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THE UPBRINGING AND RE-EDUCATION OF A JUVENILE OFFENDER: THE VALUE OF NON-IMPRISONMENT PUNISHMENT

In psychology and pedagogy, punishment is recognized as a means of external influence on a person, aimed at inhibiting undesirable and stimulating desired behavior. Upbringing as an assimilation of the juvenile generally accepted norms of conduct in society, as well as the process of re-education, which is to overcome the negative personality traits, formed under the influence of adverse conditions of education, must precede the punishment associated with deprivation of liberty. Punishment of juvenile offenders should be applied, first of all, with a preventive purpose as a punishment of a milder nature (if this is impossible - more severe punishment).

According to the Art. 98 to the Ruling Code of Ukraine minors, who have been found guilty of committing a crime, the following basic types of punishment may be applied to the court: 1) a fine; 2) public works; 3) corrective labor; 4) arrest; 5) imprisonment for a certain period. In addition, juveniles may be subject to additional penalties in the form of fines and deprivation of the right to occupy certain positions or engage in certain activities.

Juvenile offenders aged 16 to 18 may be assigned public or corrective labor. Public works consist in the performance of minors' work in free of charge or basic work time (no more than two hours a day). Regarding juvenile offenders who have both permanent and temporary employment, corrective labor (for a period from two months to one year) that takes place at the place of employment is applied. They are assigned with a deduction from earnings in the state income in the amount determined by the court ruling, and in the

range of 5 to 10 percent. Consequently, public works, correctional work of juvenile offenders will facilitate their labor education.

Arrest from 15 to 45 days can be appointed to a minor who at the time of the sentence has reached 16 years of age, with the maintenance in isolation in a specially adapted institution and a separate maintenance. That is, arrest as a restriction of personal freedom is used for the purpose of legal education and re-education of juvenile offenders.

The fine can be applied to those minors who have their own income (salary, income from entrepreneurial activity or interest on shares), own funds (deposits in the bank, donated or inherited) or property (the owner of which is a minor). This criminal punishment has a personal character (not parents or other persons, and the minor must pay a fine). Deprivation of the right to occupy certain positions or engage in certain activities can actually be applied to 16-17 year- old minors, since at this age they acquire the rights to engage in handicrafts, to trade, to have a permanent job or to hold positions in school or public organizations. That is, additional punishments are aimed at forming personal responsibility.

The legislator took into account that the juvenile offender correction is possible without the use of punishment (that is, exempt from criminal liability). Thus, on a minor who first committed a minor offense or careless Misdemeanor, and on a minor who committed socially dangerous act that falls under signs act until the age of which may be criminal liability, possible use of compulsory educational measures.

Appointing a juvenile court to take into account the conditions of his life and education, the level of his development and other personality traits, the influence of adults. If there are grounds for the use of educational measures, the court may apply several coercive measures of an educational nature:

- From discretion; restriction of leisure and the establishment of special requirements for the behavior of the juvenile;
- The transfer of a minor under the supervision of parents, persons who replace them, pedagogical or the labor collective , individual citizens at their request;

- Imposition on a minor who has reached the age of fifteen and has property, money or earnings, the obligation to compensate for the property damage;

- the sending of a minor who has left the control of parents or persons replacing them is not subject to educational influence and can not be corrected by applying other educational measures to a special educational institution.

Probation, which consists of systematic implementation of supervision on social and educational measures, in relation to the above-mentioned categories of juvenile offenders, aims at their correction and prevention of repeat criminal offenses.

We agree with the scientific views Severin O.O. regarding the feasibility of introducing such new criminal-law measures that are not related to the deprivation of juvenile will, such as: 1) mediation (reconciliation of the parties); 2) the transfer of minors to foster (foster care, patronage) families (a minor is placed in a friendly family with her consent and consent of state institutions, is on state security under certain conditions, where he acquires skills necessary for law-abiding life, absorbs value norms and guidelines).

Thus, the punishment, which is not related to imprisonment, is intended to carry out a purposeful educational effect on the consciousness and behavior of juvenile offenders.

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