

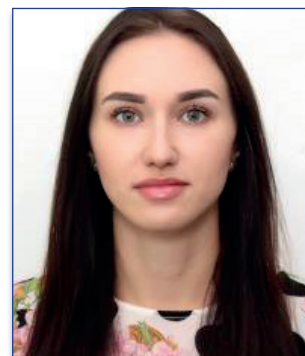
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Criminological Research On Modern Vandalism In Ukraine

Abstract. *The article is dedicated to research on modern vandalism in Ukraine from the perspective of criminology. Both official statistical information and results of authors' own research have been analyzed. It has been proven that modern vandalism in Ukraine should be criminalized and its signs included in the Criminal Code as aggravating circumstances. Researchers have drawn a general conclusion about the need for further research on the outlined issue.*

Keywords: *modern vandalism, criminological analysis, crime prevention, responsibility for vandalism.*

Introduction. One of important directions of Ukraine development as an independent democratic state is crime prevention. Success of this activity predominantly depends on theoretical development of prevention and counteraction for certain types of it. At the same time, it is vital to study both current criminal legislation and practice of its application in current conditions, and also determinants of existence and reproduction of certain crime types, as well as specific means and measures of preventing them. The significance of singling out crimes associated with vandalism as an independent object of criminological research is conditioned by the fact that actions of vandals committed in public places, in conditions where the majority of people are aware of their consequences, acquire a special anti-social color and negative meaning.

The criminal law manifestations of vandalism include acts stipulated by various sections of the Criminal Code of Ukraine. Some aspects of vandalism, its characteristics and meaning are provided in research papers by O.V. Aleksandrenko, H.O. Andres, O.M. Bandurka, N.O. Veselovska, A.F. Zelinskyi, I.V. Kovtoniuk, S.H. Kulyk, K.V. Latysh, V.V. Maksymov, L.H. Rostomian, D.A. Safonov, L.S. Filippova, E.N. Kharina, V.O. Shurukhnov and other domestic and foreign researchers. Most attention is paid to research on vandalism as a manifestation of destructive behavior in research papers of foreign researchers, such as E. Beits, B. Veib, P. Koen, A. Holdshstein, D. Fyshe, R. Beron, V. Ollen, M. Felson and others.

At present, there is an urgent need for criminological analysis of vandalism, definition of the determinants set, as well as improvement of preventive activities to prevent crimes connected with vandalism in compliance with current trends in development of science and practice.

The Research Paper Purpose is to research crimes related to vandalism as an object of criminological analysis. Meanwhile, a number of scientific tasks have been solved: the issue concerning the essence of vandalism as a manifestation of aggressive illegal behavior has been clarified; determinants



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The author declare that they have no conflict of interest.

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RESEARCH CRIMINOLOGY OF MODERN VANDALISM IN UKRAINE

Summary. The article is devoted to the study of modern vandalism in Ukraine from the point of view of criminology. Both official statistical information and the results of the authors' own research were analysed. It has been proven that modern vandalism in Ukraine should be criminalized and its characteristics included in the Criminal Code as aggravating circumstances. The researchers came to a general conclusion about the need for further study of the problem described. The objective of the article is to study crimes related to vandalism as an object of criminological analysis. At the same time, a number of scientific tasks were solved: the question of the essence of vandalism as a manifestation of illegal aggressive behavior was clarified; the determinants of modern vandalism are separate; the genesis of vandalism-related crimes has been investigated, their causes and conditions have been determined, etc. Research methods. The methodological basis of the work is the dialectical method, the application of which allows you to study the object and subject of research in their epistemological unity, their interrelation, as well as the differences in vandalism as a manifestation of aggressive behavior illegal. Using the historical method, historical and general theoretical questions of the essence of vandalism have been clarified. Using the methods of analysis and synthesis, the types of modern vandalism are separated. This was also facilitated by the use of the structural and functional method which was applied at the same level as the classification and grouping methods in the criminological analysis of crimes related to vandalism and the determination of their latency. The methods specified also made it possible to investigate the genesis of crimes related to vandalism, to determine their causes and conditions and to submit the personality of the criminal-vandal to a criminological analysis. The logical and semantic method was used to provide its own definition of vandalism. Concrete sociological and statistical methods of collecting and analyzing empirical material were also applied, questionnaires of scientific, scientific-pedagogical and practical workers regarding the latency of crimes related to vandalism and the study of documents.

Keywords: modern vandalism, criminological analysis, crime prevention, liability for vandalism.

of modern vandalism have been singled out; genesis of crimes associated with vandalism have been studied, their causes and occurrence conditions have been determined, etc.

Research methods. The methodological basis of research paper is the dialectical method, which application allows studying the object and the subject of research in their epistemological unity, interrelationship, along with peculiarities of vandalism as a manifestation of illegal aggressive behavior. With the help of the historical method, the historical and general theoretical issues of vandalism essence have been clarified. Using methods of analysis and synthesis, modern vandalism types have been singled out. This was also facilitated by application of the structural functional method, which was applied (at the same level as the methods of classification and grouping) while criminological analysis of crimes related to vandalism and determination of their latency. The indicated methods also helped to explore the genesis of crimes associated with vandalism, to establish their causes and conditions, and to subject the vandal offender to criminological analysis. The logical-semantic method was applied to provide own definition of vandalism. The specific sociological and statistical methods of collecting and analyzing empirical material have been also applied: questionnaires of scientific, scientific-pedagogical workers and practitioners on latency of crimes connected with vandalism, and research on documents.

The empirical basis of research paper is study of 296 criminal cases under different articles of the Criminal Code of Ukraine within the period from 2015 to 2020 which were examined by courts of first instance in a number of regions; data of the Unified State Register of Court Decisions; statistical information of the Office of the Prosecutor General of Ukraine on the state of crime and results of prosecutorial and investigative activities for 2015–2020; data received as a result of carried out research on 580 citizens; results of the survey on 100 practical law enforcement agencies concerning the latency level of crimes related to vandalism; results of a survey on 50 scientific and scientific-pedagogical workers as to determination and latency of crimes associated with vandalism.

Main Content Presentation. Destructive behavior was and remains an integral part of social development both at the individual and group levels, as well as in society in general. The historical process demonstrates that with the passage of time aggressive actions of people towards others as well as objects and structures around them are becoming increasingly common. At the same time, one of the most common manifestations of aggressive illegal behavior is such a social phenomenon as vandalism, which fairly provokes public indignation among law-abiding citizens.

Clearly, manifestations of vandalism appeared in history long before the emergence of the vandalism term. The first mention of the act of vandalism appeared in 356 BC, when Herostratus willing to become famous left a trace in historical memory by setting fire to the temple of the goddess Artemis of Ephesus: one of the seven wonders of the ancient world¹. However, according to the most widely accepted theory, vandalism got its name from the Vandals: name of the ancient East Germanic tribes known for their destructive attacks on Rome and its provinces². The Vandals differed in nature of destruction: they carried out destructive actions cruelly and mercilessly³.

¹ Маршуба М. О. О вандализме и борьбе с ним. Актуальные проблемы становления государственности в Украине: краткие тез. докл. и науч. сообщений межрегион. науч. конф. молодых ученых и соискателей. Харьков, 1995. С. 141.

² Донченко А. Ненаказуемый вандализм? *Российская юстиция*. 1998. № 6. С. 22.

³ Маршуба М. О. О вандализме и борьбе с ним. Актуальные проблемы становления государственности в Украине: краткие тез. докл. и науч. сообщений межрегион. науч. конф. молодых ученых и соискателей. Харьков, 1995. С. 41.



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RECHERCHE CRIMINOLOGIE DU VANDALISME MODERNE EN UKRAINE

Résumé. L'article est consacré à l'étude du vandalisme moderne en Ukraine du point de vue de la criminologie. Les informations statistiques officielles et les résultats des propres recherches des auteurs ont été analysés. Il a été prouvé que le vandalisme moderne en Ukraine doit être criminalisé et ses caractéristiques incluses dans le Code pénal en tant que circonstances aggravantes. Les chercheurs sont parvenus à une conclusion générale sur la nécessité d'une étude plus approfondie du problème décrit. L'objectif de l'article est d'étudier les crimes liés au vandalisme comme objet d'analyse criminologique. Dans le même temps, un certain nombre de tâches scientifiques ont été résolues : la question de l'essence du vandalisme en tant que manifestation d'un comportement illégal agressif a été clarifiée ; les déterminants du vandalisme moderne sont séparés ; la genèse des crimes liés au vandalisme a été enquêtée, leurs causes et conditions ont été déterminées, etc. Méthodes de recherche. La base méthodologique du travail est la méthode dialectique dont l'application vous permet d'étudier l'objet et le sujet de la recherche dans leur unité épistémologique, leur interrelation, ainsi que les différences de vandalisme en tant que manifestation d'un comportement agressif illégal. En utilisant la méthode historique, les questions théoriques historiques et générales de l'essence du vandalisme ont été clarifiées. En utilisant les méthodes d'analyse et de synthèse, les types de vandalisme moderne sont séparés. Cela a également été facilité par l'usage de la méthode structurelle et fonctionnelle qui a été appliquée au même niveau que les méthodes de classification et de regroupement dans l'analyse criminologique des crimes liés au vandalisme et la détermination de leur latence. Les méthodes spécifiées ont également permis d'enquêter sur la genèse des crimes liés au vandalisme, d'en déterminer les causes et les conditions et de soumettre la personnalité du criminel-vandale à une analyse criminologique. La méthode logique et sémantique a été utilisée pour fournir sa propre définition du vandalisme. Des méthodes sociologiques et statistiques concrètes de collecte et d'analyse de matériel empirique ont également été appliquées, questionnaires de travailleurs scientifiques, scientifiques-pédagogiques et pratiques concernant la latence des crimes liés au vandalisme et l'étude de documents.

Mots clés : vandalisme moderne, analyse criminologique, prévention du crime, responsabilité pour vandalisme.

Revival of scientific interest in vandalism issue took place at the end of the 20th century, when the number of vandalism acts in the whole world increased drastically. At that time, only O. M. Bandurka and A. F. Zelinskyi⁴ researched vandalism in Ukrainian science, studying its criminological aspect. As for foreign researchers, such as S. Koen⁵, D. Kanter⁶, they viewed these types of actions only from the perspective of psychology.

A great number of scientific developments associated with research on vandalism and its basic description have been introduced in countries of Eastern Europe and the USA. As of today, there are two most common and science-based classifications of this type of illegal behavior, but they were suggested in the last century by S. Koen and D. Kanter. Depending on the dominant motive of destruction, S. Koen distinguishes vandalism as a means of acquisition, tactical, ideological vandalism, vandalism as revenge, as a game and malicious vandalism⁷. D. Kanter, in addition to already proposed motives for revenge and acquisition, names the following: anger, boredom, research, aesthetic experience, existential research⁸.

The determinants set⁹ of modern vandalism exists and is reflected in almost all areas of social life, therefore it has a wide scope of distribution; and for a more precise analysis, we suggest to divide it into 3 large groups: economic, political and social. On this bases, we will analyze the determination process of the phenomenon under study.

A characteristic feature of modern Ukrainian economy is criminal monopoly in the most profitable spheres of public production (banking sector, fuel-energy and mining-metallurgical complexes, chemical industry, mechanical engineering, trade, pharmaceutical industry)¹⁰. The statement that an oligarchic economy model has been developed in Ukraine¹¹ should be also admitted. The prevalence of this model of economic relations is accompanied by such criminogenic phenomena as shadowing and monopolization of economy, deepening of economic inequality, deterioration of employment dynamics, and poverty of the majority of population. All this leads to an increase in the criminogenic potential of society and growth in crimes¹². In addition, population differentiation by income level, poverty and low employment also lead to increase in crime in Ukraine. In the ranking of the United Nations, Ukraine ranks 103rd among 181 countries in terms of gross domestic product per capita, and based on the same data, the gap between income of the richest and poorest citizens of Ukraine is 30:1¹³. Furthermore, in recent years, the political situation in Ukraine has been

⁴ Бандурка А. М., А. Ф. Зелинский. Вандализм : научное издание. Харьков : Ун-т внутр. справ, 1996. 199 с.

⁵ Cohen S. Vandalism. Destruction of property: motives and meanings. / Ed. by C. Ward. London, 1973. P. 22-53. 5

⁶ Canter D. Vandalism: overview and prospect. Vandalism. Behaviour and motivations / ed. C. Levy-Leboyer. New York : Elsevier Science Publishers, 1984. 690 p. 6

⁷ Cohen S. Vandalism. Destruction of property: motives and meanings. / Ed. by C. Ward. London, 1973. P. 22-53. 5

⁸ Canter D. Vandalism: overview and prospect. Vandalism. Behaviour and motivations / ed. C. Levy-Leboyer. New York : Elsevier Science Publishers, 1984. 690 p. 6

⁹ Детермінаційний комплекс – сукупність соціальних чинників різного рівня та детермінуючих властивостей, що впливають на механізм породження, зумовлення та розвитку злочинності.

¹⁰ Головін Б. М. Загальна характеристика детермінації злочинності в Україні. *Форум права*. 2014. №1. С. 108.

¹¹ Пасхавер О. Й., Верховодова Л. Т., Агеева К. М.. Світовий досвід для України: взаємовідносини великого капіталу з владою і суспільством. Київ : «Дух і література», 2007. 130 с. 18.

¹² Головін Б. М. Загальна характеристика детермінації злочинності в Україні. *Форум права*. 2014. №1. С. 107.

¹³ Нерівність в Україні: масштаби та можливості впливу / ред. Е. М. Лібанової. Київ: Інститут демографії та соціальних досліджень імені М. В. Птухи НАН України, 2012. 404 с. 14

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FORSCHUNG KRIMINOLOGIE DES MODERNEN VANDALISMUS IN DER UKRAINE

Zusammenfassung. Der Artikel ist der Untersuchung des modernen Vandalismus in der Ukraine aus kriminologischer Sicht gewidmet. Dabei wurden sowohl amtliche statistische Angaben als auch die Ergebnisse eigener Recherchen der Autoren ausgewertet. Es ist erwiesen, dass moderner Vandalismus in der Ukraine kriminalisiert und seine Merkmale als erschwerende Umstände in das Strafgesetzbuch aufgenommen werden sollten. Die Forscher kamen zu einem allgemeinen Schluss über die Notwendigkeit einer weiteren Untersuchung des beschriebenen Problems. Das Ziel des Artikels ist es, Vandalismusdelikte als Gegenstand kriminologischer Analysen zu untersuchen. Gleichzeitig wurden eine Reihe wissenschaftlicher Aufgaben gelöst: Die Frage nach dem Wesen von Vandalismus als Ausdruck illegalen aggressiven Verhaltens wurde geklärt; die Determinanten des modernen Vandalismus sind getrennt; die Genese von Vandalismusdelikten untersucht, deren Ursachen und Bedingungen ermittelt etc. Forschungsmethoden. Methodische Grundlage der Arbeit ist die dialektische Methode, deren Anwendung es Ihnen ermöglicht, Gegenstand und Gegenstand der Forschung in ihrer erkenntnistheoretischen Einheit, ihrer Wechselbeziehung sowie den Unterschieden im Vandalismus als Manifestation aggressiven Verhaltens rechtswidrig zu untersuchen. Mit der historischen Methode wurden historische und allgemeinheitstheoretische Fragen zum Wesen des Vandalismus geklärt. Mit den Methoden der Analyse und Synthese werden die Typen des modernen Vandalismus getrennt. Dies wurde auch durch die Verwendung der Struktur-Funktions-Methode erleichtert, die in der kriminologischen Analyse von Vandalismusdelikten und der Bestimmung ihrer Latenzzeit auf der gleichen Ebene wie die Klassifizierungs- und Gruppierungsmethoden angewendet wurde. Die genannten Methoden ermöglichten es auch, die Genese von Vandalismusdelikten zu untersuchen, ihre Ursachen und Bedingungen zu ermitteln und die Persönlichkeit des kriminellen Vandalen einer kriminologischen Analyse zu unterziehen. Die logische und semantische Methode wurde verwendet, um eine eigene Definition von Vandalismus bereitzustellen. Es wurden auch konkrete soziologische und statistische Methoden zur Erhebung und Analyse empirischen Materials angewendet, Fragebögen von wissenschaftlichen, wissenschaftlich-pädagogischen und praktischen Arbeitern zur Latenz von Vandalismusdelikten und zum Studium von Dokumenten. Stichworte: Moderner Vandalismus, kriminologische Analysen, Kriminalprävention, Haftung für Vandalismus.

characterized by instability, existence of both internal and external threats. We are now witnessing social decline in the country, national disappointment with regard to politicians' activities, negative foreign policy processes, and increase in crime level.

Negative phenomena and processes arising from the political area provoke aggression, mistrust to political figures and political parties, lower the level of social tolerance among population, awaken thirst for demonstrative self-assertion, evoke a desire for destruction and establishment of justice. Due to this fact, abuse of state symbols takes place, administrative buildings are damaged, propaganda posters are painted over or destroyed.

From our point of view, informational determinants should also be taken into consideration when analyzing the determinants set of vandalism. Information must be interpreted as a determinant without which functioning and effectiveness of any community is impossible¹⁴. Therefore, there is no doubt that influence of mass media (hereinafter referred to as MM), its promotion of dubious values, the emergence of articles and videos on the Internet generating aggression, affect personality development and shape negative values and attitudes.

When researching the social area of the vandalism determinants set, it is needed to focus on the fact that we are currently observing decline in social morality and spiritual culture among population. In today's society, a feeling of loneliness, frustration and unhappiness prevails. People live without a clear definition of values, life positions and outlook orientation. Vandal behavior is a form of behavior that is expressed not only externally, but also in change of value orientations and ideas, i. e. in deformation of the internal regulation of an individual's behavior. Conditions for the emergence of vandalism are associated with violation of the socialization process¹⁵. Legal nihilism is becoming widespread in modern society. As a consequence of these negative changes, in the consciousness of an individual, there are cases of decrease in the feeling of fear before punishment imposition and patience for repeated violation of the criminal law.

In social education area of individuals, an important place is taken by family, the nearest everyday environment, educational institutions and employment. The family environment combining elements that contribute to the development of the functional state of the child's body, its adaptation resources, resistance to negative influences, achievement and maintenance of emotional comfort, compliance of inner world with fundamentals of harmony, also lays the basis for self-development¹⁶. In dysfunctional families, there is no proper moral education, good examples of parents, family members are not involved in moral or ethical education as well as culture.

Criminological analysis of vandalism in Ukraine

Research on any negative phenomenon in criminology requires its multidisciplinary analysis, and therefore provision of its criminological description. While criminological research on crimes connected with vandalism, we used: 1) statistics of the Prosecutor General Office of Ukraine on the state of crime and results of prosecutorial and investigative activities for 2015–2020; 2) criminal cases data on crimes related to vandalism.

The exact number of registered crimes with signs of vandalism cannot be determined. This is due to the fact that vandalism is not criminalized in

¹⁴ Леонтьева Л. Е. Інформаційні детермінанти в політичних процесах. *Держава і право*. Юридичні і політичні науки. Київ, 2005. Вип. 29. С. 574.

¹⁵ Алиев Х. К. Вандализм: уголовно-правовые и криминологические проблемы (по материалам Северо-Кавказского федерального округа) : дис. ... канд. юр. наук 12.00.08 / Федеральное государственное бюджетное образовательное учреждение высшего образования «Всероссийский государственный университет юстиции (РПА Минюста России)». Москва, 2015. С. 112–113.

¹⁶ Вовчик-Блакитна О. О. Спосіб життя сім'ї як детермінанта розвитку дитини. *Науковий вісник МНУ ім. В. О. Сухомлинського. Серія психологічні науки*. 2013. Том 2. №10 (91). С. 73.



Ukrainian legislation, and thus not all types of corpora delicti stipulated in listed articles contain signs of vandalism and require additional establishment of vandalism motive in studied acts. Therefore, we will determine the level of crime related to vandalism by articles in which vandalism signs constitute signs of corpus delicti of these crimes.

According to performed research on the percentage ratio of criminal offenses related to vandalism in the general crime structure, it has been determined that their relative proportion is approximately 0.5%¹⁷. Despite a rather small number of such manifestations among all unlawful acts in Ukraine, their number in the structure of all crimes has remained stable for six years. In addition, having studied a number of registered criminal offenses committed in public places, a noticeable regularity of relative proportion of investigated criminal offenses was discovered in the total number of registered criminal offenses for the period from 2015 to 2020. For example, according to the Office of the Prosecutor General, a total of 103,948 criminal offenses were registered in 2015, of which 565,182 had been committed in public places: in 2016: 592,604 and 103,538; in 2017: 523,911 and 76,804; in 2018: 487,133 and 76,242; in 2019: 444,130 and 68,545; and in 2020: 360,622 and 48,749, respectively¹⁸ [3]. As shown, the level of crime in public places has gradually decreased over the past 6 years, and in 2020 it dropped by 4% compared to 2016 (relative proportion of criminal offenses committed in public places was 18% in 2015, 17% in 2016, in 2017: 15%, in 2018: 16%, in 2019: 15%, and in 2020: 14%). Undoubtedly, such division is conditional, as vandalism and criminal offenses associated with it are not criminalized in Ukrainian legislation, so it's possible to characterize its manifestations only by studying criminal offenses committed in public places and by destroying, damaging, spoiling and abusing property. After all, as was noted earlier, these characteristics are signs of vandalism as a phenomenon.

Since vandalism and related criminal offenses are part of crime in public places, such a downward tendency can be confirmed in relation to these manifestations as well. In addition, criminal offenses associated with vandalism are committed exceptionally in public places, so the topography of the studied phenomenon also has its own peculiarities. According to carried out empirical research, there is a clear predominance of committing these acts in public places, namely: in the streets (47%), cemeteries (25%), in places of public entertainment (18%), entrances and courtyards of apartment buildings, in the adjacent territory (7%), and also in other public places (3%).

The choice of such places for commission of vandalism and related crimes is due to the fact that a vandal because of their moral and psychological traits (disrespectful attitude towards generally accepted standards of morality, ethics, rules of coexistence, towards everything that is universally accepted, respected; opposing oneself to the team, public interests, disrespectful attitude towards one's surroundings) chooses a public place, territory, where a large flow of people daily revolves and conditions under which results of a criminally wrongful deed later become known to a large (unspecified) number of people¹⁹.

The revealed pattern was also confirmed by data of the Ministry of Internal Affairs, as well as expert conclusions²⁰. However, despite the general tendency of decrease in crime rate in general and crime connected with

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BADANIA KRYMINOLOGII WSPÓŁCZESNEGO WANDALIZMU NA UKRAINIE

Streszczenie. Artykuł poświęcony jest badaniu współczesnego wandalizmu na Ukrainie z punktu widzenia kryminologii. Analizie poddano zarówno oficjalne informacje statystyczne, jak i wyniki badań własnych autorów. Udowodniono, że współczesny wandalizm na Ukrainie powinien być penalizowany, a jego cechy powinny być wpisane do Kodeksu karnego jako okoliczność obciążająca. Badacze doszli do ogólnego wniosku o potrzebie dalszych badań opisanego problemu. Celem artykułu jest zbadanie przestępstw związanych z wandalizmem jako przedmiotu analizy kryminologicznej. Jednocześnie rozwijano szereg zadań naukowych: wyjaśniono kwestię istoty wandalizmu jako przejawu nielegalnego zachowania agresywnego; determinanty współczesnego wandalizmu są odrębne; zbadano genezę przestępstw związanych z wandalizmem, ustalono ich przyczyny i przesłanki itp. Metody badawcze. Metodologiczną podstawą pracy jest metoda dialektyczna, której zastosowanie pozwala na badanie przedmiotu i przedmiotu badań w ich epistemologicznej jedności, ich wzajemnych powiązaniach, a także różnic w wandalizmie jako przejawie zachowań agresywnych niezgodnych z prawem. Metodą historyczną wyjaśniono historyczne i ogólnoteoretyczne pytania dotyczące istoty wandalizmu. Za pomocą metod analizy i syntezy wyodrębniono typy współczesnego wandalizmu. Sprzyjało temu również zastosowanie metody strukturalno-funkcjonalnej, która została zastosowana na tym samym poziomie co metody klasyfikacyjno-grupowe w kryminologicznej analizie przestępstw związanych z wandalizmem i określaniu ich latencji. Wskazane metody umożliwiły również zbadanie genezy przestępstw związanych z wandalizmem, ustalenie ich przyczyn i uwarunkowań oraz poddanie analizie kryminologicznej osobowości przestępcy-wandala. Metoda logiczna i semantyczna posłużyła do stworzenia własnej definicji wandalizmu. Zastosowano także konkretne socjologiczne i statystyczne metody zbierania i analizy materiału empirycznego, ankiety pracowników naukowych, naukowo-pedagogicznych i praktycznych dotyczące latencji przestępstw związanych z wandalizmem oraz badania dokumentów. Słowa kluczowe: współczesny wandalizm, analiza kryminologiczna, zapobieganie przestępczości, odpowiedzialność za wandalizm.

¹⁷ Бочарова К.А. Запобігання злочинам, пов'язаним з вандалізмом : монографія / за заг. ред. С. Ю. Лукашевича. Харків : Право, 2019. С. 51.

¹⁸ Офіс Генерального прокурора України. Статистична інформація. URL: <https://www.gp.gov.ua/ua/1stat>

¹⁹ Бочарова К.А. Запобігання злочинам, пов'язаним з вандалізмом : монографія / за заг. ред. С. Ю. Лукашевича. Харків : Право, 2019. С. 56.

²⁰ Коронавірусна та посткоронавірусна злочинність: первісні карантинні припущення. URL: <https://lexinform.com.ua/dumka-eksperta/koronavirusna-ta-postkoronavirusna-zlochyynnist-pervisni-karantynni-prypushhennya/>

vandalism in particular, the rate of so-called “domestic” crime rose sharply during quarantine. Thus, as can be observed, every rule has its exceptions.

Therefore, decrease in the rate of crimes related to vandalism while the coronavirus pandemic has its own explanations.

Firstly, criminals, as law-abiding citizens, have their own fears, social needs, rights, etc.; therefore, they also want to maintain their health, so they spend less time outside home. In addition, continuous flow of information provided by MM about the rate of COVID-19 spread, as well as common knowledge of facts as to severe consequences of the course of disease, affected vandals’ desire to be in public places and commit destructive actions.

Secondly, closure of cafes, cinemas, limited availability of public transport, cancellation of mass gatherings, etc., also contributed to a decrease in the number of manifestations of vandalism and related crimes. This is because of the fact that criminals are no longer interested in spending time in public places due to the lack of street entertainment and a variety of pastimes.

Thirdly, the tendency of decrease in the rate of a specified crime is also connected with a decrease in the number of people on the streets, as a result, the possibility of committing any actions to damage, spoil or destroy property is reduced to a minimum. Fewer crimes are committed when it is too visible. A Corresponding design of the environment provides a better view of the area. In addition, premises and entrances to them, common areas, public parking lots, leisure areas and footpaths should be clearly monitored: this will reduce the likelihood that a criminal will be able to hide or be noticed. Such measures can lead to the emergence of a sense of fear in a criminal, as the likelihood of noticing them increases. Application of technical means and capabilities in places where criminal offenses related to vandalism are most frequently committed and where people inclined to commit crimes meet will create additional barriers to taking a criminally illegal action, as obviousness for vandals is highly important because it becomes a barrier while destructive actions implementation.

A modern settlement is provided with technical means which ensure security, law and order within it; in addition, the openness of space and lack of mass human flow prevent the emergence of conditions suitable for committing acts of vandalism and related criminal offenses.

The rate of investigated crime is directly proportional to the rate of all crime; therefore, since according to estimates of internal affairs bodies and statistics of the Office of the Prosecutor General of Ukraine its indicator decreased in 2020, it correlated with a decline in the level of committing acts of vandalism and criminal offenses associated with it. Surely, from our perspective, the very situation with the pandemic and its social, economic and political consequences for situation in Ukraine contributed to the fact that, due to uncertainty regarding the future and duration of the pandemic, people started to be more concerned about their own safety and health rather than crimes commission.

For more precise coverage of crime rate, it is vital to study two quantitative indicators: about crimes committed and perpetrators of crime. Ignoring at least one of the indicators can form a distorted image of crime state, since, on the one hand, a crime can be committed by several persons, and on the other hand, one and the same person can commit several separately registered crimes²². Considering peculiarities of crimes associated with vandalism, in order to identify precise indicators of criminal conviction (the number of

²¹ Пивоваров В. В., Мельничук Л. О. Роль конкретної життєвої ситуації у механізмі вчинення злочину. *Карпатський правничий часопис*. 2015. №10. С. 72-78.

²² Закалюк А.П. Курс сучасної української кримінології: теорія і практика: у 3 кн. Київ: Ін Юре, 2007. Кн. 1: Теоретичні засади та історія української кримінологічної науки. С. 156-157.

people prosecuted and sentenced to particular punishments²³) rate, through continuous monitoring, we investigated criminal cases against persons who were convicted by courts of first instance from 2015 to 2020. At the same time, only those containing signs of vandalism were selected from the ones officially published by us. Based on the results of our research, we can draw a disappointing conclusion that level of guilty prosecution is low. In our opinion, in this case, a decrease in a number of criminals in no way indicates a decrease in its rate in general, but is an example of inaction of law enforcement agencies, imperfection of tactics of operational and investigative activities, indifference of population and improvement of criminal skill in masking traces. A precise analysis of the criminological description of the personality of a vandal offender will be studied in the next paragraph of the dissertation. The analysis of the indicated data once again supports the hypothesis put forward earlier that the lack of a legal definition of vandalism, non-criminalization of some acts, the lack of official statistics on a number of committed crimes related to vandalism, creates difficulties for implementation of preventive activities concerning specified crimes. Furthermore, implementation of amendments suggested by us in the Criminal Code of Ukraine will reduce the level of vandalism latency and eliminate discrepancies in classification of crimes associated with it.

We believe that it is crucial to pay particular attention to methods of committing vandalism as one of the criminal law signs. The method is a way of how the criminal carried out his criminal intent in a specific illegal act. According to our information, it turned out that only 15% of criminals plan in advance to carry out an act of vandalism, all other cases are committed spontaneously and implementation of intention takes place without a preliminary prepared plan. Thus, the basis of vandalism is a psychological mechanism of aggression substitution, according to which, it is directed not towards the stress source, but towards another object: a person directs their anger by influencing it²⁴. That is, it should be stated that a vandal does not always come to a crime scene with an instrument for crime commission. From case files it can be seen that cases of crimes related to vandalism occurred as a result of a conflict situation and intention to undertake illegal actions was implemented on the spot.

As a result of summarized empirical data, it was established that convicted persons committed crimes associated with vandalism by damaging (52%), abusing (31%), spoiling (12%), destroying (4%) property, as well as by other destructive ways (1%).

Destruction of property means bringing property to unservable condition for its intended purpose. As a result of destruction, the property ceases to exist or completely loses its value²⁵. In our opinion, it is bringing the object to such a state that its intended use as well as restoration or repair are no longer possible.

Damage to property is a deterioration in quality, decrease in value of a thing, or bringing it to a condition unservable for its intended purpose for some time²⁶. We define damage to property as a set of actions that have brought property or object to an unusable or unaesthetic condition while preserving the possibility of its repair or restoration.

²³ Кримінологія: підручник / В. В. Голіна, Б. М. Головкін, М. Ю. Валуїська та ін.; за ред. В. В. Голіни, Б. М. Головкіна. Харків: Право, 2014. С. 56.

²⁴ Маршуба М. О. О вандализме и борьбе с ним. Актуальные проблемы становления государственности в Украине: краткие тез. докл. и науч. сообщений межрегион. науч. конф. молодых ученых и соискателей. Харьков, 1995. С. 47.

²⁵ Коментар до статті 194. Умисне знищення або пошкодження майна. URL: <http://yurist-online.com/ukr/uslugi/yuristam/kodeks/024/191.php>

²⁶ Великий тлумачний словник сучасної української мови (з дод. і доп.) / уклад. і голов. ред. В. Т. Бусел. Київ: Ірпінь : ВТФ «Перун», 2005. С. 690.

Spoilage is causing damage that reduces the historical, scientific, aesthetic or recreational value of objects of culture and nature²⁷.

Arson is deliberate setting of fire by using source of fire to burn certain objects [24]. At the same time, it should be borne in mind that arson can have two meanings.

Abuse consists in making fun of a subject of criminal encroachment, in a mocking, disrespectful attitude towards it²⁸. Defilement and destruction constitute abuse. Defilement involves application of offensive or indecent inscriptions, signs, drawings that go beyond moral standards accepted in society. Destruction is violation of their integrity, damage, breakage²⁹. Separately, abuse can be attributed to ridicule: making fun of something, mockery of something³⁰.

There were also some time trends for committing vandalism: 64 % of vandalism acts took place in the evening and at night, 26 % early in the morning and only 10 % in the afternoon. In addition, we determined the pattern of increasing the number of vandalism acts due to decrease in the length of the day. It has been found that during summertime acts having vandalism signs are only committed at night; at the same time, in winter: these offenses are committed more often and throughout the day. Therefore, poor lighting and availability of dark areas in public places are favorable conditions to increase the number of vandalism acts.

Motivation of actions for modern vandals

The main characteristic feature of the activity of crimes related to vandalism is a motive. Motives form a beginning that encourages to action, internal foundations and purposeful orientation of activity, and their structure characterizes the development of personality through its content, that is, through results of the individual's assimilation of elements of the social environment, social relations. A motive is an intention formed under the influence of a person's social environment and life experience, which is an internal direct cause of crime commission and expresses a personal attitude to what this action is aimed at³¹. A motive is not always realized by a criminal, but it is present when crimes are committed³². Motives can be different, but they are always provoked by criminal motivation³³ and anti-social orientation of an individual³⁴.

Based on results of research on criminal cases for crimes associated with vandalism, the following types of motivations for committing these acts may be singled out:

the self-serving is the most common among all. The ultimate goal of committing a crime related to vandalism is the desire to receive material compensation for stolen things (objects of settlements improvement, elements of transport and its components, etc.). With such motivation, desecration of a grave, other burial place or the deceased body is carried out, intentional destruction or damage to electric power facilities or communication lines, damage to facilities of main or industrial oil, gas, condensate pipelines and petroleum product pipelines, illegal retention, desecration or destruction

²⁷ Ibid. C. 633.

²⁸ Ibid. C. 742.

²⁹ Кримінальне право України: Особлива частина: підручник / Ю. В. Баулін, В. І. Борисов, В. І. Тютюгін та ін.; за ред. проф. В. Я. Тація, В. І. Борисова, В. І. Тютюгіна. 5-е вид., переробл. і допов. Харків : Право, 2015. С. 377.

³⁰ Ibid. C. 185.

³¹ Игошев К. Е. Типология личности преступника и мотивация преступного поведения. Горький : Изд-во ГВШ МВД СССР, 1974. С. 18; 58–59.

³² Зелінський А. Ф. Кримінальна мотивація розкрадань та іншої корисливої злочинної діяльності : навч. посібник. Київ : НМК ВО, 1991. С. 21.

³³ Кримінальна мотивація — це поетапна психічна діяльність із формування мотиву та приведення свідомості і волі у стан підвищеної готовності реалізувати злочинний задум..

³⁴ Антисуспільна спрямованість особистості — це система ціннісних переваг, що вмотивовують вибір протиправного шляху досягнення цілей життя та діяльності.

of religious sanctities and conduct of search operations on archaeological heritage sites, destruction, deterioration or damage to cultural heritage sites;

the emotional and selfish is actions aimed at vandalism under these circumstances that are most frequently directed in response to an insult or a conflict. This type of criminal behavior motivation includes dissatisfaction, revenge, hostile relations and jealousy. This includes damage to transport routes and vehicles, intentional destruction or damage to property, and in some cases hooliganism;

the ideological and political is implemented through the criminal's anger at state politics, nihilism, ideology propaganda which principles are unacceptable, worthless for a person, or they completely deny any ideological values. A person who commits an act of vandalism expresses their anger, indignation or protest by destroying or damaging religious buildings and objects of ideology, property closely related to activities of the state and its bodies. This motive provokes abuse of state symbols, damage to religious buildings or worship houses, illegal possession, desecration or destruction of religious shrines are carried out;

the hooligan vandal orientation is commission of an illegal act with this motive that is accompanied by disregard for moral values and standards. Hooligan motives are manifested in desire to self-affirm themselves, openly demonstrate disregard for the environment and contrast their behavior with human life rules³⁵. Persons with such motivation strive to show outrage, boasting, mad bravery, cruelty.

the mixed is when two or more of the aforementioned types may be combined in one or more illegal acts.

Motives arise and become entrenched in motivation, in our case criminal. Motivation is an internal force that generates a personal choice of one of the possible options for behavior and pushes a person to fulfill the set goal³⁶.

Intention implementation and emergence of criminal consequences while crimes related to vandalism take place from interaction of a vandal offender with accomplices, third parties and, in 10% of cases, with a victim. At this stage, deviation from a previously prepared plan or the loss of the ability to do everything from beginning to end are possible.

If reasons generate consequences, then conditions are circumstances contributing to crimes commission³⁷. Crime conditions are understood as a set of negative phenomena and processes promoting formation and manifestation of crime causes³⁸. All conditions of crimes connected with vandalism can be conditionally divided into subjective (internal) and objective (external). Conditions depending on the people will and motivated by negative moral and psychological traits and phenomena, personal traits, are subjective. Objective conditions are those conditions that arise from social contradictions not depending on the consciousness and will of a person, maintain a state of tension in society and contribute to crime.

Objective conditions of crimes related to vandalism: low level of population employment; low wages eliminating interest in finding legal sources of income; imperfection of criminal legislation that does not fully cover all illegal acts constituting signs of vandalism, which results in the loss of opportunity to impose criminal punishment for their commission; decline in citizens' purchasing power; diminished credibility of authorities and weakening of the efficiency of state administration in all areas of life; insufficient resource support of law enforcement agencies and their low proficiency with regard to

³⁵ Лунев В. В. Мотивация преступного поведения. Москва : Наука, 1991. С. 234.

³⁶ Кримінологія: підручник / В. В. Голіна, Б. М. Головкін, М. Ю. Валуйська та ін.; за ред. В. В. Голіни, Б. М. Головкіна. Харків : Право, 2014. С. 104-105.

³⁷ Пивоваров В. В., Мельничук Л. О. Роль конкретної життєвої ситуації у механізмі вчинення злочину. *Карпатський правничий часопис*. 2015. №10. С. 74.

³⁸ Головкін Б. М. Причинність в системі детермінації злочинності. *Теорія і практика правознавства*. 2014. Вип. 1(5). С. 7.

timely investigation of crimes related to vandalism; unsatisfactory work of law enforcement agencies in strengthening public order and maintaining the state of morality; failure to ensure the principle of inevitability of punishment and adoption of legal regulations contradicting each other; lack of comprehensive state programs for prevention of property crimes; lack of proper surveillance and protection of facilities located in public places; deliberate silence about facts of the act of vandalism which circumstances are unknown; improper protection of property that both possesses a special historical and cultural value for the state and society and is property of the state, individuals and legal entities.

Subjective conditions of crimes associated with vandalism: lack of fear of punishment, including for vandalism; low level of legal education and culture of people committing crimes related to vandalism; lack of entertainment; inaction and meaningless pastime; detrimental effect of alcohol on a person's condition, which provokes commission of illegal actions; an increase in the level of aggressiveness among population, development of negative character traits and a decrease in morality; inefficiency of inflicted punishment for crimes connected with vandalism, recurrence of such crimes.

Research has demonstrated that approximately 78% of criminogenic situations, which later affected the decision to commit vandalism, were developed by criminals themselves; passing through the consciousness of offenders, taking into account characteristics of the psyche, guidance and principles that had developed during life and provoked a crime. Other types of situations in terms of source emergence in the totality of investigated crimes associated with vandalism are incredibly rare, therefore it is highly difficult to determine how exactly a decision to commit specified acts was drawn. In 20% of cases, behavior of third parties and victims became the impetus and starting point for committing crimes related to vandalism. This includes a provocative behavior of a victim, conflicts, situation at work and home, etc. Influence of external factors, emergency events, natural disasters and man-made disasters were not viewed as events that influenced a decision to commit an act of vandalism.

According to data on gender of vandals obtained after empirical research, crimes associated with vandalism are predominantly committed by men. Relative proportion of vandals are male: 88%, female: 12%. Lower activity of women in commission of these crimes is due to the fact that, firstly, difference in sex possesses social nature. It relates to the domestic role traditionally fulfilled by a woman in family. Divergence in social roles of men and women is conditioned by a historically formed structure of behavior: both by different gender education of men and women and a different position in everyday life and social production, specifications of their needs and interests, peculiarities of the microenvironment and relationship with others, etc. What is more, a woman is always more sensitive to surrounding events, more vulnerable to other people's pain and suffering³⁹. Secondly, men, in contrast to women, have a wider circle of communication and friends; they are more prejudiced, more frequently face situations that may lead to criminal conflict. In this connection, women are less prone to violent and aggressive behavior.⁴⁰

³⁹ Попова Г. В. Гендерні особливості переживань засуджених за вбивство щодо скоєного ними злочину та корекційна програма роботи з емоційною сферою особистості злочинців насильницького типу. *Право і безпека*. 2006. Вип. 4 (№ 5/4). С. 188.

⁴⁰ Егоров В. В. Уголовная ответственность за преступления против общественной безопасности и общественного порядка : уч. пособие. Москва : МПСИ; Воронеж : Издательство НПО «МОДЭК», 2000. С. 21.

Table 3

Age distribution of people who committed crimes related to vandalism between 2013-2017.

Age groups of people committing crimes associated with vandalism	Relative proportion of each group
16-17 years	20 %
18-28 years	31 %
29-39 years	38 %
40-54 years	5 %
55-59 years	4 %
60 and older	2 %

Relative proportion of persons who committed acts of vandalism until they reach the age of majority are 20%. This indicator is due to the fact that teenagers are more vulnerable to negative processes around them, easily influenced and suffer from an inadequate socialization process. According to psychologists, the most frustrated values of minors include appearance, social status and well-being, while moral traits of an individual elicit fewer negative feelings and aggression⁴¹. The indicated number of convicts from this age group of people commit acts of vandalism in the riskiest way, invent new ways to implement planned destruction and surprise with fearlessness.

Young age persons are also prone to commission of illegal vandalism acts. As research shows, the relative proportion of convicted persons aged from 18 to 28 for such crimes is 30%. This is the period of a new stage of life and socialization, formation of worldview as well as inner circle. For people of this age, there are great opportunities for education, leisure activities and job search; but they spend their free time not to self-develop but to consume alcohol in big companies, which later results in conflict situations and crimes commission, in most cases in a state of intoxication.

According to results of our research, the biggest group of people who commit crimes associated with vandalism are people aged from 29 to 38. The relative proportion of these crimes is 38%. Criminal activity of mature people can also be explained by a number of reasons. Firstly, this age period is characterized by a person's desire to get a regular job, stable income and start a family. Since aspirations listed above are directly proportional to efforts made while previous life periods, people of this age group struggle to fulfill them.

Educational level correlates with crime types⁴². As statistics demonstrate, 60% of persons convicted of crimes related to vandalism have secondary education, 20% have incomplete secondary education, 16% have vocational education, and 4% have higher education. Commission of vandalism act does not require a certain occupation, specialty or position as well as special skills and expertise; therefore such indicators of educational level are logical and were forecasted by us even before the start of empirical research. Persons who committed crimes connected with vandalism have a lower level of education; but a resulting low level of moral and spiritual culture, legal awareness and legal education, lack of cultural leisure, environment and primitiveness of life values should be recognized as criminogenic.

⁴¹ Гладуш Г. В. Проявление агрессивности у подростков в ситуациях фрустрации. *Психология и педагогика: методы и проблемы практического применения*. 2014. № 39. С. 32.

⁴² Андрушко А. В., Нестерова І. А. Злочинність у сфері туристичного бізнесу: кримінологічна характеристика та запобігання : монографія. Ужгород : ТОВ «ІВА», 2016. С. 67.

Criminologists view a family as a significant stimulating factor that creates a barrier for crime commission⁴³. The data we received while analyzing the empirical basis prove that the majority (66%) of convicts were not married, and 10% of them divorced. The rest (34%) were married and/or lost their partner in connection with the death. Such a relative proportion of unmarried people is due to the fact that, firstly, most active criminals are young people who did not have time to start a family, secondly, due to their moral and psychological traits and negative orientation, they could not preserve the already existing one, and, thirdly, as a result of deviations in behavior, lack of work, and meaningless pastime, offenders-vandals are unwilling to pursue a family life.

Consolidation results of archival criminal proceedings have shown that the majority of those convicted of crimes related to vandalism (65%) were not officially employed and did not have a permanent job. Means of their existence were casual earnings. Failure of an able-bodied person to be engaged in work and (or) studies has a criminogenic significance, as it deprives them of an opportunity to earn a living in an honest way, provides them with a lot of free time that can be used against society interests, places them outside the scope of the required level of social control and positive relations in a team⁴⁴.

According to research on proceedings, 60% of individuals had not been previously convicted at the time of vandalism offense, while 40% had unexpunged or outstanding criminal record. Among people with criminal record, 32% re-committed acts of vandalism, 35% were sentenced for cumulative offenses, and 12% for cumulative sentences. Approximately 7% of persons under Article 89 of the Criminal Code of Ukraine had been recognized as not convicted (criminological recidivism), but committed a new crime in 2-4 years after removal or cancellation of conviction.

The analysis of the available empirical basis gives reason to believe that dominant moral and psychological traits of persons who committed vandalism crime are aggressiveness, selfishness, and frivolity. Within the system of their value orientations dominate self-satisfaction, cynicism and disregard for universal moral standards. Persons convicted of crimes associated with vandalism have no fear of liability. A feeling of responsibility is more characteristic of socially mature individuals. The majority of vandals cannot be considered mature. A low level of education, lack of work and a desire to develop, generate a feeling of dissatisfaction in a person. To a greater extent, formation of an attitude towards oneself depends on self-satisfaction, availability of reasons to be proud of one's own social achievements, one's position in society and social groups, belonging to a cohort of successful people⁴⁵.

When studying social and role traits of vandal personality, attention should be drawn to general, production, domestic and family traits of a person. Behavior of the subject depends on principles and attitudes guiding them through their life, and the ability to fulfill their own duties affecting implementation of these social positions. For example, by how a person treats friends and communicates in family, it is possible to state whether they are prone to commit criminal acts, destruct and show aggression (what have already been singled out)⁴⁶. Personal and role traits of persons who commit crimes associated with vandalism are hard to thoroughly investigate, as all traits (roles) they manifest in a family, team, circle of friends or society are minor and



⁴³ Сахаров А. Б. О личности преступника и причинах преступности в СССР. Москва : Юрид. лит., 1961. С. 93.

⁴⁴ Ильяшенко А. Н. Социальная среда в генезисе преступного поведения (особенности криминализации несовершеннолетних под влиянием социальной микросреды). Москва : ВНИИ МВД России, 2001. С. 17.

⁴⁵ Головкин Б. М. Я-концепція особистості корисливого насильницького злочинця. *Проблеми законності*. Харків, 2010. Вип. 107. С. 145-146.

⁴⁶ Бочарова К. А. Агресія як домінанта поведінки злочинця-вандала. *Кримінологічна теорія і практика: досвід, проблеми сьогодення та шляхи їх вирішення: матеріали наук.-практ. конф.* (Київ, 25 берез. 2016 р.): у 2 ч. Київ : Нац. акад. внутр. справ, 2016. Ч. 2. С. 188.

almost invisible. Vandals, as a rule, do not have a regular job, education, family, and communicate with people inclined to deviant behavior.

Criminological research performed by us between 2016-2017 through the Internet and questioning, which participants were citizens from different regions of Ukraine aged from 18 to 65, was a confirmation of the hypothesis presented: crimes related to vandalism are highly latent. A total of 580 participants took part in this research. Thus, approximately 70% of respondents said that they encountered manifestations of vandalism, but, unfortunately, 95% of them did not report it to law enforcement agencies. Reasons for not reporting are as follows: 1) the witness does not believe that efficiency of law enforcement agencies will contribute to punishment of the guilty (39%); 2) reluctance to participate in official investigation (25%); 3) a committed act did not entail consequences in the form of damage to human life or health (13%); 4) witnesses do not consider a committed act to be criminal (10%); 5) illegal actions did not relate to the witness, their property, relatives (9%); 6) other reasons (4%). Thus, as illustrated, high latency of crimes connected with vandalism occurs not so much due to action or inaction of law enforcement agencies concerning their registration or investigation, but because of unwillingness and reluctance of witnesses to report these crimes. Therefore, having analyzed obtained data, we can agree with the opinion that a number of crimes depends not so much on activities of law enforcement agencies, but on a will and ability of victims and their relatives to report a committed crime⁴⁷.

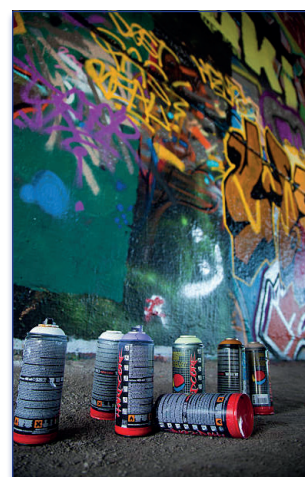
Based on our data, the most common manifestation of vandalism is graffiti (about 68% of respondents said that they had encountered these offenses). Hooliganism with deliberate destruction or damage to property and/or other material damage and damage to cultural heritage objects proved to be less common (10% and 9% respectively). The last 13% noted desecration of grave, other burial place or deceased body, damage to transport routes and vehicles, damage to religious buildings and worship houses. It has also been found that more than 85% of respondents condemn acts of vandalism and all its manifestations, and only 45% are ready to oppose it under the following conditions: 1) real punishment for the perpetrator (64%); 2) anonymity guarantees (14%); 3) security guarantees for loved ones (10%); 4) financial benefit (7%); 5) for other reasons (5%).

Within the framework of our research, we also conducted a questionnaire survey of 100 investigators of the National Police and local prosecutor's offices and 50 scientists of criminology departments who study issues of criminology and crime.

According to experts and specialists, the main reason of latency of crimes associated with vandalism is failure of witnesses to report such acts to law enforcement agencies (almost 75%). As for others, opinions have been divided. As the second reason, practitioners cited an erroneous qualification of some crimes as a result of the lack of an article or article section in the Criminal Code of Ukraine that would fully disclose the objective side of corpus delicti; instead, researchers stressed that incompetence of law enforcement agencies also serves as a reason for latency of vandalism crimes.

Surveyed practitioners think that primary reasons for not reporting acts of vandalism by witnesses are the unwillingness of population to participate in official investigation (40%) and not viewing committed acts as criminal (35%). 11% of law enforcement agencies admitted that the public do not report crimes related to vandalism since they refuse to believe that efficiency of law enforcement agencies will contribute to perpetrator's punishment. This opinion was also expressed by researchers, but only 20% of answers proved this fact.

Latent crime generates significant negative consequences for successful activities of law enforcement agencies and, eventually, for the whole society, since while being neglected it remains out of sight of relevant subjects who counteract crime, triggers new crimes, develops distrust among citizens



⁴⁷ Кочеткова С. В. Опыт анализа насилия в семье. Социологическое исследование. 1999. № 12. С. 115.

in abilities of state authorities to ensure their safety, establish necessary conditions for protection of their rights and freedoms: as material and moral damage caused by crimes is not compensated and society has no idea about the real state of crime and its damage⁴⁸.

Conclusions. The main theoretical and applied results of our research are as follows:

Criminal and legal manifestations of vandalism are subjected to scientific analysis; corpora delicti of crimes in which there are signs of vandalism as well as those where these signs should be established are emphasized.

For a precise and comprehensive understanding of variability of vandalism manifestations in the objective reality, all actions were differentiated into types depending on the encroachment purpose. The need to divide vandalism acts into types is associated with diversity and dynamism, so grouping will promote quick response to increase in cases of vandalism and influence determinants giving rise to it.

It has been established that the determinants set of modern vandalism has a wide application scope in economic, political and social areas. Furthermore, it is stated that the influence of the information space on the consciousness of the population also negatively affects individual and group legal awareness. A negative impact of the background vandalism phenomena and their reflection in criminal motivation of people are shortcomings of activities of authorized state bodies, miscalculations of state policy, which in connection with unfavorable conditions of family education and social deviations from standards and values, result in increase in a number of vandalism acts in Ukraine.

As a result of the criminological analysis of crimes associated with vandalism, the methods (damage, abuse, spoilage, destruction, etc.), places (streets, cemeteries, places of public recreation, entrances and adjacent territories, etc.), time (mainly night and evening time of a day), as well as tools (woodworking hand tools, stones, gasoline and matches, ropes, aerosol spray cans and other items using which destructive actions may be carried out), are determined. Crime rate of certain crimes related to vandalism helped to determine a low proportion of such crimes (less than 1%) in the structure of all criminality; however, it has been proven that due to decriminalization of vandalism and the lack of its legal definition, the real level of these crimes is higher.

While research on genesis of crimes connected with vandalism, reasons and conditions affecting their development and spread have been established. Based on investigation results of criminal proceedings of crimes related to vandalism, self-serving, emotional-selfish, ideological-political, hooligan vandalism and mixed motivations have been emphasized. The mechanism of criminal behavior with regard to researched actions includes three components: criminal motivation, decision-making to commit a crime and its planning, intention implementation and emergence of criminal consequences.

In the course of analyzing approaches to determining a criminal's identity, the scientific and theoretical concept of criminologists was supported, under which a criminal's identity possesses a set of negative features and traits manifested while crime commission. In a vandal's identity, there are socialization defects resulting in individual's tendency to destructive behavior and commission of crimes. What is more, the set of negative traits that a person inclined to destructive actions acquires during life, affect their behavior in the future and shape orientation. A typical vandal is a man aged from 18 to 39 with secondary education, not married. Having considered several criteria in unity, the typology of the vandal identity was developed based on the depth and sustainability of antisocial orientation. By this criterion, the following criminal types have been singled out: random, situational, disorganized and malicious vandals.

According to questionnaire survey of citizens, practical law enforcement agencies, scientific and scientific practitioners, it has been summarized that

⁴⁸ Веприцький Р. С. Латентність злочинності та шляхи її подолання. *Форум права*. 2014. №1. С. 72. URL: http://nbuv.gov.ua/j-pdf/FP_index.htm_2014_1_14.pdf

crimes related to vandalism are highly latent and to determine the level of latency and identify its causes as well as to lower this level, it is vital to not only influence behavior of citizens and victims but also advance domestic criminal legislation.

All of the listed circumstances, in view of authors, both individually and collectively, demonstrate that modern vandalism in Ukraine is a self-sufficient object of criminological analysis, and both general scientific methods and purely criminological techniques and methods of criminological analysis could and should be applied while its research.

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