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CAUSES AND CONDITIONS OF CRIME AND MEASURES TO PREVENT IT

Nowadays, many factors influence the crime situation in the world. Certain conditions also encourage criminals to commit criminal offenses. Unfortunately, crime is booming now, but law enforcement agencies are trying to combat it in various ways. One of the factors contributing to the perpetration of socially dangerous acts are: social circumstances (standard of living of society; political situation in the country; level of economic system); certain life circumstances (difficult situation in the family; loss of life; death of a family member who provided materially family), the influence of society (when teens get into companies that adversely affect a person's development, behaviour, and incite the person to commit a crime). Some scientists believe that criminals and children will break the law. As if certain human behaviour in society is passed on from parents to children in my opinion, this is impossible. From birth, a person is influenced by society and external factors, which shapes his consciousness and behaviour.

First of all, you need to find out what are the causes and conditions that affect the crime.

The causes of crime are such social phenomena lives that support crime, support its existence, cause its growth or decline. The cause of action is primarily the stage of motivation and acceptance decision when it comes to the formation of motive, purpose, determination of ways to achieve it just as criminal. The condition is that it does not in itself create crime, but affects birth processes, participates in the determination of crime. The causes and conditions of crime are social in origin and in nature. In combination with the factors contributing to the crime, some processes and phenomena of climatic, physiological character (earthquakes, floods, migration, acceleration, etc.) and other can function. The causes and conditions of crime and crime because of their diversity and multifaceted nature require for their scientific and practical knowledge of a certain classification. It is conducted by criminology for:

- a) mechanism of action (nature of determination);
- b) the level of functioning;
- c) the content;
- d) by nature and by other criteria [4, p.46]

The philosophical category of causality reflects one of the most common, fundamental laws of being. It applies to all phenomena and processes of nature and societies - both individual and mass, including those of probable nature. This situation is also significant for criminology. Like science, it tries to give a sound answer not only to the question of the causes of individual crime behaviour, but also crime in general. The causation

category includes the following concepts: cause, condition, consequence (result), relation between cause and effect (condition and cause, condition and effect), feedback between effect and cause (conditions). The causal chain that explains criminal behaviour is quite complex and diverse, so it can only be understood using the knowledge of a number of sciences - philosophy, psychology, sociology, law, etc.

There are three main links in the causal chain that lead to unlawful acts. The first covers what precedes a criminal act, that is, a period the formation of the offender's personality and interaction with the specific life situation. The second connects cause and effect, is the identity of the offender with his will and consciousness. The third (consequence) involves the development of a causal link from an act of unlawful conduct to the appearance of a criminal result. This view is also observed by most authors who engaged in the study of this issue [5, p.42].

Even in the early stages of society, its best representatives realized that to curb crime only through punishment impossible. There was an understanding that it was more rational to prevent crime, not to be forced to punish him for his actions. Ancient Greek philosopher Plato believed that perfect law should apply in society, which should distract people from crime. Another outstanding philosopher is Aristotle he argued that society must be organized in such a way that it combats negative habits and traditions that are contrary to the mind. In S. Montesquieu's well-known treatise "On the Spirit of Laws" substantiated the provision of the distribution of power in the rule of law society and formulated a demand that «A good legislator cares not so much about punishment for a crime as much about its prevention».

Crime prevention literally means activity that prevents crime. Some scientists point to the incorrect use of the term "prevention" of crime, which already exists and, apparently, will continue for a long time, and can only be prevented why not yet. Other scholars, however, hold a diametrically opposed position, believing that the use of this definition in scientific circulation is justified for certain reasons.

First, precautionary action against crime is not directly directed not against it in the form (volume) in which it exists at present, but in relation to the factors that determine it. This activity is primarily aimed at interrupting the latter and thus preventing further crime, the existence of crime in modern settings and their increase.

Second, crime is indeed a social phenomenon that manifests itself in the criminal activity of some members of society, at a high general level, due to certain objective social phenomena and prerequisites, a state of social relations that cannot be prevented by direct pre-emptive measures. But in quantitative terms, criminal activity, which is the only real manifestation of crime, can and should be adjusted. Hereby crime rates are being reduced, which is now the goal of preventing crime [3, p. 5–8].

At present, the state is governed by the main criminal law - the Criminal Code of Ukraine. This code indicates what conduct is considered criminal and what punishment it follows.

Article 1. Tasks of the Criminal Code of Ukraine

1. The Criminal Code of Ukraine has the task of ensuring the legal protection of human and citizen's rights and freedoms, property, public order and public safety, environment, constitutional order of Ukraine from criminal encroachments, ensuring peace and security of humanity, as well as preventing crimes.

2. To accomplish this task, the Criminal Code of Ukraine determines which socially dangerous acts are crimes and what penalties are applied to the perpetrators [2, p.3].

Over the time, the punishments for the crimes committed changed, namely the degree of their cruelty.

The historical progress of criminal law, we want whether or not this is to humanize the sentenced person. In retrospect, it looks like this:

- refusal of qualified (cruel) types of the death penalty, maiming and other corporal punishment, hard labour;
- significant displacement of imprisonment by fine and other punishments, mandatory work;
- introduction of probation, other types of so-called probation;
- removal of minors from the sphere of general criminal law;
- a general prohibition of the death penalty and any punishment that may inflict physical suffering or humiliate human dignity;
- a wider range of punishments, alternative to imprisonment will;
- transformation of certain types of punishment into other coercive measures, that are not punishment [1, p. 288].

Thus, crime in society arises for a number of reasons and conditions. In order to protect society, it is necessary to prevent the emergence of these factors, which cause socially dangerous actions. In my opinion, it is really realistic to reduce the number of crimes in society. All we have to do is try our best for the whole society, not just any part.

Список використаних джерел

1. Кримінальне право : навч. посіб. / О. О. Дудоров, М. І. Хавронюк. К. : Ваіте, 2014. 944 с.
2. Кримінальний кодекс України (редакція від 20.03.2020). *Відомості Верховної Ради України*. 2001. 203 с.
3. Запобігання злочинності : навч. посіб. / І. Б. Медицький. Івано-Франківськ, 2008. 231с.
4. Кримінологія : підручник / Л. С. Сміян, Ю. В. Нікітін. К. : Національна академія управління, 2010. 496 с.
5. Кримінологія / О. С. Стеблинська. К. : Ін-т крим.-викон. служби, 2014. 126 с.