

SOCIO-ECONOMIC DETERMINANTS AND CONSEQUENCES OF CRIMINAL OFFENSES AGAINST SEXUAL FREEDOM AND SEXUAL INVIOLABILITY

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Abstract. *The purpose* of the article is to reveal the essence of socio-economic determinants of criminal offenses against sexual freedom and sexual integrity; to conduct an analysis of differentiating economic consequences of sexual criminal offenses; to conduct an assessment of threats to economic security associated with the change in the quantitative indicator of sexual criminal activity, as well as to determine the measures necessary to neutralize threats and risks to the economic security of the state. Scientific discussion of the problem of prevention of sexual crimes by improving the mechanism of social protection of the population is presented. The author's vision of the nature and content of the economic consequences of socially dangerous sexual acts is formulated. Attention is drawn to the fact that a low level of well-being leads to the intensification of threats to economic security, which results in the formation of socio-economic determinants of all types of criminal activity, which is connected with the uneven economic development of the regions of Ukraine, the unsatisfactory level of development of the agrarian sector in the economy, the lack of an established mechanism for regulating the international migration of labor resources in the conditions of globalization, and so on. The direct and indirect economic consequences of sexual violence are characterized and some foreign doctrinal approaches to their assessment are given. *Results.* Socio-economic determinants influencing the number of crimes against sexual freedom and sexual integrity have been identified. It has been proven that the economic consequences of sexual crimes can be divided into direct (actual material costs caused by direct sexual violence and those related to the need of victims for medical/social and legal assistance) and indirect (secondary material costs caused by the loss of financial resources, those resulting from the partial/full, temporary/permanent inability of victims to perform their work duties and those caused by the consequences of sexual violence). Measures to neutralize risks and threats to the economic security of the state are proposed: 1) fight against the spread of legalization (laundering) of income obtained by criminal means; 2) creation of special treatment facilities for persons who have committed sexual crimes; 3) development of criminological strategies aimed at timely identification of risks of increasing sexual crimes; 4) expansion of the scope of social services for victims of sexual violence; 5) promotion of the development of small and medium-sized businesses, involvement of persons with disabilities in labor activity.

Key words: economic determinants, economic consequences, criminal illegal activity, criminal offenses against sexual freedom and sexual integrity of a person, social services, risk assessment, prevention.

JEL Classification: K14, O35

1. Introduction

Criminal and economic security are interdependent concepts and integral parts of the national security of the state. The aggravation of criminogenic threats leads to the destabilization of the socio-political situation in the country. In this respect, the improvement of general social measures to prevent criminal illegal activities (including by accelerating

the rate of social and economic growth of the population) will not only solve the problem of complicating the criminogenic situation, but will also contribute to the further European integration of the country.

In this context, violent socially dangerous acts, in particular those that violate sexual freedom and sexual inviolability, require attention. Since 2017, it is possible

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to summarize the increase in the number of such acts: by the end of 2021, the growth rate of sexual crimes was 91.2%. Offences against sexual freedom and sexual integrity of a person are characterized by an increased degree of social danger, audacity and immorality. The study of statistical information and judicial practice testifies to a close connection between the material problems of economic growth of Ukraine and the negative dynamics of the investigated socially dangerous acts, which is due to the formation of a deterministic complex that contributes to the emergence of perverse deviations in the population.

In the field of domestic scientific research there are a number of works directly or indirectly related to the issue of socio-economic determination of criminal offenses (A. Babenko, B. Golovkin, O. Dzhuzha, O. Dudorov, A. Zakaliuk, O. Kostenko, E. Nazymko, V. Shakun, and others). However, revealing the problem of negative impact of economic factors specifically on sexual criminal activity requires additional attention, which emphasizes the relevance of the topic of the article.

The purpose of the article is to reveal the essence of socio-economic determinants of criminal offenses against sexual freedom and sexual integrity; to conduct the analysis of the economic consequences differentiation of sexual criminal offenses; to conduct an assessment of threats to economic security associated with a change in the quantitative indicator of sexual criminal activity, as well as to determine the measures necessary to neutralize threats and risks to the economic security of the state.

2. Socio-economic determinants of crimes against a person's sexual freedom and sexual integrity

Today Ukraine is on a difficult path of European integration, which determines the necessity of studying a number of acts of international legislation in order to adapt Ukrainian legislation to the legislation of the European Union. When considering the criminal and criminal procedural law of the European Union (hereinafter – the EU), it should be noted that there is no single regulatory act that would regulate criminal and criminal procedural relations of the EU Member States (Horoshko, Nazymko, Pavliutin, 2022). The development of a modern state requires the improvement of directions that ensure the realization of the priorities of national interests of Ukraine and its national security, one of which is the protection of rights and freedoms and legitimate interests of citizens of Ukraine, as stated in the National Security Strategy of Ukraine "The Security of a Person is the Security of the Country", approved by the Decree of the President of Ukraine of September 14, 2020

No. 392/2020 (Stratehiia natsionalnoi bezpeky Ukrainy "Bezpeka liudyny – bezpeka krainy", 2020). Thus, based on the title of the document, it can be concluded that the construction of a democratic, integral and sovereign state takes place through the increased protection of its citizens.

The Strategy also states that the source of threats to Ukraine's independence, sovereignty and democracy remains the insufficient efficiency of state bodies, which complicates the development and implementation of effective policies. A low level of well-being creates hopelessness and uncertainty about the future, provokes violence that slows down development and perpetuates backwardness. The existence of radical social attitudes and environments, which are the basis for political violence and separatism, the activities of illegal armed groups and the spread of terrorism, is particularly dangerous. Crime threatens the rights and freedoms, legitimate interests of people, society and the State. (Stratehiia natsionalnoi bezpeky Ukrainy "Bezpeka liudyny – bezpeka krainy", 2020). The low level of well-being also leads to the intensification of threats to economic security, which has the consequence of the formation of socio-economic determinants of criminal illegal activities of all kinds, which is connected with the uneven economic development of the regions of Ukraine, the unsatisfactory level of development of the agrarian sector of the economy, the lack of an established mechanism of regulation of international labor migration resources in the conditions of globalization, etc.

The connection between economic destabilization and an increase in the number of crimes against sexual freedom and sexual integrity of a person is caused by such factors as: 1) an increase in the level of unemployment leads to the search for alternative ways of earning, including – committing acts related to violation of morality, sexual freedom and sexual integrity; 2) labor migration of citizens has a potential risk of increasing the facts of human trafficking; 3) socio-economic inequality and the resulting aggression contribute to the development of deviations; 4) martial law complicates the operation of small and medium-sized businesses in the areas of active hostilities, leading to the loss of sales markets and personnel, disruption of logistics; participation in hostilities often leads to the emergence of post-traumatic stress disorders, such as alcohol and drug addiction (as a way of overcoming the disease), which contributes to social degradation and criminalization of the population. The given opinion about the correlation of alcohol addiction and the increase of the number of crimes against sexual freedom and sexual integrity is confirmed by the state statistics published on the website of the General Prosecutor's Office of Ukraine, according to which in

2017 33.3% of people who committed the specified socially dangerous acts were in a state of alcohol intoxication, in 2018 – 29.1%, in 2019 – 32.8%, in 2020 – 31.2%, in 2021 – 26.3%, as of November 2022 19.8% of people who committed sexually public dangerous acts were in a state of alcohol intoxication (Statystyka. Ofis Heneralnoho prokurora, 2022). Thus, it is possible to summarize a clear relationship between the unsatisfactory state of social and economic protection of the population and the development of sexual deviations.

Studying the information of the State Statistical Service gives reason to believe that the lack of the required number of jobs leads to the forced dismissal of citizens: in 2017, 1,698 citizens aged 15 to 70 were registered as unemployed, 23.2% of the total number were dismissed for economic reasons; in 2018, the number of such citizens was 1,578, 20.7% were dismissed for economic reasons; in 2019 – 1,487, 21.5% – dismissed for economic reasons; in 2020 – 1,674, 22.9% – dismissed for economic reasons; by the end of 2021, 1,711 citizens were registered as unemployed, of which 22.9% were dismissed for economic reasons (Statystyka. Derzhavna sluzhba statystyky Ukrainy, 2022). Dismissal for economic reasons is the result of the financial and economic crisis caused by the annexation of the Autonomous Republic of Crimea in 2014 and the occupation of part of the territory of the Donetsk and Luhansk regions, forced internal displacement and migration of people. The discrepancy between the officially registered and the real number of unemployed remains a real problem, which is connected with the growing tendency of people to engage in illegal activities, which are more profitable in the unstable political and economic situation.

Crimes against sexual freedom and sexual integrity are also committed by mostly able-bodied people who, for various reasons, do not work or study. According to the Prosecutor General's Office, in 2017, 273 people were identified as having committed crimes against sexual freedom and sexual integrity, 66.3% of them were able to work, but neither worked nor studied; in 2018, 326 such people were identified, 57.6% of them were able to work, but neither worked nor studied; in 2019 – 307 such people were registered, 69% – of them were able to work, but neither worked nor studied; in 2020 – 342 such people were registered, 68.1% – of them were able to work, but neither worked nor studied; in 2021 – 330 such people were registered, 71.5% of them were able to work – but neither worked nor studied; in November 2022, 186 people were found guilty of crimes against sexual freedom and sexual integrity, 68.2% of them were able to work, but neither worked nor studied (Statystyka. Ofis

Heneralnoho prokurora, 2022). At the same time, the ratio of the age group of persons who committed the specified acts to the age group in which the highest unemployment rate is observed (18-28 years old) is also indicative: in 2017, crimes against sexual freedom and sexual integrity were committed by 29.6% of persons aged 18-28 years, in 2018 – 29.4%, in 2019 – 33.2%, in 2020 – 31%, in 2021 – 33.3%, as of November 2022 – 31.7% (Statystyka. Ofis Heneralnoho prokurora, 2022).

This situation can be explained by the relationship between the length of time a person dismissed for economic reasons spends looking for a new job and the appearance of destructive personality changes due to the loss of qualifications and professionalism, which causes deviations, including those of a sexual nature.

Consequently, a series of crisis phenomena in the economic sphere leads to the appearance of negative trends in the labor market, followed by a rapid deterioration of the situation in the field of employment. Forced unemployment caused by economic reasons leads to the involvement of citizens in illegal activities, alcohol and drug addiction. All this determines sexual criminal activity, which is caused either by destructive changes in the materially insecure personality, or by the chosen methods of illegal earnings (pimping, prostitution, human trafficking, etc.).

3. Economic consequences of sexual offenses

Sexual violence has a number of socially dangerous consequences, most of which are associated with the threat to the life and health of the victims, both at the time of the implementation of the criminal illegal intention and in the post-criminal stage. However, potential/postponed losses of a material nature are an obvious basis for defining a specific group of economic consequences. The economic consequences of sexual crimes can be divided into direct (actual material costs caused by the direct sexual violence and those related to the victim's need for medical/social and legal assistance) and indirect (secondary material costs caused by the loss of financial resources due to the partial/full, temporary/permanent inability of the victim to work as a result of the sexual violence). Among the direct and indirect economic consequences, the following should be emphasized:

1) Violation of the general equilibrium in the model of the economic cycle – destabilization of the resource market and the product market due to irreversible losses of the population: loss of the potential labor force caused by a decrease or loss of the opportunity to carry out labor activity due to temporary or permanent incapacity to work, as well as an increase

in the death rate of the population due to sexual crimes.

Research conducted by the Maryland Coalition against Sexual Assault (MCASA) concluded that temporary absence from the workplace is not the only consequence of sexual assault that affects work activity. Researchers have found that 50% of victims of sexual violence quit or were forced to leave their jobs within a year of the assault due to post-traumatic stress that precludes continued employment (Economic Costs of Sexual Violence, 2021).

In 2017, the Ukrainian Center for Social Reforms conducted a study on the economic consequences of violence against women in Ukraine. It was found that the most serious demographic and economic consequences of violence against women are irreversible loss of life (death). Its cost is estimated both in the equivalent of the loss of the macro-economic result calculated for the current (particular) year, and by measuring the potential loss of this result for the period that the woman did not live to see: or up to the limit of premature mortality (65 years), set by the World Health Organization (hereinafter – WHO), or up to the average age of death (average life expectancy of women in the country). The macroeconomic outcome in such a calculation is evaluated either in terms of lost national product (e.g., GDP) or using the average annual earnings of a woman as the equivalent of lost income (Ekonomichni naslidky nasylystva shchodo zhinok v Ukraini. Ukrainskyi tsentr sotsialnykh reform, 2017). The demographic costs can also be assessed as a destructive impact on the macroeconomics of the state due to a decrease in the labor resources of the population. The problem of relating demographic costs to the non-material aspects of sexual violence, such as limitations on life activities (loss of ability to care for oneself, mobility, communication, etc.), remains unresolved.

2) A decrease in the effectiveness of the education system due to the inability/unwillingness of victims of sexual crimes to exercise their right to education. The MCASA found that one of the reasons for the decrease in the income of the victims was the low rate of their education, as the persons who had experienced sexual violence were three times more likely not to graduate from high school than other citizens (Economic Costs of Sexual Violence, 2021).

3) Significant financial costs associated with responding to sexual crimes and eliminating their consequences by law enforcement, medical and social institutions, etc.

According to the White House Council on Women and Girls, "Rape and Sexual Assault: A Renewed Call to Action," the United States spends between \$87,000 and \$240,776 annually to address the consequences of sex crimes. The report by Farris,

Schell, & Tanielian, the RAND Corporation, "Enemy Within: Military Sexual Assault Inflicts Physical, Psychological, Financial Pain," shows that emergency medical care for victims of sexual violence costs nearly \$2,084 annually (Economic Costs of Sexual Violence, 2019).

4) Individual financial expenses of victims for treatment of physical injuries, post-traumatic stress disorder, etc., caused by sexual offenses.

According to the National Alliance to End Sexual Violence report, "The Costs and Consequences of Sexual Violence and Cost-Effective Solutions," rape costs victims more than any other crime, about \$127 billion a year. (Economic Costs of Sexual Violence, 2019).

The main individual expenses of victims of sexual crimes can be divided into (Ekonomichni naslidky nasylystva shchodo zhinok v Ukraini. Ukrainskyi tsentr sotsialnykh reform, 2017): 1) damages related to medical care (including transportation of victims to medical institutions, clinical examination, purchase of medical equipment and payment for other medical services, consultations with specialists, etc.); 2) harms related to obtaining legal assistance and support (consultations, processing of documents, payment of court fees, etc.); 3) damages related to housing needs (forced relocation, related to the need to ensure the safety of the victim or his/her close relatives during criminal proceedings, restoration of damaged housing/property/clothing, etc.).

4. Assessment of threats to economic security in connection with the growth of the quantitative indicator of criminal sexual activity

The economic security of the state can be understood as ensuring the necessary level of national security with its own financial and other resources, creating favorable conditions for the development of the economy and increasing the level of competitiveness of the country, protecting the vital interests of the individual, society and the state in the economic sphere from internal and external threats (Hnatenko, 2021). Among the key components of the state's economic security, it is necessary to emphasize external economic security, i.e., protection of national economic interests from the negative influence of external factors. Ensuring the external economic security of the state presupposes the implementation of measures that allow to bring the state of foreign economic activity in line with national economic interests, and this will allow to create favorable conditions for sustainable economic growth. Attention should also be paid to socio-demographic security. It means counteracting the negative impact of threats on social development

and living standards of the population. Effective public administration is necessary to overcome the main social threats, which manifest themselves at both the personal and societal levels. All social interests of citizens and society as a whole require a balanced state policy aimed at counteracting or adapting to the negative effects of external and internal threats. Achieving the protection of demographic interests is impossible without balancing such processes as the age, gender and ethnic parameters of the population and immigration (Korchynskyi, 2019).

Sociodemographic security can also be considered from the point of view of potential threats to the health of women who have been the victims of crimes against their sexual freedom and integrity. At present, the net reproduction rate of the population per woman is quite low, which is the first indicator of the reduction of reproduction as a general trend. The second indicator in the structure of socio-demographic security is a decrease in the total birth rate, which can be caused by fertilization as a result of a sexual crime, termination of an unwanted pregnancy or impossibility of pregnancy due to trauma. The third indicator is the increase in the death rate of babies born to women raped, which is associated with the presence of sexually transmitted diseases (including HIV/AIDS, TORCH infections, syphilis, etc.). Depopulation leads to economic decline.

The Strategy of Economic Security of Ukraine for the period up to 2025, approved by the Decree of the President of Ukraine of August 11, No. 347/2021, defines the main challenges and threats in the field of macroeconomic security, such as a low level of well-being of the population, which leads to a decrease in domestic consumption and savings, an increase in poverty, especially among the working population; significant unevenness in the distribution of income of the population in the regional part, which provokes excessive internal migration of labor; intensive processes of migration of labor, which leads to an outflow of qualified personnel; a high level of unemployment (in comparison with other European countries) in the conditions of the existing mismatch between the demand and supply of labor resources on the market, as well as high competition on the labor market in industries with high wages and salaries; a high level of informal employment (in comparison with lower wages and salaries than in other European countries), which will keep the labor migration drain at a high level in the future; low growth rates of labor productivity. Therefore, the dangerous and unsatisfactory level of the main components of economic security observed during the last decade makes it necessary to determine the strategic course in the field of ensuring economic

security (Stratehiia ekonomichnoi bezpeky Ukrainy na period do 2025 roku, 2021).

Scientists rightly note that, based on some aspects of foreign experience, including historical, it should be noted that in the conditions of armed confrontation, even in the form of a hybrid military conflict, the solution of security problems becomes much more complicated and acquires special importance (*indicated by the author*) (Fedchyniak, Danylevskyi, Nazymko, Kuleshov, Makarenko, 2022). International standards for the protection of persons from sexual violence also provide for protection against their involvement in prostitution, participation in the production of pornographic materials and any other form of sexual exploitation..., promotion of timely provision of legal and any other assistance necessary and sufficient to prevent secondary victimization..., actualization of the issue of restitution and compensation (*indicated by the author*) (Nazymko, Titochka, 2022).

Therefore, within the framework of the identified challenges and threats, it is advisable to implement the following measures aimed at neutralizing the risks to the economic security of the state by reducing the quantitative indicator of sexual crimes: 1) combating the spread of legalization (laundering) of the proceeds of crime, including activities related to the involvement of persons in prostitution, as well as the import, manufacture, sale and distribution of pornographic materials; 2) the creation of special institutions for perpetrators of sexual crimes (which will allow the redistribution of resources from eliminating the economic consequences of sexual violence to eliminating the public danger of the offender); 3) development of criminological strategies aimed at timely identification of the risks of increasing the number of sexual crimes (for example, the economic crisis caused by the COVID-19 pandemic caused by the SARS-CoV-2 coronavirus, as well as the martial law imposed on February 24, 2022 in connection with the military aggression of the Russian Federation against Ukraine, led to the loss of jobs, which in turn led to an increase in the number of violent crimes, including those against sexual freedom and sexual inviolability); 4) expanding the scope of social services for victims of sexual violence; 5) promoting the development of small and medium-sized enterprises and the participation of persons with disabilities in the labor force.

5. Conclusions

Thus, the research conducted made it possible to conclude that the fight against criminal illegal activities, both in general and in terms of criminal offenses against sexual freedom and sexual integrity,

should focus on the following economic factors in the conditions of the current global economic models, which is due to such reasons as 1) a high level of unemployment, the problem of rational distribution of resources, etc. are catalysts for alcoholism in the population, which negatively affects reproductive health and leads to a demographic

crisis; 2) a low level of financial support leads to the search for alternatives, including – illegal ways of earning money; 3) dissatisfaction with social status and material security causes aggression, which is included in the mechanism of forming the intention to commit violent acts, including those of a sexual nature.

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