

7. Дудоров О. О., Каменський Д. В. Діяння як ознака незаконного зайняття водним добувним промислом: питання понятійного апарату у чинному і потенційному кримінальному законі. *Науково-інформаційний вісник Івано-Франківського університету права імені Короля Данила Галицького*. Серія: Право. 2023. Вип. 15. Т. 2. С. 242–256.

DOI <https://doi.org/10.30525/978-9934-26-334-7-32>

## **CHILDREN'S DELICTNESS DURING WAR: SOCIAL AND CRIMINOLOGICAL ASPECTS OF THE PROBLEM**

**Pshenychna A. V.**

*Candidate of Law, Senior Staff Scientist  
State Research Institute of the Ministry of Internal Affairs of Ukraine  
Kyiv, Ukraine*

**Yakubchuk T. V.**

*Senior Staff Scientist  
State Research Institute of the Ministry of Internal Affairs of Ukraine  
Kyiv, Ukraine*

Adolescence is a period of transformations. The most dangerous thing at this age is that the child can get into "bad company", come under the influence and get dangerous habits. The result of it thefts, hooliganism will be, and non-childish responsibility for committing them. Children are the most important capital of the state, for whose minds a ceaseless struggle with the enemy is waged. That is why one of the most important tasks of the state is to prevent an increase of the level of crime among minors during war and to account for those who came under the negative influence of persons with illegal behavior in the territory where hostilities are taking place.

War is a huge socio-legal anomie, when even mature adults change social and value orientations. So minors, who have not yet fully formed such orientations, can develop anti-value behavior aimed at disregarding the norms of law and social morality. It is quite logical that juvenile delinquency does not disappear in war times, but it only increases.

Thus, at the very beginning of 1915, the number of juvenile cases increased, while the total number of criminal cases in the courts decreased [1, 152].

During World War II, neglect forced children to band together to survive. At first, the occupations of such teenagers could be vagrancy, begging, futility, which later turned into crime. The majority of juvenile crimes were committed

due to the involvement of children, who spent time aimlessly on the streets, train stations, basements and other places, in criminal groups [2, 218].

What about the state of juvenile delinquency during the full-scale Russian invasion of Ukraine? Today, theft remains the most common type of illegal activity. At the same time, minors may have the wrong idea that no one will pay attention to a "small theft", a "small fight", because the prosecutor's office and the police are maximally focused on war crimes. At the same time, according to the Law dated 03.03.2022 № 2117-IX, minor crimes became aggravate ones. It should be noted that in extreme situations, teenagers become even more vulnerable to temptation.

In peacetime, a teenager is driven by fear of abuse by elders, affection from peers, feelings of inferiority, loneliness. During the war, there is also the usual instinct to survive, to find at least some kind of society that would replace the family. Improper functioning of the family institution led to neglect, and later to crime. Material disadvantage caused by large-scale devastation due to military actions is also indicated.

It follows that extremely unsatisfactory living conditions of underprivileged children, lack of proper attention in the matter of raising children on the part of schools, guardians and parents became the reason for their mass escapes. Once on the street, children sooner or later fell under the influence of criminal groups or individuals, because the need to satisfy primary needs pushed the child to commit crimes. Many minors remain out of the school education system, which has led to serious misdemeanors and criminal offenses among children.

Sometimes children are pushed to commit a criminal offense even by the restrictions of martial law – the curfew and the lack of the ability to move freely through the territory of Ukraine.

It also should be noted about online crimes committed by children during the war. This should include the creation of intimate photos by children, the transfer of secret information to criminals (tighting objects for air strikes) or other criminal actions for money. The reasons for committing such crimes are similar to the intentions of peacetime: "popularity" among peers and a feeling of "specialness" when a child was chosen to perform a seemingly important and secret task; blackmail by criminals: sometimes criminals can threaten a child to harm him/her or his/her beloved ones if the child does not perform a certain task; belief in impunity: criminals may tell a child that she is safe if she performs such a task because he/she is a child. In fact, there is responsibility for such actions under Art. 113 of the Criminal Code of Ukraine; the desire to earn money, because quite often criminals offer money for the performance of such tasks [3].

Living conditions of a child that before the war were considered positive ones can be psychologically and physically traumatic during wartime. For

example, a child lives in a full-fledged family, isn't deprived of parental care, but at the same time has the experience of stressful situations associated with bombings, shelling, relocation to unfamiliar regions and to not very comfortable places, which will provoke behavior of resistance, rebellion, certain disagreements with circumstances, especially in adolescence. Therefore, it is also necessary to react to such circumstances in a timely manner, using the method of prophylactic, preventive actions.

It is worth paying attention to the problem of resettlement, change of permanent place of residence by children who are registered in juvenile prevention bodies at their previous place of residence. There are many such kids now, and they should be registered according to their actual place of residence. The problem does not arise when a child is resettled from an unoccupied territory to an unoccupied one, but when the resettlement is from an occupied territory, relevant databases with information about such a minor may be lost.

Therefore, representatives of juvenile prevention agencies need to work closely with volunteers, teachers, centers for temporarily displaced persons to identify children who are prone to illegal behavior or who need special social and psychological adaptation.

Wartime restorative justice programs are working in Vinnytsia, Sumy, Rivne, Volyn and other regions. Since the first days of the war, the system of free legal aid has not and will not stop its work. This also applies to the initiatives implemented on the basis of free secondary legal aid centers. One of them is the pilot project "Rehabilitation Program for Minors Who Are Suspected of Committing a Criminal Offense", which is implemented in cooperation with the prosecutor's office, mediators, psychologists and entities that carry out the child's resocialization [4].

If in the first days and months of the war it was undoubtedly clear that not all adults are able to cope with their psychological, security, property and legal problems, then there is a double warning for children. We recognize that under stress, teenagers can be even more vulnerable to the temptation to commit illegal acts. Therefore, close cooperation with volunteers, teachers, centers for temporarily displaced persons to identify children who are prone to illegal behavior or those who need special social and psychological adaptation is extremely important.

### **References:**

1. Крестовська Н.М. Права дитини під час збройного конфлікту: перша світова війна і сучасність / Державний суверенітет, національна безпека і світовий правопорядок в історико-правовому вимірі: матеріали XXXI Міжнародної історико-правової конференції. 27–30 листопада 2014 р., м. Берегове. К.: Ужгород: Гюверла, 2014. С. 150–157.

2. Ольга Силка. Досвід подолання злочинності серед неповнолітніх у роки Другої світової війни 1942–1945. С. 216–220.

3. Онлайн-злочини за участю дітей під час війни. URL: <file:///C:/Users/Admin/Desktop/broshura-nasylstvo-v-interneti.pdf> (дата звернення: 05.07.2023).

4. Як неповнолітній особі взяти участь у Програмі відновлення для неповнолітніх. URL: <https://kitsman.city/articles/244793/yak-nerovnolitnij-osobi-vzyati-uchast-u-programi-vidnovlennya-dlya-nerovnolitnih> (дата звернення: 05.07.2023).

DOI <https://doi.org/10.30525/978-9934-26-334-7-33>

## COMBATING BIOLOGICAL TERRORISM: CRIMINAL-LEGAL ASPECT

## ПРОТИДІЯ БІОЛОГІЧНОМУ ТЕРОРИЗМУ: КРИМІНАЛЬНО-ПРАВОВИЙ АСПЕКТ

**Shamsutdinov O. V.**

*Ph. D. in Law,  
Leading Researcher of Interagency  
Research Center on Problems of Combating  
Organized Crime at the National Security  
and Defense Council of Ukraine  
Kyiv, Ukraine*

**Шамсутдінов О. В.**

*кандидат юридичних наук,  
провідний науковий співробітник  
Міжвідомчий науково-дослідний центр з  
проблем боротьби з організованою  
злочинністю при Раді національної  
безпеки і оборони України  
м. Київ, Україна*

У сучасні часи глобальної цифровізації та широкого впровадження у життя новітніх досягнень у сфері нано– та біотехнологій, світова спільнота виявляє все більшу стурбованість наявними тенденціями посилення воєнно-політичного впливу терористичних організацій, поширення географії відповідних протиправних проявів, зростання технологічних можливостей терористів, зокрема щодо розробки та застосування зброї масового знищення, а саме – біологічної зброї.

Спеціальних законодавчих актів, присвячених боротьбі з біологічним тероризмом, в Україні немає, тож правовими засадами забезпечення протидії такому виду злочинності є нормативні акти у сферах боротьби з тероризмом, нерозповсюдження зброї масового знищення, забезпечення біологічної безпеки України тощо.

Закон України “Про боротьбу з тероризмом” (2003) у ст. 1 містить тлумачення терміну “технологічний тероризм”, що дозволяє визначити