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RESIDENTIAL BURGLARY AS A SYSTEM MANIFESTATION OF SOCIAL REALITY

КВАРТИРНІ КРАДІЖКИ ЯК СИСТЕМНИЙ ПРОЯВ СОЦІАЛЬНОЇ ДІЙСНОСТІ

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In today's conditions of development of Ukraine as a democratic sovereign power, the state is obliged to fulfill its functions to preserve the rights and freedoms of law-abiding citizens of the society. The Constitution of Ukraine establishes the inviolability of the right of private property of citizens and the inviolability of their homes against unlawful attacks (art. 30, 41). Protection from these mercenary, criminal acts and the protection of private property are guaranteed to citizens also by the Criminal Code. To date, in our country against the backdrop of a worsening economic situation, criminal elements are becoming more active. In particular, the number of burglaries is increasing compared to previous years, and, sadly, continues to grow.

In a scientific publication, the authors refer to the facts stated on the official website of the General Prosecutor's Office of Ukraine and conduct a systematic analysis of data on apartment thefts in Ukraine in general and in the Odessa region in particular. Based on the analysis of this negative phenomenon of social reality, in accordance with the material presented, ways and methods of intensifying the work of law enforcement agencies with the population are proposed. In particular, it is proposed to significantly expand the set of technical measures to protect against burglaries. Also a set of practical organizational, preventive and legislative methods for reducing this negative phenomenon of social reality or its liquidation is considered.

Thus, on the basis of this study, changes are proposed in the Criminal Code of Ukraine in the direction of increasing responsibility for theft, connected with penetration into housing, another room or storage, or causing significant damage to the victim (P. 3, Art. 185 of the Criminal Code of Ukraine). Also, forms of preventive work among the population are proposed not only by law enforcement, but by municipal bodies, state and public organizations.

The main difficulties in implementing these or those recommendations were noted, and ways for overcoming these difficulties were also indicated.

Key words: residential burglary, apartment thefts, crime prevention, measures to protect against burglaries.

У науковій публікації на основі системного аналізу даних про квартирні крадіжки по Україні в цілому і по Одеській області зокрема, висвітлюється це негативне явище соціальної дійсності. Пропонуються комплекс практичних організаційних, профілактичних, технічних та законодавчих методів і форм для його зменшення або усунення.

Ключові слова: квартирна крадіжка, захист житла, злочин, профілактика злочину, заходи захисту.

В научной публикации на основе системного анализа данных о квартирных кражах по Украине в целом и по Одесской области в частности, освещается это негативное явление нашей социальной действительности. Предлагаются комплекс практических организационных, профилактических, технических и законодательных методов и форм по его уменьшению или ликвидации.

Ключевые слова: квартирная кража, защита жилища, вор, профилактика преступления, меры защиты.

Theft of property from a citizen of the house – one of the oldest crimes. The government and citizens of society constantly fighting with him. In a society, where citizens are law-abiding, crime is much less. However, obedience to the law of citizens is not always related to their high moral principles and conscience. Therefore, the state is obliged to carry out their functions to preserve the rights and freedoms of law-abiding citizens of society. The Constitution of Ukraine

enshrined the inviolability of private property rights of citizens and the inviolability of their property from unlawful infringement (Art. 30, 41).

The Criminal Code of Ukraine also guarantees the protection of the citizens against these selfish, criminal acts and the protection of private property. Now in our country on the backdrop of deteriorating economic conditions, global law enforcement reform begins. At the same time, the criminal

elements are activated. In particular, the number of burglaries increased dramatically compared to 2013 and, most sadly, continues to grow. In the context of the renewal of our society, the police are making some efforts to protect the democratic rights of our citizens. However, today, it is not enough to improve the crime situation in general and to reduce of burglaries in particular.

Research of residential burglaries as a systemic manifestation of social reality in the criminal law are devoted to the works of Ukrainian and foreign scientists: G. M. Borzenkova, B. M. Golovkina, O. O. Chernenko, O. L. Khlystuna, V. P. Bakhina, S. V. Panova, V. V. Slyusary, A. M. Nazarenko, R. S. Belkina, A. N. Vasilyeva, V. Yu. Shepitko, L. G. Vidonova, V. P. Kolmakova, V. P. Konovalova, I. I. Lyapunova, P. S. Matishevsky, A. A. Pinaev, P. Ya. Minka, O. G. Shvydkoi, A. V. Bryzhaka and oth.

In scientific publications, in periodicals, in the Internet [1] there was a lot of advice to citizens to protect themselves from burglaries. We note immediately that following these tips will not guarantee a citizen the fact that a thief will not penetrate into his apartment. These tips will only reduce the likelihood of such a crime.

For example, in the authors point out the need to the work of units of the Criminal Investigation on Prevention of burglary with use of forces and means operatively-search activity [2; 4]. They note that the preventive work should be aimed at eliminating the causes and conditions that contribute to commit residential burglaries.

In [3] on the basis of systematic approach to the analyzed phenomenon of burglary combined with the entry into the dwelling. 4 lines of defense the houses and buildings from theft is allocated in [4]. Under the line of defense of dwelling houses and premises author understands «the conditional border, at which begins the step of using a specific measures and means to protect property from the residential burglary».

In work the author suggests directions of interaction of law enforcement bodies, municipal bodies, state organizations and the population. The author analyzed the situation in the legal field after the entry into force of the Criminal Procedure Code of 2012 in the field of preventive activity of the investigative police units [5, c. 31].

In the criminological foundations of the activity of criminal investigation workers, in particular, on the prevention of theft committed with penetration into the home, are considered [10, c. 145].

On the basis of the system analysis of the residential burglaries data in general across Ukraine and, in particular, in the Odessa region, to outline the main problems and suggest steps towards the elimination of the phenomenon of social reality.

We will refer to the facts, set out in the official website of the Prosecutor General of Ukraine [1], and we will analyze them (table 1).

As seen from Table 1, the number of residential burglaries in 2014 was increased by 8,8% compared with 2013, and in

2015 – by 22,5% as compared with 2013, and by 12,6% compared with 2014. The number of residential burglaries in 2016 was increased by 27,2% compared with 2015. The number of residential burglaries in which the individuals received the notices of suspicion, were in 2013 – 26% of the number of thefts per year, in 2014 – 25%, in 2015 – 21%, in 2016 – 18%. We see that the number of residential burglaries increasing and the disclosure of this type of crime – falls.

Let us analyze the data on residential burglaries in the Odessa area, set on the official website of the Prosecutor General of Ukraine [1]. They are given in table 2.

As the table shows, the number of residential burglaries has increased in 2015 by 50,5% compared to 2014, while the number of burglaries in which the individuals received the notices of suspicion in 2015 on the contrary, decreased by 5% compared to 2014 and amounted in 2015 – 13,95% of the number of residential burglaries per year, and in 2014 – 8,8%.

The number of burglaries has increased in 2016 by 57,5% compared to 2015, while the number of burglaries in which the individuals received the notices of suspicion in 2016 on the contrary, decreased by 3,7% compared to 2015 and amounted in 2016 – 5,1% of the number of residential burglaries per year.

On the official website of the Prosecutor General of Ukraine there are also published data on the number of burglaries in the Odessa region in 2017: from January through July 1190, the figure was that in 1,39 times more than the same indicator for the entire 2014. Number of burglaries in which the individuals received the notices of suspicion in 2017 from January to July amounted to 61, inclusive. That is 5,1% of the total number of burglaries in this period. Thus, the number of burglaries increasing every year, and the number of burglaries in which the individuals received the notices of suspicion is reduced.

Today, the country is carrying out a large-scale reform of law enforcement agencies. And in the current situation, an essential and one of the main directions of this reform, in our opinion, should be a substantial increase in the financial provision of technical protection measures against this type of offense.

It is also necessary not only improve work with the population to radically restore confidence to the contemporary police, but also correct the methods of work with the population. Without the comprehensive assistance of the population in this situation, it is impossible fundamentally change anything in this area.

It is proposed to establish close cooperation between law enforcement agencies and the public to explain the benefits and safety of obtaining operational information from the citizens about certain events that seem to them suspicious. For example, the appearance and stay of foreign citizens in the entrance or on the territory adjacent to the house. The sudden appearance of the workers to repair Internet lines and so on.

We believe that also necessary to reward citizens who have distinguished, by providing the true operational information, which helped the investigation. Hide their names, but not to hide the fact of their bonuses.

Table 1

The number of residential burglaries committed in Ukraine for the period from 2013 to 2016

Year	Number of residential burglaries during the year	Number of residential burglaries in which the individuals received the notices of suspicion
2013	17450	4537
2014	18992	4763
2015	21379	4518
2016	27201	4995

Table 2

The number of residential burglaries committed in the Odessa region in 2014, 2015, 2016

Year	Number of residential burglaries during the year	Number of residential burglaries in which the individuals received the notices of suspicion
2014	853	119
2015	1284	113
2016	2244	115

It is also proposed appropriate to give aid to the population not only for equipment the entrance door intercom, armored door, or other device that will block access to the persons, which there is not living, but also for using concierge services, security agencies.

We believe that due to the increase this type of crime, the legislature needs to reconsider and introduce stricter laws for this type of crime.

In our opinion, the law agencies, institutions of local government, state organizations should also conduct explanatory work on methods of organizing collective security in the entrance, in the house. The last remarks, first of all, refer to administrations of secondary schools and other children's educational institutions for conducting preventive work with children. This is necessary to strengthen the vigilance of all inhabitants of the house or the entrance, and to develop an instant and correct reaction to, for example, seen strangers in the entrance or reaction to certain actions of these people.

We also need preventive work with the population from the negative effects of storage at home expensive items, money, and jewelry. From posting information on social networks about your plans, of which obviously can be understood when you are absent in your home. By mail and correspondence, which is left not only in the mailbox, but in the front door, during your long absence in your home.

It is necessary to also explain to the citizens that these kinds of crime preparing in advance. Apartment thief does not

go into the first apartment, and he looking for and looking out his victims in advance: watching other inhabitants, exploring, when someone comes in and when someone goes out. Especially increases the likelihood of burglaries in the summer – during the holidays, trips to a summer residences, during the holidays, especially New Year's, Christmas.

Unfortunately, not all of the recommendations are feasible for the majority of our citizens due to the difficult economic situation in the country. Burglars use it.

In accordance with the above material, in the current situation, it is necessary to speed up the implementation of law enforcement reforms to strengthen the fight against residential burglary, including through closely work with the population and significantly improving the financial provision of technical and preventive protection measures.

Based on this study, the necessary changes can be made to the Criminal Code of Ukraine in the direction of increasing liability for theft associated with penetration into housing, another room or storage or causing significant damage to the victim (P. 3 of Art. 185 of the Criminal Code of Ukraine). Currently, this offense is punishable by imprisonment for a term of 3 to 6 years.

It is also proposed to strengthen preventive work among the population by law agencies, institutions of local government, state organizations in accordance with the forms and methods outlined in this article, and through carrying out this work among all population groups, with a view to preventing offenses in general and burglaries in particular.

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