

SOCIO-ECONOMIC COMPONENT OF THE STATE POLICY IN THE FIELD OF PREVENTION OF CRIMINAL OFFENCES AGAINST LABOUR RIGHTS AND FREEDOMS OF A PERSON AND A CITIZEN

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Abstract. The *purpose* of the article is to reveal the essence and content of socio-economic elements of the state policy in the field of prevention of criminal offences against labour rights and freedoms of a person and a citizen; to consider the main methods of risk management in the construction of the crime prevention mechanism as the ways of ensuring the economic security of the state. Scientific discussion of the problem of correlation of criminal-legal, criminological and economic aspects of reduction of quantitative and qualitative indicators of such socially dangerous acts is presented. The socio-economic determinants of the studied type of crime are characterised. The authors' vision of the peculiarities of labour legislation in the conditions of martial law functioning and their correlation with the intensification of crime and the destabilisation of the economic situation in the country is outlined. The problem of the high level of migration is updated and explained from the point of view of the unsatisfactory economic situation, which complicates the process of employment of young people, and the unsatisfactory level of providing the population with higher education. The need to integrate the social aspect into the labour legislation has been demonstrated by standardising the provisions on the preferred categories of employees, the specifics of their performance of labour duties, etc. Socio-economic measures and means to prevent criminal offences against the labour rights of citizens are proposed. *Results.* Regulatory legal acts establishing the peculiarities of employees' performance of their labour duties have been regulated, and the Law of Ukraine "On Peculiarities of Regulation of Labour Relations under Martial Law" No. 2136-IX of 15.03.2022, which defines the procedure for interaction between the employer, the state and the employee, regarding the special legal regime, has been singled out. The article provides additional arguments in favour of the need to introduce systemic changes to the Labour Code. It is established that the socio-economic determinants of criminal offences against labour rights of citizens include the following phenomena: 1) martial law and the COVID-19 coronavirus pandemic have reduced Ukraine's investment attractiveness, leading to a fall in the labour market, the need to cut jobs and the resulting labour disputes, and the need for employers to resort to criminal violations of employees' rights (gross violation of labour laws, gross violation of an employment contract, coercion to participate in a strike or obstruction of participation in a strike, and so forth); 2) the levelling of the need for conceptual reforms of the concept of sustainable development in the current political and economic environment has led to the end of globalisation and the beginning of localisation, and, as a result, migration of the population causes the loss of labour resources and the retention of employees by illegal means (in particular, through unjustified non-payment of wages, scholarships, and more); 3) regular attacks on critical infrastructure facilities and complications in energy security increase the demand for certain professions (e.g., in the defence industry) and make others irrelevant, which leads to massive redundancies in other professions; 4) financial, technical, organisational, administrative and personnel problems in the work of commercial courts, which makes it difficult for the court to resolve disputes related to business activities.

Key words: socio-economic determinants, socio-economic prevention measures, labour legislation, economic security, labour rights, criminal offence, criminal law, wages.

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1. Introduction

The unsatisfactory economic situation of the country is directly related to the violation of labour rights, both in the broad sense and in the narrower sense, which consists in the violation of labour protection norms (criminal offences against production safety). Following the correlation between economic crises and their consequences, it is possible to identify typical situations, which consist in artificially reducing employees' wages and salaries, dismissals for economic reasons, labour migration, etc. The study of criminal unlawful activity from the beginning of human existence to the present day allows one to unequivocally state that any criminal offence is the result of a number of destructive factors which can be conditionally differentiated by different levels of public administration. In modern criminology, such factors are integrated into the mechanism of determination. Correct definition of the deterministic complex, which determines a certain type of criminal offence, provides an opportunity to choose the most effective multi-level means to prevent such actions. This is also confirmed by the fact that every modern prevention strategy, before outlining the main tasks and the means of solving them, defines a series of current and anticipated threats, taking into account foreign and domestic political conditions, which indicates the existence of deterministic groups inherent in certain types of criminal offences. Acts that interfere with normal labour relations are no exception.

The causes and factors of criminal offences against labour rights and freedoms of a person and a citizen were considered in the works of M. Siyploki, V. Tarasenko, V. Pavlykivskiy, I. Vasylkivska, N. Parkhomenko, O. Skrypniuk and others. At the same time, the socio-economic determinants of such actions have practically not been the subject of research by scientists, which determines the relevance of the chosen topic.

The purpose of the article is to reveal the essence and content of socio-economic elements of the State policy in the area of prevention of criminal offences against labour rights and freedoms of man and citizen; to consider the main methods of risk management in building a crime prevention mechanism as a way of ensuring economic security of the State.

2. The Phenomenon of Determination of Crime and Its Place in the Mechanism of Ensuring Economic Security of the State

Traditionally, the determination of crime consists of such basic elements as causes, conditions, correlates. Types of determination are causation, conditioning, correlation, connection of states, functional dependence, determination of goals (Boiko, 2008).

According to the content, the determination of crime can be causal and non-causal.

The functional purpose of causal determination is to identify links and dependencies between homogeneous criminogenic phenomena and crime. Non-causal determination performs another criminologically significant role – it reveals the relationship between crime and homogeneous phenomena and processes that influence it (Zakaliuk, 2007). Deterministic links are diverse in nature, degree of complexity and depth, and forms of manifestation. By form, determination can be dynamic (unambiguous) and statistical (multivariate or probabilistic); physical and informational; internal and external.

According to the time of action, a distinction is made between past determination, present determination and future determination. By the type of relationship, it is divided into more than 30 subtypes. Among them, the most commonly used in the study of crime are correlations, functional dependence, connection of states, systemic-structural connection, causes, and conditions.

Correlation or correspondence relationship is a relationship, a statistical relationship between the parameters (variables) of two or more random phenomena, which has a probabilistic nature. When there is a correlation between the cause (factorial characteristic) and the effect (resultative characteristic), there is no complete correspondence, but only a certain relationship is observed (Holovkin, 2020). When studying the phenomenon of criminal illegal activity, it is important to establish both internal and external correlations, and therefore both causal and non-causal determinants should be studied and taken into account when creating preventive mechanisms. It should also be emphasised that criminological preventive measures are clearly correlated with units and groups of determinants, which is due to their orientation towards reducing the criminogenicity of society by overcoming the factors that cause the need to violate the criminal law.

Socio-economic factors are of particular importance in determining these violations, including Ukraine's protracted economic crisis, the resulting unemployment and poverty, and the significant social stratification of the population. According to experts, social inequality in Ukraine is one of the highest in the world. The difference between the incomes of the richest 10% and the poorest 10% of Ukrainians, including shadow incomes, reaches 40 times (Ukraine: time to choose, 2013). Scientists note that socio-economic inequality is manifested in the distorted social structure of the domestic society, in which there are only two strata with characteristic features for them – the rich and the poor. In the Ukrainian reality, the middle class as such does not correspond to the classical ideas about it (Libanova, 2012), while

in all developed countries it is the middle class that performs an important stabilising function (Koval, 2016). As a result of ambiguous socio-economic changes, a significant part of the population left the country in search of a better life, while another part fell below the poverty line. The economic difficulties have led to a number of social anomalies, a lack of confidence in the future and growing social tensions. As a result, this led to the activation of the criminogenic potential of society and the growth of the scale of crime (Andrushko, 2019). Criminal offences against the labour rights of citizens are directly related to the socio-economic determination, which is due to the correlation between the unsatisfactory economic situation in the country, the decrease in the number of jobs, the need to reduce the number of employees and the potential danger of violation of the rights and freedoms of workers by the heads of enterprises, institutions, etc. This is particularly relevant for small- and medium-sized enterprises, which are not always able to operate in difficult social, economic and political conditions and are more vulnerable to criminal and illegal influence.

In the system of human values of the society, a certain state of vacuum is formed, there is a rejection of social norms and priorities. The society almost loses the feeling of protection from the negative effects of external and internal threats, which is extremely important for effective development. The number of people for whom deviation from the generally accepted, most widespread and established social norms turns into persistent deviant behaviour, which does not always provoke opposition from society, increases. The degradation of social values, the dissolution of political and cultural landmarks is a reaction to the collapse of the most important social institutions, the economic crisis caused by the high level of corruption of state authorities and their inactivity. All this is happening against a background of a loss of confidence by the population in the current government, a significant social and property stratification of the population, and an increase in the number of people who consider themselves poor. As a result, the dynamics of social tension and the growth of material rather than spiritual needs are on the rise. Under such conditions, raising the minimum wage does not increase public satisfaction, as it is accompanied by an almost complete levelling of the tariff scale, which means that highly skilled labour is no longer valued by society. The salaries of employees in the budget sector do not correspond to the prices of goods and services, nor to the costs of labour and qualifications. Subsidies introduced to support the poor population further contribute to the levelling process (Oglikh, 2018). Economic problems always have an impact on social relations, which determines the formation of deviant behaviour

among citizens, caused by the need to satisfy needs that cannot be satisfied in a legal way. In most cases, this leads to illegal activities, such as pimping, involvement in prostitution, production of pornographic objects, human trafficking, etc. Inter-civilisational interactions, globalisation of the world economy, and the transition to new forms of business activity not adapted to Ukrainian realities make the Ukrainian economy vulnerable to financial imbalances and, consequently, to the financial and economic crisis.

3. The State of the Economy and the Level of Crime: Correlation Issues and the Short-Term Outlook

The apparent lack of stable reforms in the country can be explained by the volatility of internal and external political and economic relations, changing priorities of the country, dynamic legislation, etc. At the same time, unsatisfactory economic and social transformations have led to a sharp decline in a number of key market segments. The functioning of the state under the special legal regime of martial law also has a destructive effect, in particular, this applies to the conduct of military operations by the aggressor state aimed at destroying and damaging critical infrastructure.

The social strata that have an average level of income and pay for housing and communal services in full do not differ from the poor in terms of disposable income. Thus, the implementation of at least minimum standards of decent living is further delayed, and the formation of high-quality labour resources is further complicated. Under the reformed pension system, the minimum provision is made for both those who have paid contributions throughout their lives from incomes equal to the national average wage and those who have paid several times less. That is, the state itself "encourages" the distortion of moral values and legal consciousness of the individual, and the violation of the law. According to David Lounsbury, the likelihood that a person will be tempted by material gain after comparing the risks and potential income from committing a crime increases against the backdrop of a deteriorating economy and an increased sense of need during the crisis (Oglikh, 2018). A similar view is held by Jeff Grogger, who argues that crime rises when the incomes of young, low-skilled workers fall, because the crisis hits the least well-off and unskilled strata of society first. In this case, criminal activity becomes an attractive alternative to law-abiding poverty. Based on a statistical study, Bruce Weinberg proves that the potential level of crime is correlated with the level of unemployment among low-skilled men (Oglikh, 2018). In this context, it is particularly relevant to

consider the level of education of the citizens who most often commit crimes against labour rights. It should be noted that a high level of education is not always a factor capable of preventing a person from committing socially dangerous acts. Judicial practice includes a number of cases in which higher education contributed to a more professional attitude to criminal offences, their commission in the field of activity, etc. Therefore, in most cases, the level of education is a factor that determines the choice of a certain type of crime and the way of realising the intention. It is only in the case of socially adjusted persons that education correlates with the level of legal awareness.

The state of the economy affects the rate of crime only in the short term, and the effect is observed for different types of crime separately. Most likely, the indirect, inertial effect is due to budgetary problems, namely, cuts in educational, upbringing and sports programmes, spending on security and safety systems, and the number of employees of law enforcement agencies at the level of the state, local authorities and business. In other words, the poor state of the economy reduces the ability of society to counteract crime. It is possible to continue to observe an increase in the scale of such phenomena of social life that give rise to crime, contribute to its existence and influence its dynamics. Despite the victorious relation, crime is not decreasing, but is growing and changing, supported by knowledge and becoming more scientific and professional. And while in business it can be a matter of using computer technology in credit and banking transactions, corruption schemes at the state level, domestic criminal offences, such as hooliganism, theft, and economic activities, such as fraud, are characterised by ordinary criminal offences involving subsidies, bribes, and tax evasion. It is sad, but it should be noted that it is the social environment, economic contradictions and political fluctuations that give rise to antisocial motivations and criminal behaviour and distort human capital (Oglikh, 2018). The distortion of human capital and the loss of labour potential reduces the economic and political capacity of the state, leading to the need to search for foreign labour resources and switch to other forms of employment. All of this is a significant destabilising factor that contributes to the deterioration of the criminological situation.

As for the most significant causes of crime in society, researchers have pointed to legal, anatomical, physiological, climatic factors, and race. But the most convincing studies are those that link the crime rate to socio-economic factors, including unemployment, average income, education, consumption of social and cultural services, etc. Aristotle noted that "poverty is the source of outrages and crimes" (Dluhopolskyi,

2012). In studies of crime rates conducted in different countries, various factors are identified on which they depend. Summarising the different approaches to the factors that determine the crime rate in a particular society, the following are worth mentioning: the propensity of members of society to engage in criminal behaviour, willingness to take risks for the sake of criminal enrichment; the likelihood of detection of a crime and imposition of sanctions, as well as the severity of the sanctions themselves; economic factors characterising the overall level of well-being of society, unemployment, and the level of average income from legal activities compared to criminal ones; the ability of members of society who are potential victims of crime to resist criminals and protect themselves, including the ability to own weapons; the extent of demand from society for property protection (safes, modern locks, alarm and video surveillance systems, security services, etc.); opportunities for the sale of property acquired through criminal means, legalisation of shadow income; the volume of demand by members of society for goods whose circulation is restricted or prohibited by the state; the specifics of a particular territorial unit (street lighting, vigilance of the population, the appearance of local residents, which may differ from the typical appearance of a criminal, and so forth); the effectiveness of measures taken by the state to protect law and order (Ivashchenko, 2022). The specificity of criminal offences against labour rights, especially those related to violations of labour safety requirements, has a special list of factors that affect the level of criminal activity in this area. In particular, it can also be said that the negligent form of guilt of the latter is mostly due to social unwillingness to take responsibility for their lives and the lives of their subordinates; alcohol or drug addiction (which is also directly related to social maladjustment), etc.

Thus, the socio-economic determinants of criminal offences against labour rights should include the following phenomena: 1) martial law and the COVID-19 coronavirus pandemic have reduced Ukraine's investment attractiveness, leading to a fall in the labour market, the need to cut jobs and the resulting labour disputes, and the need for employers to resort to criminal violations of employees' rights (gross violation of labour laws, gross violation of an employment contract, coercion to participate in a strike or obstruction of participation in a strike, and so forth); 2) the levelling of the need for conceptual reforms of the concept of sustainable development in the current political and economic environment has led to the end of globalisation and the beginning of localisation, and, as a result, migration of the population causes the loss of labour resources and the retention of employees by illegal

means (in particular, through unjustified non-payment of wages, scholarships, and the like); 3) frequent attacks on critical infrastructure and complications in energy security increase the demand for certain professions (e.g., in the defence industry) and make others irrelevant, which leads to massive layoffs in other professions; 4) financial, technical, organisational, administrative and personnel problems in the work of commercial courts, which complicates the resolution of disputes related to business activities. This is a secondary factor that determines the socially dangerous behaviour of small- and medium-sized business owners and further violation of labour rights.

4. Socio-Economic Measures to Prevent Criminal Offences Against Labour Rights of Citizens

The labour legislation, which was adopted long before Ukraine became an independent state, is regularly reviewed to bring it closer to modern labour standards. It is also necessary to distinguish a number of regulations that set out the specifics of employees' performance of their labour duties. In particular, the Law of Ukraine "On Peculiarities of Regulation of Labour Relations under Martial Law" No. 2136-IX of 15.03.2022, which outlines the procedure for interaction between the employer, the state and the employee, regarding the special legal regime, is worth mentioning. At the same time, despite the legislator's attempts to bring the legal framework into line, the Labour Code needs to be seriously revised, or even a more appropriate and effective step would be to adopt a fundamentally new labour legislation.

Social protection of persons with disabilities is also currently unsatisfactory. This problem should be solved by introducing long-term programmes aimed at intensifying the efforts of state and executive authorities to provide such persons with free training and retraining opportunities to acquire new skills and master new professions. In particular, it is also of particular relevance in the context of aggressive military operations, which cause both civilians and military personnel to suffer and receive varying degrees of injuries that can lead to disability, making it impossible to continue working in the field of education.

The high level of migration can also be explained in terms of the poor economic situation, which makes it difficult for young people to find employment, and the poor level of higher education provision – the lack of sufficient number of state-funded places, rather low level of secondary and basic education, which is not sufficient for admission to higher education institutions, etc. The desire to obtain a more prestigious diploma, the search for

decent financial and social security, and military aggression all force young people to migrate abroad. Criminal offences against the labour rights of citizens are economically disadvantageous for the state in terms of loss of labour resources, increased criminal threats, expansion of migration processes, and loss of image appeal for partner states and international donors. The economy of a state and the level of its social development are directly related to the ability of citizens to fulfil their labour duties aimed at meeting national internal economic, political and external needs.

Thus, socio-economic measures and means of preventing criminal offences against labour rights of citizens should include: 1) stimulation of investment activity, in particular, increasing the country's investment attractiveness in the international arena; 2) strengthening state control and transparency of the judicial system in the field of economic activity; 3) expansion of the list of professions relevant to the state by expanding the scope of activities and transforming traditional forms of employment, which is especially important in the context of the COVID-19 pandemic, which has significantly reduced the profitability of enterprises and negatively affected small- and medium-sized businesses; 4) establishment and promotion of logistics in the country; ensuring the stability of supply chains, both domestic and foreign; 5) development of an algorithm for transferring employees to online work to fully perform their duties while maintaining adequate wages; 6) identification of ways and methods to control the effective redistribution of released funds; 7) revision of the Procedure for sending the calculation of the amounts of administrative and economic sanctions payable in connection with the failure to meet the standard of jobs for the employment of persons with disabilities for the previous year, approved by Resolution of the Board of the Pension Fund of Ukraine No. 14-1 dated 10.03.2023, in terms of increasing the fine for failure to meet the standard of jobs for the employment of persons with disabilities; 8) promotion of training and retraining of persons with disabilities for vocational purposes; 9) ensuring compliance with all principles of the healthcare system; 10) overcoming discrimination on any grounds; 11) normalisation of social benefits for vulnerable categories of the population.

5. Conclusions

Thus, the study has led to the conclusion that today's labour and social security problems have a destructive impact on both the economy and the national security of the state as a whole. At the same time, negative trends in the state policy in the field of criminal offences against labour rights of

citizens form a vicious circle of determinants of general crime. In this regard, Ukraine needs to create a unified, conceptual approach to counteracting such forms of socially dangerous activity by

eliminating its socio-economic factors. In particular, the latter also applies to corruption threats and reducing the number of cases of legalisation (laundering) of the proceeds of crime.

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