punishment, which in some cases POM actualize in the higher courts. To attention, as a rule, were taken of the circumstances of the offense and certain characteristics of the individual offender. Gradually spread the awareness that only the strengthening of criminal repression, the criminalization of the offences and as a result, the increase in the number of persons who were in prisons, contributes to the overall criminalization of society, the spread of the ethics of relations, the spread among the prisoners and persons who have served their sentences.

In 1985 young people under the age of 30 years was committed for 47.3% of the total number of crimes in the Republic. The proportion of young people among the perpetrators of theft of personal property of citizens was 68.3%, the looting of personal property of citizens – 80.2%, speculation – 27%, premeditated murder and attempted murder – 43.4%, intentional injury – 43.7% of rape and attempted rape was 86.2 %, hooliganism – 71.5% violation of safety rules of movement and operation of transport of 52.4% [8, p. 484].

In 1985 it was condemned 11 927 minor, including theft of state or collective have in – 2 492, theft of personal property of citizens – 3 711, for robbery of individual property of citizens – 1 473, for premeditated murder and attempted murder – 104, for intentional grievous bodily harm – 127, rape or attempted rape – 678, for disorderly conduct – 1 782, violation of safety rules of movement and transport operation – 226 [8, p. 485]. At the same time with the existence of a General trend of rising crime in the world the level of reported crime in the USSR was 8 times lower than in England. The differences in the developed Western countries in the field of crime rate were a few percent. However, a different picture was in the Asian and Pacific regions, where analyzing the gap reached significant values. The number of crimes on 100 thousand persons of the population of New Zealand, for example, in the middle of 1980s was 10 times higher than in Japan, and 236 times higher than in Bangladesh [6, p. 56].

Conclusions. The sanction system created by the Soviet criminal law, focused on the criminalization of acts that are not crimes, and tendencies to qualitative criminalization, that is,

strengthening existing sanctions for certain crimes, or extending the scope of their application. In fact, the positive impact of the law on people to some extent depends on the definition of the system of norms of the Special part of the Penal code. But in the Soviet period was established tradition of determining the criminal law sanctions without conducting large-scale sociological and psychological research, but only taking into account the “socialist consciousness” and the policy of the ruling party. In addition, the Soviet state started the practice of acquisitive crimes to be punished more severely than violent destructive behavior.

At the same time, the gradual replacement of imprisonment with probation, the imposition of temporary stays of execution and to bring those responsible to bail to labor groups to some extent improved the situation, but failed to stop the overall rise in crime. In the sphere of combating crime by influential authorities tried to turn the labor collectives, public organizations, meetings of veterans, and also public teams of law enforcement. However, the problem of legal education remained the generally accepted rules of drinking as the celebration of professional events that they sought to impose Soviet bodies instead of religious festivals, the beginning and the end of work, “promotion”. Increasingly common acquired use of drunkenness as a natural payment for work done or services rendered. It often happened that persons, who thus carried out the settlements for the work performed, in a state of intoxication committed crimes, including as a result of quarrels between them. Disorderly conduct drunk became a means of spending free time and often was not seen as anti-social behavior. On the contrary, participation in hooligan actions of the workers were perceived as protecting their “territorial” interests, as a demonstration of belonging “to their” team, street, or rural or regional community.

The actual implementation of decisions sometimes differed from those planned depending on changes in the situation that existed when the immediate threat of exposure at the place of crime, young people mostly refused from completing the crime. However, with the revelations at the crime scene, there were cases of resistance (including armed (mostly bladed weapons) not only to police officers, but citizens tried to prevent the criminal act.

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