

To the Issue of Situational Crime Prevention

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ABSTRACT

The article analyzes existing models in counteraction to crime as one of the threats to national security. On the basis of the analysis of the legislation, a conclusion was made about the priority of the preventive approach in this sphere. At the same time, modern criminal policy demonstrates a qualitatively different method, oriented more towards the increasing repressiveness of the criminal law. One of the possible reasons for such a situation is the lack of criminological substantiation of legislative, political, economic, etc. transformations adopted today, which actualizes the criminological scientific research on the declared problems. In this regard, interdisciplinary and comparative criminological research, focusing primarily on preventive responses, is of the greatest importance in combating crime. This includes situational crime prevention, based on the achievements of rational choice theory integrated within the framework of environmental criminology, and crime prevention strategies based on environmental design (CPTED).

Keywords: *security, criminology, crime prevention, criminal policy, crime*

1. INTRODUCTION

The background changes in the political, economic, social and cultural contexts that accompany the process of defining and countering crime require an adequate response and new approaches to criminal policy. At the same time, the interdisciplinary and comparative criminological research is becoming increasingly important, focusing primarily on preventive corrective response. They includes situational crime prevention, whose cognitive focus is not on the offender but on the factors of the offender's environment, which, by controlling, developing or manipulating, can be reduced by increasing the risk of exposing the offender or minimizing his or her benefits.

2. RESEARCH METHODOLOGY

The methodological basis of the work was general scientific and special methods of cognition, including dialectical, which allowed to reveal contradictions in the declared and implemented approaches to counteraction of crime in the Russian Federation, and logical, which ensured systematic presentation of the results of research, analysis and synthesis, allowing to group the existing models of counteraction of crime based on the revealed characteristics.

3. RESEARCH RESULTS

1. Legislative recognition of crime as one of the main threats to the national security of the Russian Federation predetermines not only the priority of counteracting it but

also the key directions of state policy in this area, the conceptual basis of which should be its preventive and corrective nature. At the same time, the existing realities of the state policy to combat crime demonstrate a conceptually different approach, focused on the increasing repressiveness of criminal legislation.

2. One of the possible reasons for deviating from the declared preventive approach in criminal law crime prevention is the lack of criminological validity of the applied legislative, law enforcement, social, economic and other reforms, which suggests the relevance of criminological scientific research in this area.

3. A change in the criminological community's approaches to the essence of criminal behaviour, a shift in the emphasis of scientific research from the personality of the criminal to the criminal behaviour itself and the criminal situation, led to the idea that the motivational component in the causal complex of a criminal act is quite adaptable, including environmental factors. This led to the emergence of the concept of situational crime prevention, based on the achievements of rational choice theory, integrated to date in the framework of environmental criminology, as well as a crime prevention strategy based on environmental design (CPTED).

4. DISCUSSION OF RESULTS

The state of security of the individual, society and the state from various internal and external threats is a reflection of the level of national security of the Russian Federation, the components of which, along with the state security, are the

security of the individual, transport, information, environment, and others.

Among the threats to national security that create a direct or indirect possibility of harming national interests, i.e. the objectively important needs of individuals, society and the state in ensuring their security and sustainable development, crime has a special place. It is no coincidence that in Clause 115 of the National Security Strategy of the Russian Federation approved by Presidential Decree No. 683 of December 31, 2015, among the main indicators required to assess the state of national security, the first place is occupied by the satisfaction of citizens with the degree of protection of their constitutional rights and freedoms, personal and property interests, including against criminal encroachments, and in Clause 43 of the Strategy, criminal encroachments against the person and property are recognized as one of the main threats to the state and public security.

By analyzing available models of crime response to date, such as: "fighting crime", "crime control", "crime prevention" and "crime correction", it can be concluded that preventive and corrective directions have the greatest legislative support among them. This is indicated, in particular, by the inclusion of crime prevention among the objectives of the Criminal Code (Article 2) and the objectives of the penalty (Article 43); the normative provisions of Federal Act No. 182-FZ of June 23, 2016, "On the basic principles and guidelines for prevention of legal offenses in Russia" and the definitive identification of anti-corruption measures based on the principle of priority prevention (Clause 6, Article 3 of Federal Act No. 273 of December 25, 2008, "On combating corruption", which is defined as the activities of federal government bodies, government bodies of constituent entities of the Russian Federation, local government bodies, civil society institutions, organizations and individuals within the limits of their authority: a) for the prevention of corruption, including the identification and subsequent elimination of the causes of corruption (corruption prevention); b) for the identification, prevention, repression, disclosure and investigation of corruption-related offenses (combating corruption); c) for the minimization and/or elimination of the consequences of corruption-related offenses (Clause 2 of Article 1 of Federal Law No. 273-FZ of 25 December 2008 "On combating corruption").

The emphasis on preventive character is also reflected in Clause 45 of the National Security Strategy of the Russian Federation: "State and public security is ensured by improving the effectiveness of the activities of law enforcement agencies and special services, state control (supervision) bodies, improving the unified state system for the prevention of crime, primarily among minors, and other offences (including monitoring and evaluation of the effectiveness of law enforcement practice), and developing and using special measures aimed at reducing the level of criminalization of social relations".

And although the idea of prioritizing crime prevention over punitive government policies is not new in itself, it can be found as early as the 4th century BC: "there must be a perfect law in society that disturbs people from

committing a crime" (Plato), in the writings of the French educator, jurist and philosopher Charles-Louis de Montesquieu: "a good legislator cares not so much about the punishment for a crime as about the prevention of crime" [8], in criminal views of one of the ancestors of the classic school of criminal law Ch. Beccaria: "it is better to warn crimes, than to punish for them" [2], but its legislative registration in the Russian Federation has been received rather recently.

At the same time, the instability of criminal legislation, a vivid example of which is the volume of changes and amendments to the Criminal Code of the Russian Federation, which often have a cyclical nature, the volatility of the blanket content of many criminal law norms and significant reform of the regulatory legislation of other industries, the increasing novelization of criminal law, which significantly expanded the limits of criminalization of acts, changed not only the formulas of many elements of crime and penalties for their commission, but also approaches to assessing the nature and extent of the crime and many other things, together, demonstrate the implementation of a qualitatively different model of repressive counteraction of crime in criminal policy.

One of the reasons for this deviation from the preventive approach to crime prevention is the lack of criminological validity of the applied legislative, law enforcement, social, economic, etc. changes, which are largely influenced by market trends.

While figuratively noticed by Kozachenko I.Ya., emphasizing the social and criminological conditionality of the criminal law norms: "criminal law is a social value (spiritual reality), acting as a kind of lackmuss, reflecting, on the one hand, the moral strength of public foundations against the pressure of evil (crime), on the other hand, the severe necessity and merciful ways to combat criminal manifestations by criminal means" [14; P. 127].

In view of the above, we can support the authors noting that "the existence of criminal law, its content largely depends on criminological phenomena, and above all on the state of crime". That is why it is unthinkable to improve criminal law without deep criminological research preceding it. With this in mind, criminalization and decriminalization of acts is a cross-cutting problem that is the subject of criminology and criminal law.

Accordingly, the subject of criminology includes criminological conditionality of existence or change of criminal-legal prohibitions (characteristics of a certain type of crimes, persons who committed them, the state of counteraction to this type of crime), and in criminal-legal science – social conditionality of establishment of criminal-legal prohibitions, and also a legislative technique of criminalization and decriminalization of acts" [12; P. 371].

Thus, criminological research should serve as a starting point in countering crime, including the criminalization (decriminalization) of acts [1; P. 44].

The crime prevention tools themselves are quite diverse, which predetermines different classification grounds for their division. The most common in domestic science is

the grouping of warning measures by the following goals: general social as a set of economic, political, organizational, informational and other measures ensuring the development of society and special criminological, covering measures directly aimed at eliminating the identified causes and conditions conducive to the commission of crimes, to directly counteract criminal manifestations.

Despite the fact that as correctly noted in the educational literature on the subject, "general social measures of crime prevention do not have a direct and immediate focus on the prevention of antisocial behavior", but it is they that predetermine the main direction of prevention. Therefore, general social measures may well be combined with special criminological measures" [6; P. 476].

In contrast to domestic criminology, foreign criminology specifically focuses on crime prevention measures, which is the result of a shift in research interest from the individual to a criminal event and/or the environment and its components that affect the criminal motivation.

The most developed of such concepts is situational crime prevention, the cognitive focus of which is not on the offender, but on the factors of his environment, managing, developing or manipulating, which can be achieved by reducing the possibility of committing a crime, through increasing the risk of exposing the offender or minimizing the benefits he derives from it [13; P. 3].

One way or another, we can conclude that the main ideas of the proposed measures are largely due to scientific directions, united by similar prerequisites under a common name "theory of rational choice", which gained special popularity in the 90s. Being one of the neoclassical criminological theories, which successively accepted the principles of classical criminology direction (freedom of will, utilitarianism, belief in progress, etc.), concentrated on studying criminal behavior, instead of personality of the individual, the theory of rational choice is based on the premise that the subject, choosing criminal behavior, aspires to get the maximum benefit from his actions. An individual's decisions depend on the situation in which he or she is in, the place, time, the possibility of committing the crime and the availability of information [3; P. 207].

Among the approaches most common in situational crime prevention are those integrated into environmental criminology that studies crime and victimization through the elements of the environment that affect people, thus highlighting the environmental and spatial factors of crime, as well as crime prevention strategies based on the environmental design (CPTED).

Thus, back in 1978 in Wiesbaden (Germany), the first international symposium on urban planning and the relationship between home architecture and the growth of crime was held, which marked the beginning of research into the architectural direction of foreign criminological doctrine.

At present, the ideas of environmental criminology are widely used in the USA, UK, Netherlands, Finland, Norway, and France.

In the 70s of the 20th century, the Crime prevention through environmental design (CPTED), a program to

manage the built-in environment to create safer areas, was developed and is still in operation today. Secured by Design has been working in the UK since 1989 to develop ways to reduce crime rates through environmental solutions and safety standards, with over 1 million construction projects (mostly social housing in disadvantaged areas) built over the past 30 years. The implementation of the recommendations of security assessments revealed a steady downward trend in annual crime rates for a number of types (for example, the number of crimes against property decreased by 60 percent).

CPTED principles are officially supported by other countries, such as the Netherlands (Policemarque Secured Housing), South Korea (Korea CPTED Association), Austria, Canada and others.

The conceptual foundations for research in this area can be found in numerous theories of an interdisciplinary nature: "Organised complexity" (Jane Jacobs); "Theories of protecting space" (O. Newman); "Broken Window Theories" (James Quinn Wilson, George Lee Kelling); "Participatory Design" (Henry Sanoff); "Situational Crime Prevention" (Ronald V.). Clarke, Patricia Mayhe); "Privacy Theories" (I. Altman) and others.

Among the most significant works in this area are the works of D. Jacobs [4], O. Newman [9;10;11]; R. Clark [13]; D. Wilson and D. Kelling [15].

In the Russian Federation, this area of criminological research on crime has not been developed due to many reasons, the main of which is the disintegration of criminal and criminological knowledge on crime and its counteraction, as well as underestimation of the positive potential of criminological knowledge, both in terms of prevention and correction of crime as well as criminalization and penalization. The existing works on individual aspects of the study of spatial factors in the security mechanism are isolated works by specialists in various fields of knowledge (sociology, urban planning, information technology, criminal law).

At the same time, CPTED's strategy of focusing on finding security vulnerabilities through natural access control, natural surveillance, area strengthening, public space maintenance and community prevention has proven to be useful and effective as a very concrete strategy for preventing crime and changing individual perceptions of territory from a security/unsecurity perspective, integrated into an interdisciplinary approach of "geo-warning" [5], since "the proper design and effective use of an artificial environment can lead to a reduction in crime and fear of crime, as well as to an improvement in the quality of life" [7], which suggests the need to continue to develop it in the light of experience with its application.

5. CONCLUSIONS

So, the constitutional-guaranteed recognition of a person as the supreme value, with a duty on the state to protect his or her rights and freedoms, including the right to security from internal and external threats, as well as the consolidation of the main indicators of assessing the state of national security of citizens' satisfaction with the degree of protection of their constitutional rights and freedoms, personal and property interests, including from criminal offenses, predetermine the prospects of scientific research in the field of combating crime from the position of a criminal investigator: from "fait accompli" response after through supercriminalization, variation of coercive measures applied, toughening of punishment to preventive and prophylactic impact through the implementation of general social and special criminological measures. The latter include models of situational crime prevention through environmental factors, which can be influenced by changes in the qualitative and quantitative indicators of crime. In this regard, the issues of integration of accumulated foreign theoretical and practical experience in the domestic science and practice of combating crime do not lose their relevance and require further reflection.

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