



Т. 2 : Особлива частина / [Ю.В. Баулін, В.І. Борисов, В.І. Тютюгін та ін.]. – 2013. – 1040 с.

4. Бабанина В.В. Уголовная ответственность за оставление в опасности : автореф. дисс. ... канд. юрид. наук : спец. 12.00.08 «Уголовное право и криминология; уголовно-исполнительное право» / В.В. Бабанина. – К., 2010. – 20 с.

5. Берзин П.С. Преступные последствия в механизме уголовно-правового регулирования : автореф. дисс. ... докт. юрид. наук : спец. 12.00.08 «Уголовное право и криминология; уголовно-исполнительное право» / П.С. Берзин. – К., 2010. – 33 с.

6. Жар Д.В. Уголовная ответственность за медицинский деликт / Д.В. Жар // Юрист & Закон. – 2016. – № 19. – С. 12.

7. Мыц Я.А. Оставление в опасности (социальная обусловленность криминализации, понятие, виды, уголовно-правовая характеристика) : [монография] / Я.А. Мыц ; отв. ред. А.И. Чучаев. – Владимир, 2006. – 176 с.

8. Чайка О.В. Поняття злочину ненадання допомоги та його об'єктивна сторона / О.В. Чайка // Адвокат. – 2009. – № 5 (104). – С. 3136.

9. Чайка О.В. Співвіднесення правового та морального аспектів оцінки злочинів, пов'язаних із ненаданням допомоги / О.В. Чайка // Право і суспільство: науковий журнал. – 2009. – № 2. – С. 113–118.

10. Хуторянський, О.В. Историчний розвиток законодавства УРСР про відповідальність за ненадання допомоги особі, яка перебуває в небезпечному для життя стані / О.В. Хуторянський // Науковий вісник Ужгородського національного університету. Серія: Право / гол. ред. Ю.М. Бисага. – Вип. 21. – Т. 1. – Ч. 2. – Ужгород : Гельветика, 2013. – С. 112–114.

11. В Москве уволили полицейского за неоказание помощи похже скончавшемуся мужчине [Электронный ресурс]. – Режим доступа : https://www.gazeta.ru/social/news/2016/08/09/n_8973887.shtml

12. Саратовский центр по исследованию проблем организованной преступности и коррупции [Электронный ресурс]. – Режим доступа : http://sartracc.ru/i.php?oper=read_file&filename=Disser/mic.html.

CRIMINAL-LAW COUNTERACTION OF CRIMINALITY IN UKRAINE DURING 1960th

Pavlo MELNYK,

Postgraduate Student at Department of Law and State of the Taras Shevchenko National University of Kyiv

Summary

The article defines the main directions of the criminal-legal counteraction to crime during the 1960s. Quantitative indicators of crime level with defining the reasons, which had been influencing on their dynamic was analyzed. The terms of awarding punishment are certain for crimes. Influence of acceptance of the Criminal Code 1960 is shown on qualification of crimes. Influence of criminal subculture is certain on involvement in criminal activity of young people. Reasons of distribution of hooliganism in Ukraine and his influence are educed on the feasance of severe crimes. Influence of priozonizatsion of population is shown on forming of legal consciousness. Character of crimes that was accomplished by servicemen and workers of law enforcement authorities is certain.

Key words: criminality, criminal-law counteraction of criminality, economical crimes, hooliganism, recurrent crime.

Аннотация

В статье определены основные направления криминально-правового противодействия преступности на протяжении 1960-х годов. Проанализированы количественные показатели уровня преступности с определением факторов, которые влияли на их динамику. Определены условия назначения наказаний за преступления. Показано влияние принятия Криминального кодекса 1960 года на квалификацию преступлений. Определено влияние криминальной субкультуры на втягивание в преступную деятельность молодежи. Выявлены причины распространения хулиганства в Украине и его влияние на совершение тяжких преступлений. Показано влияние призонизации населения на формирование правового сознания. Определен характер преступлений, которые совершались военнослужащими и работниками правоохранительных органов Украины.

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

Formulation of the problem.

The situation, in criminality counteraction sphere in Ukraine which was in the beginning of 1960s in many cases was caused by destanalization and by some steps on the way to democratic society and also unconsidered steps by Soviet Union leaders that connected with massive undifferentiated prisoners amnesty. Also at the end of 1950s was marked the sharp increase of citizen property theft and social property thefts. Accept this, the hooliganism spreading was indicated, especially at big cities. On the other hand, the police workers marked the recurrent crime spread, which was one of the facts of ineffective long-term Soviet Union government policy that connected with people priozonizatsion. Such condition of things, among other, caused the new Criminal Code adoption, in which was markedly the trend to increasing the punishment for serious crimes and decrease of it for minor offenses. The 1960s Criminal Code protected from criminal attacks foremost the social and

government system, socialist (namely the government) management system, Socialist property and other "Socialist regularity". The articles of its Code reflected the government position to their people property. Actually, if the government property was stolen, the punishment will be really strict, whereas for the private property theft was appointed minor punishment extent. Strict penalties were applied to the spies, saboteurs and other enemy elements [3, p. 299–300].

Relevance of the topic. In post-Soviet period, published works, which had both theoretical and practical importance for the understanding of the combating crime process. In that context, the publication of V.A. Kuznetsova, I.A. Lanovenkogo, F.A. Lopushanskogo, V.V. Leonenko and, especially, P.P. Mikchailenka and I.A. Gelfanda, who built their conclusions on the basis of the results of practical work in law enforcement.

So, **the purpose of the article** is to identify the main areas of criminal law combating crime throughout the 1960s.



The presentation of the main research material. During the 1960s adopted a number of normative-legal acts, which were intended "to strengthen the fight against crime, but also made certain steps in the reform organization of law enforcement agencies. In 1961 it was adopted Decrees "On strengthening the struggle with persons avoiding socially useful work and leading a parasitic way of life", "On strengthening responsibility for the brewing and manufacturing of other alcoholic beverages home cooking". May 5, 1961, was adopted a Decree of the Presidium of the Supreme Soviet of the USSR "On strengthening of struggle against especially dangerous crimes" May 24, 1961.

"About responsibility for additions and other distortions of the reporting about performance of plans", 1 July 1961, "On strengthening of criminal responsibility for violation of rules on currency transactions", December 29, 1961 "About the criminal liability for criminally negligent use of agricultural equipment storage", February 15, 1962, was adopted a Decree of the Presidium of the Supreme Soviet of the USSR "On strengthening responsibility for the attempt on the life, health and advantage of police and vigilantes workers", 15 February 1962, February 20, 1962 – "On strengthening criminal liability for bribery", which was set to use strict measures of criminal punishment (including death penalty) for the offences with particular aggravating circumstances. Soviet researches believed that there is a direct correlation between the strengthening of legal advocacy with the reduction of crime [4, p. 24].

April 6, 1963, was adopted by the decree of the Presidium of the USSR Supreme Council "On granting the right of preliminary investigation bodies of public order protection" and the corresponding Decree of the Ukrainian SSR Verkhovna Rada Presidium of June 13, 1963 "On amendments to the Criminal procedural code of the Ukrainian SSR". Established in the Ministry of internal Affairs according to these decrees, the investigate unit conducted an investigation in cases of crimes, the list of which was established by the legislation of the USSR and the Union republic. Formal innovation had the purpose of strengthening of counteraction to commit a malicious and dangerous crimes, Ministry of internal Affairs were

able to more effectively direct their efforts to solve crimes and the investigation and arrest of the criminals and the investigators to focus on investigating the most complex cases. This should help to avoid duplication of investigative work, the fragmentation of efforts and delaying the investigation [1, p. 16].

In July 1966, according to the order of the Presidium of the Supreme Soviet of the USSR in the interests of ensuring a unified operational management activities of the bodies of public order protection in the fight against crime it was restored to a single-Union system of internal Affairs bodies and formed the Union-Republican Ministry of public order of the USSR. The bodies of internal Affairs city and district-level steel structural divisions of Executive committees of people's deputies Soviets. The result of these organizational changes was the creation of a centralized and integrated system in the center and at the regional levels. In the areas of Council of people's deputies formed the Department of internal Affairs, in districts and cities departments of internal Affairs. In the daily activities of directorates and departments were subordinated to the respective Councils, their Executive committees and the Ministry of internal Republic Affairs. Within a large district or city Department of internal Affairs could be formed in territorial police departments. Local Councils and Executive committees argued at the sessions of their Directors, regularly reviewed reports of the internal Affairs bodies about the activities of the police, provided necessary assistance in the work organization, the decision of the economic and domestic issues. In November 1968 by the decree of the Presidium of the USSR Supreme Soviet, the Ministry of public order was renamed the Ministry of USSR internal Affairs. And on December 9, 1968 by the decree of the Presidium of the USSR Supreme Soviet Union-Republican Ministry for the protection of public order, The Ukrainian USSR was renamed into the Union-Republican Ministry of internal Ukrainian USSR Affairs. In February 1969 approved the new structure of the Ministry of internal USSR Affairs. Instead of the Main police Department were created: the Office of administrative services police, criminal investigation Department; the Department for combating theft of socialist property and speculation; Management of the state

automobile inspection of the Directorate of special police; Department of transport police.

Fulfilling the requirements of the resolution of the CK KP of Ukraine of 1 October 1963 on violations of public order committed by the military, the bodies of internal Affairs of the USSR has improved contacts with commandants-police garrisons. Over the past year and a half troops on the territory of the Republic was committed 333 criminal offences, including 7 murders, 21 burglary, 2 assaults, 75 of thefts of public property, 30 thefts of personal citizens property, 18 women and 4 minors corruption, 62 hooliganism, 100 accidents and 12 thefts. The most dangerous crimes were committed by servicemen of the Carpathian and Odessa military districts. Low was the level of discipline in the military construction units subordinate to the Central management of special building the defiance Ministry. Most of the military for crimes against the local population was addressed by the tribunals in open court in the military unit's location [7, p. 69].

Analysis of criminal cases showed that one of the main reasons for committing crimes against life, health and dignity of the individual, personal property of citizens, against public order continued to remain moonshine and drunkenness. In 1966, 53,4% of people brought to criminal responsibility, have committed crimes in an alcohol intoxication, and crimes such as disorderly conduct while intoxicated was committed 65,8% of individuals, GBH – 40%. In 1967, 45% of the individuals at the time of Commission of crime were in a state of intoxication, and crimes such as hooliganism in a drunken state made 60% [6, p. 9]. The spread of alcoholism in Soviet society occurred because of the existence of the so-called "double standards" in the field of socialization. On the other hand outright drunkenness was condemned by society, especially when in cause of drunken people completely lost control of them. But, on the other hand, celebrating special occasions with family, employment, first salary, and professional holidays must be accompanied by the use of alcoholic beverages. In many workplaces, there was a practice when the socialization of the individual is necessarily accompanied by libations. Especially the negative



influence it had on young people, some of which, for example, senior companions, took alcoholic drinks in the workplace.

During the 1960s of the vast majority of crimes amounted to hooliganism and theft of socialist property [2, p. 43–46]. In 1967, the proportion of solved crimes was 98.4%, including the most heavy – 97.8% in the year 1964 was solved crimes committed in previous years. In 1967, crime in General declined in 16 regions of Ukraine, including Volyn – by 21.5%, Crimean – 12.4%, Zakarpattia – by 10.5%, Mykolaiv – 8.3%. In total the number of criminal acts has decreased in 1967 2.1% and the number of persons involved in the Commission of crimes by 7%. Cases of hooliganism have decreased by 6.2%. Among those held accountable for almost 20% were re-committed crimes. In 1967, the number of juvenile crime decreased by 8%, while the number of teenagers who took part in them – by 18.3%. The decision of the Central Committee of Communist party of Ukraine established the Commission from the responsible workers of the party, Soviet, administrative bodies, scientific and educational associations for the study of the causes and circumstances of occurrence of juvenile delinquency and make recommendations for their elimination. The number of cases of theft of socialist property, which were initiated criminal cases declined by 7.6% and the number of people who took part in them, – by 8.3%. But the consequences of theft continued to be significant, especially in the system of consumer cooperatives, state trading, and enterprises of light and food industry, collective farms and state farms [6, p. 4–5].

In many organs of public order and the Prosecutor's office on the poor quality of the investigation in several cases led to the fact that individuals wrongly prosecuted and wrongly arrested, while some criminals go unpunished. During 1967 to 15.7% of the total number of opened criminal cases were terminated at the stage of pre-trial investigation for lack of corpus delictum in the actions of the suspects in the first half of 1968 was discontinued 3786 cases or 16.6% [5, p. 131]. After the adoption of the Decree of the Presidium of the USSR Supreme Soviet of 26 July 1966 "On increased liability for hooliganism" in all areas, meetings were held with the judicial officers. In 1967, for hooliganism

was sentenced 29 838 men vs. 30 199 in 1966, that is less than 1.2%. With 22 2538 in 1966 to 16 4619 in 1967 reduced the number of materials considered by the courts for disorderly conduct. Individuals who first committed minor crimes, has been elected to the penalties not involving deprivation of freedom and on applications labor collectives such inmates were transferred to them for correction. 33 486 with persons sentenced to punishment not related to deprivation of liberty, 4 684 transferred to re-education labor collectives, where they worked, which accounted for 14% [6, p. 63].

The decree of 1 August 1967, "On the implementation of resolutions of the USSR" of Ukraine and USSR Council of Ministers dated January 23, 1964 about measures for elimination child neglect and juvenile delinquency in the Ukrainian SSR, the Communist party of Ukraine and the Council of Ministers has obliged the State Committee of the USSR Council of Ministers for vocational training, the regional committees of Communist party of Ukraine and the regional Donetsk, Zaporozhye, Kirovograd, Crimea, Kyiv and Luhansk to organize a special vocational school for juvenile offenders in Zaporozhye and Lugansk regions before September 1, 1967, Donetsk, Kiev, Kirovograd and Crimea regions – June 1, 1968. Gosplan of the USSR was obliged to provide the national economic plan for 1969, the construction of special vocational schools in Odessa, Kharkiv and Rivne regions of the introduction them in action before January 1, 1970, to allocate a specified regional investment and limits on design and survey works for construction of schools. However, the Donetsk regional Committee refused to open a special school, as one institution of this type is already present in the region.

In 1967 compared with 1966, the number of crimes in the Republic has decreased by 2.1% and the number of persons who participated in the Commission – 7%. In the whole of the USSR 1967, the number of homicides decreased by 5.7%, grievous bodily harm – by 6.3%, rape – by 9.3%, assaults with the purpose of acquisition of personal property by 3.9%. Reduced the number of thefts of state and public property by 4.5%, at the same time increased the number of thefts of personal property of citizens 6.1. The most common crimes

remain hooliganism, theft of socialist property and theft of personal property of citizens. Among the registered crimes disorderly conduct amounted to 23.4%, theft by 15.2%, theft of personal property at 11.4% [6, p. 158–159].

Next to this in the late 1960s, there was an increase of cases of Amnesty prisoners and transfer of sentenced persons to bail to labor. As of January 1, 1968 commissions on the execution of the order on Amnesty was considered 15 284 cases of convicted. Of them released from prison 9 027 people, including from the labor column – 6 313, from detention centers – 2 437, of the custody of the police – 275, reduced sentences for 3 444. From the number of cases the commissions refused Amnesty 928 persons, as such, violate the regime in places of detention. In addition, it was dismissed administratively arrested 2 368 people, pardoned drivers 17 352 persons released from correctional labor 11 785 persons from payment of penalty 20 825 persons and other penalties – 1 106 [5, p. 2–3]. Only in 1968 was 124 742 crimes or 6.4% more than in 1967, including 76 778 crimes were reported at the criminal investigation Department, or 4.9% more than in 1967 the Number of serious crimes increased by 12.2% in the number of homicides – by 7.7%, theft of state property through robbery (down 9.2 percent), assaults to seize personal property of citizens – by 16.3%, robberies of personal property of citizens is 28.5%, theft of state and public property by theft – by 11.7%, theft of personal property of citizens (13.2%). 8.5% increase in juvenile delinquency. They committed 10 580 crimes were reported at the criminal investigation Department. The increase in the crime rate, according to the judgment of law enforcement officers, contributed to widespread alcoholism. During 1968, the police was chosen 467 735 drunk that 14 430 people more than in 1967. In the medical-labor dispensaries for compulsory treatment aimed 10 624 hard-core drunks or 15.9% more than in the 1967 To 1968 was prosecuted 42 550 persons who have committed crimes in a state of intoxication, which accounted for 55.5% of the total number involved. For disorderly conduct while intoxicated 238 616 detained persons, including persons arrested 114 762 [8, p. 8–9].

The decision of the Collegiums of the Ministry of internal Affairs of the



Ukrainian SSR dated 30 January 1969, it was indicated that in 1968, teenagers committed by 8.5% more crimes than in 1967. Greatly increased crime in Cherkasy (74,3%), Dnipropetrovsk (27,4%), Odessa (22%), and Sumy (27%), Chernihiv (18,1%), Crimean (17,7%), Ternopil (16.8 percent) regions. In 1968, more than 16% of crimes were committed by groups of individuals. Especially a lot of the criminal group committed robberies, robberies, thefts and rape. In the Zaporozhye region criminal groups carried out 75% of assaults, over 50% of robberies [8, p. 18].

In 1968 in the Republic was 124 742 crimes that 7 477 crimes more (or 6.4%) than in 1967, a General rise in crime was noted in all regions of the Republic, in addition to Lviv, Chernihiv, Khmelnytskyi and Ivano-Frankivsk regions. Increased the number of crimes registered in Kherson (23%), Sumy (20,7%), Crimean (18,1%), Cherkasy (16,6%), Volyn (14,5%), Dnipropetrovsk (11.4 per cent). The number of most serious crimes has increased 34 147 to 38 303, that is 12.2%. Their growth was noted in 25 areas, but especially in Cherkasy (38.2 per cent), Kherson (34.3 percent), Vinnytsia (30,8%), Volyn (29%), Poltava (22,8%), Ivano-Frankivsk (19,7%) and Rivne, Crimea, Chernivtsi, Dnipropetrovsk, Sumy, Mykolaiv, Donetsk and Zaporizhia from 12 to 18%. The number of crimes recorded by the criminal investigation Department increased 18 regional centers, but especially in Lutsk (60%), Cherkasy (52%), Simferopol (43,2%), Vinnytsia (39,9%), Ternopil (32,7%). The rising number of crimes in 1968 was due to the increase in the number of thefts of state and public property and personal property of citizens and causing serious bodily injury. So, if in 1967 it was 24 252 theft, in 1968 – 27 487, that is 3 235 theft more, which was 13.3%. The number of robberies of personal property of citizens increased from 2 171 to 2 790 that is by 28.5%, the number of jobs grievous bodily harm increased from 1 547 to 1 868 cases or 20.7%. If in 1968 the number of all crimes increased by 7 477 cases, the 4 175 of them, or 55.8 per cent were only these three crimes. The most common offense is disorderly conduct. In the Republic were 25 442 hooligan manifestations against 27 401 in 1967 to 7.2 percent. Reducing the number of acts of hooliganism took

place in 21 regions, including in the Odessa – 21.6%, Chernivtsi – by 16.9%, Lvov – by 16.8%, Vinnytsia – 15.3% and in Kyiv – by 15.1%. In five regions there was an increase of bullying: Volyn – 23%, Crimean – 16,4%, in Cherkasy – 16,5%, in Ivano-Frankivsk – 6%, Zakarpatye – 1.7 percent. The number of homicides increased from 1 562 – 1 620 (3.7 percent). The increasing number of manifestations of this type of crime was observed in Sumy (30 to 56), Ternopil (from 16 to 29), Volyn (from 19 to 28), Cherkasy (from 41 to 51), Lviv (from 35 to 43), in Kiev (from 35 to 51). Most murders were committed on the household soil [9, p. 10–11].

In 1968 the Republic was 2 509 unsolved crimes, including 45 homicides, 21 of rape, 41 cases of grievous bodily harm, 90 robberies, 583 cases of theft of state and public property and 283 theft of property of citizens. As of January 1, 1969 balance of unsolved crimes of past years was 6 910 cases against 6 893 for the previous period. In the whole country taking into account the previous unsolved crimes remained unsolved 614 homicides, 207 serious bodily injuries, 145 rapes, robberies, 246, 285 robberies, 2 428 theft of state and public property, 560 accidents death victims. The largest numbers of unsolved crimes of past years were in Donetsk, Odessa, Dnepropetrovsk, Crimean areas [9, p. 14].

Conclusions. Combating crime in the Ukraine during the 1960s significantly is compounded by the prevalence of drunkenness which has become a real scourge in Soviet society. In addition, the negative role played by the so-called *Esprit de corps* among officials of various ranks, soldiers and law enforcement officers. The actual selective application of the law in terms of the distribution of patron-Killa relations in society became one of the major obstacles for effective countermeasures against the spread of crime. Negative role is also played by the difference in the attitude of citizens to the theft of ordinary people, which was perceived negatively, and theft of public property, which is mainly perceived as a forced action or actions in response to actions of the authorities, and in some cases, the success of the theft of public property has become synonymous with success in life. Also a problem was the spread of bullying, which is due to unsettled life, the disorganization of

the cultural-consumer services of the population and, ultimately, the orientation of Soviet society on the use of force as a solution to disputes. In spite of all the efforts of the authorities, the situation in society contributed to involvement in criminal activity of youth. Young people often come under the influence of “criminal elements” who have built a worldview in opposition to his actions, the actions of government bodies. Youth involvement in criminal activities also contributed to a kind of “romantic” involvement in criminal activities, which in some cases served as one of the hallmarks of a valid “freedom” of human actions. Despite this, during the 1960s was able to achieve a certain reduction of assault with a deadly weapon and homicides, which were perceived negatively by society, are excluded.

References:

1. Боротьба з правопорушеннями і злочинністю. – К. : Наукова думка, 1969. – 238 с.
2. Кальман О.Г. Окремі ухвали у справах про розкрадання соціалістичного майна / О.Г. Кальман, В.П. Шевченко // Радянське право. – 1984. – № 11. – С. 43–46.
3. Кузьминець О.В. Історія держави і права України / О.В. Кузьминець, В.С. Калиновський. – К. : Україна, 2002. – 448 с.
4. Михайленко П.П. Предупреждение преступлений – основа борьбы за искоренение преступности / П.П. Михайленко, И.А. Гельфанд. – М. : Юридическая лит-ра, 1964. – 203 с.
5. Центральный государственный архив общественных объединений Украины (ЦГАОО Украины). – Ф. 1. – Оп. 25. – Д. 58. – 190 л.
6. ЦГАОО Украины. – Ф. 1. – Оп. 25. – Д. 60. – 305 л.
7. ЦГАОО Украины. – Ф. 1. – Оп. 25. – Д. 206. – 96 л.
8. ЦГАОО Украины. – Ф. 1. – Оп. 25. – Д. 209. – 104 л.
9. ЦГАОО Украины. – Ф. 1. – Оп. 25. – Д. 213. – 140 л.