



VICTIMOLOGY: CONCEPTS AND ITS TYPES

Myhal Roman Vasylyovych - postgraduate student of the Law Faculty of the Higher Education of Law Lviv University of Business and Law

В этой статье исследовано историческое развитие концепции виктимологии. Виктимологии является частью юридической науки и рассматривается в криминологическом аспекте, в уголовном праве, а также в общих теориях.

Ключевые слова: виктимология, уголовное и криминологическая виктимология.

Acest articol explorează dezvoltarea istorică a conceptului de victimologie. Victimologia este o parte a științei juridice și este considerată sub aspect criminologic, în dreptul penal, precum și în teorii generale.

Cuvinte cheie: victimologie, victimologie criminală și criminologică.

This article explores the historical development of the concept of victimology. Victimology is a part of legal science and is considered in the criminological aspect, in criminal law, as well as in general theories.

Keywords: victimology, criminal and criminological victimology.

The purpose of the article. Investigate the concept of victimology and its types.

Main plot. In recent years, the problem of studying the behavior of victims in committing specific crimes has become increasingly topical in the criminological literature. This is due to a number of circumstances, and, above all, to bringing to the fore in the hierarchy the goals of law enforcement activities for the protection of the individual, his life, health and freedoms. This is due to the fact that the act of criminal encroachment and the condition facilitating its commission may sometimes be the behavior of the victim, who by their careless and sometimes provocative unlawful acts can create a criminal situation and thus facilitate the onset of the criminal consequence. Therefore, the study of the mechanism of criminal behavior, along with the identity of the offender requires a comprehensive and objective assessment of the victim, as one of the most important structural elements of the situation. This approach allows for the develop-

ment of the most effective crime prevention measures and more objectively identifying adequate measures of influence.

Victimology examines the victim in terms of his moral, psychological and social characteristics that affect vulnerability, the situations that precede the crime, as well as the situations of the immediate commission of the crime. This gives answers to the questions: how, in these situations, the behavior of the victim manifests itself in the interaction with the criminal behavior of the offender [1, p. 91].

Beginning in the middle of the XVIII century, criminology has been studying the criminal behavior of people, and since the end of the XIX century - problems of the offender. The victim of the crime has been the subject of criminological research only since the Second World War. And in the classics of law of the XVIII century (for example, Cesare Becari, who understood the criminal act as a violation of the moral order, as well

as the rule of law, and this violation was based, in his opinion, on the will of the offender), and the positivists of the XIX century (for example, Cesare Lombroso, Sigmund Freud), who focused on analyzing the perpetrator's identity. For them, the crime was a symptom of the structure of the offender's personality, which, according to biocriminologists, was a consequence or quality, according to the theory of psychoanalysis, the result of a failed socialization of the child. At the forefront were the problems of "social protection" against criminals, their dangers, as well as the issues of investigating, dealing with criminals, rehabilitation, deterrence (intimidation) or ensuring public safety. Classics and positivists were considered a crime victim as a mechanical, static concept [2, p. 125].

The development of problems of victimology criminologists in depth turned in the late 60's of XX century.

Systematic research on the problem of the victim of the crime was carried out in 1948 by the German scientist G. Getig. He wrote the book "The offender and his victim", where he drew attention to the victim as a factor in the occurrence of the crime [1, p. 91-92].

Following Genting in Bucharest in 1947, Benjamin Mendelssohn made a very impressive report ("New Biopsychosocial Horizons of Victimology") in which he drew the attention of the scientific community to the science of crime victims. But the victimology was further developed by the same Hans von Gentig, who published in 1948 his book, *The Offender and His Victim*. To investigate the relationship between the offender and his victim tried in 1954 by Henry Ellenberg. "Man," he wrote, "consistently becomes a criminal or a victim ... If we analyze the lives of hardened criminals, it turns out that in childhood they were often subjected to abuse, extortion, exploitation and were given to themselves." In 1956, Hans Schulz introduced the notion of crime on the basis of the personal relationship between the offender and his victim.

In New Zealand, in 1963, the world's first law to compensate victims of crime was enacted. New Zealand was followed by England, some US states, provinces of Canada and Australia.

In 1972, a federal law on assistance to crime victims was passed in Austria. In many countries,

including Germany, associations have emerged to support victims of crime (the White Ring).

In 1982, a federal law on the criminal protection of victims and witnesses of crime was issued in the United States. According to this law, the victim, who acts as a witness in criminal proceedings, is provided with judicial protection. Compensation of material damage by the offender becomes an independent type of criminal sanctions. The person serving the sentence is not entitled to benefit from his crime by publishing information about him, since this would again harm the interests of the victim.

In 1983, the Council of Ministers of the European Council in Strasbourg adopted the European Convention on Compensation for Victims of Violent Crimes. The concept defines the principles of compensation for victims of crime by the state and international cooperation in this field in the EU member states [2, p. 126].

Victimology has emerged and developed as a line in criminology that studies crime victims. However, over time, the view changed, different positions were made regarding the subject of victimology and its scientific status. D.V. Rivman defined them as follows: 1) victimology is a field of criminology, or private criminological theory, and accordingly develops within it; 2) Victimology - it is ancillary to the criminal law, criminal procedure law, criminalistics interdisciplinary science about the victim of a crime. It exists and functions in parallel with criminology; 3) Victimology is a general theory, the doctrine of the victim, which has as its object the research of a victim of any origin, both criminal and unrelated to crime. Victimology is thus an independent science whose affiliation to the legal can only be partially recognized. Rather, it is the science of human life safety [3, p. 8].

The accumulated knowledge about the victim of the crime is quite diverse. The victim of the crime is studied by all the sciences of the criminal cycle, and each of them does so on the basis of the substantive interests of the relevant area of knowledge.

Thus, *criminal law* examines the victim as a sign of the crime, characterizing the object of criminal protection, takes into account the status and behavior of the victim in the qualification of

the crime, the purpose of punishment of the offender, release from criminal responsibility.

Criminal procedural science addresses the problem of the victim as a party to criminal proceedings, in connection with which it formulates the legal concept of the victim, substantiates the content of its legal status, develops an order of protection of its rights and legitimate interests in the pre-trial investigation and during the trial.

In forensics, the victim's personality is studied in two directions: 1) for the construction and use of forensic characteristics of different categories (types) of crimes; 2) to develop and implement tactics of conducting individual investigative and judicial actions [4].

Criminal law works to improve the legislation on the protection of the interests of victims during the execution of criminal penalties, in particular the establishment of the duty of the offender to compensate for the harm caused by the crime, the normative fixing of the victim's participation in the execution of punishment, ensuring the personal security of prisoners in prison their rights by other convicts [5].

An important task of criminal victimology is education (legal education) of citizens. Studies show that many victims have a low level of legal knowledge. Most of them do not know the legal rules that protect their life, health, property, and some who have heard something do not know how and when to apply them. In turn, one cannot but note the relatively high level of legal knowledge among criminals. In this regard, legal education and legal advocacy of knowledge about how not to become a victim of a crime is necessary, especially in circumstances where the state is unable to protect all citizens from criminal acts.

Criminological victimology not only really exists, but also actively develops in the system of the science of criminal law. Victimological information about the determinative manifestations of the victim, the conditions of formation of his personality, evaluative attitudes, peculiarities of the psychological state are used by the criminal process, criminalistics, operational search activities, criminal law. Conversely, victimology is enriched with information about the victim of criminal proceedings, criminalistics, criminal law, etc.

Among the mentioned sciences of the criminal-law cycle, which investigate the victim of crime, *criminology* occupies a central place, because victimology initially formed into an independent scientific and applied direction within the limits of criminological theory. Criminology develops the general doctrine of the victim of crime, forms its categorical-conceptual apparatus, learns the nature of group (mass) and individual victimization, examines the process of victimization and the factors that influence it, determines the role of victim behavior in the crime genesis. The sphere of criminological interests also includes victimology characteristics of victims from different types of crimes, typology of victims, scientific support of the state policy in the sphere of protection of the rights of victims of crime, strategic directions and measures of victimological prevention, search of ways and ways of rehabilitation of victims of crime prevention criminal offenses [6].

Therefore, **criminological victimology** is a system of knowledge about victims of crime, their behavior, the factors that affect them, the typical situations that lead to criminal assault, and measures of victimology prevention.

Currently, the concept of victimology is considered from three positions: 1) as a field of criminology; 2) as an auxiliary to the criminal law, criminal procedure, criminalistics interdisciplinary science about the victim of a crime; 3) as the victim's doctrine, the object of the investigation is the victim of the crime.

K.V. Vyshnevetskii defines victimology as a science that studies the identity of the victim of crime, the nature and content of its behavior, the moral and psychological personality of the victim, the role of the victim in the mechanism of criminal behavior, and criminal victimology as a science that investigates the complex personality and behavior of victim criminal offenses; their role in the genesis of crime; criminologically significant relationships and relationships between the victim and the offender; ways and methods of compensation or compensation for the harm caused to the victim as a result of criminal assault [7].

In turn, R. Haptelhaniev defines criminal victimology as a complex, interdisciplinary legal branch of science that considers the problem of crime victims from the standpoint of criminal

law, criminal procedure and criminology. The victim of a crime is a person who has actually suffered physical, moral or pecuniary damage from the unlawful acts of another person. The actions of the offender or the offender are often determined not only by his aggressive motives and anti-social attitude, but also by the life situation in which he acts, by the personal qualities and behavior of his victim [8].

To date, we believe that victimology has become an independent, important applied science. D.V. Rivman does not even refer to it as jurisprudence, but acknowledges the science of human life security [9], since victim victimization - victimology (viktima - victim, logos-doctrine) - is part of a broader doctrine of victims not only crimes, but also the consequences of accidents, natural and man-made disasters, epidemics, wars and other armed conflicts, political confrontations [10, p. 197].

In our opinion, victimology is a separate science that studies personality in various areas of social relations. It interacts with various areas of law. In our case, we can say that victimology studies the identity of the person who has become a victim.

From the above, it follows that the subject of victimology is a person who has been the victim of physical, moral or material harm, including criminals; their behavior, which was in one or another connection with the crime (including the behavior after the crime was committed); relationships that linked the offender and the victim to the time of the crime; situations in which the injury occurred.

According to D.V. Rivman, Victimology studies:

- Moral-psychological and social characteristics of victims of crime, to answer the question why, owing to some emotional, volitional, moral qualities, socially determined orientation, the person appeared to be a victim;

- Relationships that bind the offender and the victim (victim) to answer the question to what extent these relationships are important for creating the preconditions of the crime, how they affect the relationship between the crime and the motives of the offender;

- Situations preceding the crime, as well as situations of immediate crime to answer the ques-

tions, in these situations in interaction with the criminal's behavior criminologically, the behavior (action or inaction) of the victim is manifested;

- Post-criminal behavior of the victim to answer questions that he or she is doing to restore his or her right;

- A system of preventive measures, which takes into account and uses the protective capabilities of both potential victims and actual victims;

- Ways, opportunities, ways of compensation for the harm caused by the crime, first of all physical rehabilitation of the victim [11].

A.L. Sitkovskii identifies the tasks of victimology, the main of which is the study of the identity and behavior of the victim, the study of victimization, victimization and victimogenic factors, which allows a new look at crime, its causes, crime prevention. As a result, it is possible to detect and investigate crimes more qualitatively and effectively, as well as to establish their full picture, to objectively evaluate the culprit's guilt, taking into account the role of the individual and the behavior of the crime victim [11].

Victimology studies the role of the victim in the emergence of criminogenic situations and develops the so-called victimology aspect of crime prevention, the main task of which is to minimize criminogenic situations created directly by victims. The essence of the victimology aspect of crime prevention is that it is necessary to carry out preventive work not only among potential offenders, but also among potential victims - people whose behavior, lifestyle, relationships, marital status and activity create an increased risk for them to find themselves in the role of the victim of a criminal assault.

As the well-known Russian scientist Professor A.I. Debt, for a long time, law enforcement agencies were unilaterally oriented to work around the crime and the perpetrator without due attention to the victim of the crime. As a consequence, there is still no complete account of the victims, and thus their personal characteristics are not studied, victim-prevention measures are conducted on a case-by-case basis, and in general the victim's figure is often considered no more than a source of information about a crime and a criminal as a participant (party) of criminal proceedings. relations [12, p. 374]. We completely agree with this state-

ment, no statistics show us the number of victims of a crime.

Conclusions. From a large array of scientific works can be deduced a number of conceptual provisions of victimology:

- the central category of victimology is “victim of crime”, each crime has its own victim;
- the likelihood of becoming a victim of a crime depends on a particular phenomenon - victimization, which is individual and group (mass);
- the amount of victimization may vary. The process of increasing it is called victimization, the decrease is called victimization;
- Victimization factors (determinants) influence the increase in the level of victimization;
- victimization is associated with latent crime;
- there is a conditional connection between the offender and the victim; they may change roles during criminal interactions;
- the victim's behavior in a particular life situation plays an important role in the mechanism of criminal behavior;
- victim behavior has different effects on the motivation and decision to commit a crime against a particular person;
- victim behavior in the mechanism of criminal behavior serves as a condition conducive to the commission of a crime;
- victim prevention measures reduce the risk of becoming a victim of crime;
- the harm caused to the victims of the crime must be compensated and the violated rights restored.

List of references

1. Criminology: A Textbook / For the General. ed. LS Smiana, Yu. V. Nikitin. K.: National Academy of Management, 2010. 496 p.
2. Kurilo VI, Mikhailov OE, Yara OS Criminology: The General Part. Course of lectures. Tutorial. K.: Condor, 2006. 192 p.
3. Ryvman D .In. Criminal Victimology. St. Petersburg: Peter, 2002. 304 p.
4. Forensic Science Ed. V. Shepitka. 2nd ed., Reworked. and add. K.: Concern “In the Publishing House” In Yure “, 2004. 728 p.
5. Criminal Enforcement Law: A Textbook / V. Golin, A. H. Stepaniuk, O. V. Lysoded, et al. ; in a row. V. V. Golyni and A. H. Stepaniuk. H.: Right, 2011. 328 p.
6. Criminology: General and Special Parts: a textbook / IM Danshin, VV Golina, M. Yu . for the total. ed. VV Golyna. 2nd in id. recycling. and ext. X.: Law, 2009. 288 p.
7. Vyshnevetsky KV The Place of Victimological Theory in Criminology // Society and Law. 2010. № 1. S. 208-212.
8. Gaptelganiev R. Criminal Victimology: Concepts, Types and Degree of Victimism // Judge of the Peace. 2009. № 7.
9. Rivman DV Criminal Victimology: A Textbook for Universities. St. Petersburg, 2002. P. 93.
10. Criminology: a textbook / under. ed. In .H. Kudryavtseva and V.E. Eminova. 3rd view. the slave. and ext. M.: Lawyer, 2007. 734 p.
11. Criminology: a textbook for universities / ed. V. D. Malkova.
12. Criminology: Textbook / Under the Common. ed. A.I.Dolgov. M.: NORMA INFRA-M, 1999. P. 374.