



Victimological Prevention of Crimes in the Field of Physical Culture and Sports*

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[10.15408/jch.v9i1.19726](https://doi.org/10.15408/jch.v9i1.19726)

Abstract

The purpose of the article is to analyze the victimological prevention of crimes in the field of physical culture and sports. The authors of the article have carried out a general analysis of victimological prevention of crimes. The authors have defined the list of crimes, the commission of which directly resulted in physical, material or moral damage to athletes, dividing them into crimes: the victims of which are exclusively athletes and the victims of which are both ordinary citizens and athletes. Based on the motivation, the authors have accomplished the classification of athletes who have become victims of criminal encroachments and have offered the directions of victimological prevention of crimes in this sphere. It should be noted that general victimological prevention measures are aimed at identifying victimogenic factors and taking measures to eliminate or neutralize them, i.e. to identify the reasons and conditions of becoming a victim related to protecting the interests of potential victims in general, and to eliminate the causes of their victimization. In general, the problem of protecting the rights and legitimate interests of victims of crimes, effective restoration of their rights, compensation for damage caused by crime, which has been studied since the mid-90s of the last century in connection with the growth rate of crime, remains unresolved, in particular, in the field of physical culture and sports.

Keywords: Victimology; Victimological Prevention of Crimes; A Victim; A Sphere of Physical Culture and Sports

* Received: December 12, 2020, revised: January 16, 2021, accepted: February 12, 2021, Published: April 1, 2021.

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Pencegahan Viktimologis Kejahatan Di Bidang Kebudayaan Jasmani dan Olahraga

Abstrak

Tujuan dari artikel ini adalah untuk menganalisis pencegahan viktimologis kejahatan di bidang budaya fisik dan olahraga. Penulis artikel telah melakukan analisis umum pencegahan viktimologis kejahatan. Para penulis telah mendefinisikan daftar kejahatan, yang komisinya secara langsung merusak fisik, material, atau moral atlet, membaginya menjadi kejahatan: korbannya adalah atlet eksklusif dan korbannya adalah warga negara biasa dan atlet. Berdasarkan motivasi, penulis telah menyelesaikan klasifikasi atlet yang telah menjadi korban perambahan kriminal dan telah menawarkan arahan pencegahan viktimologis kejahatan di bidang ini. Perlu dicatat bahwa tindakan pencegahan viktimologis secara umum adalah dengan mengidentifikasi faktor-faktor viktimogenik dan mengambil tindakan untuk menghilangkan atau menetralkan, yaitu untuk mengidentifikasi alasan dan kondisi menjadi korban terkait dengan melindungi kepentingan calon korban secara umum, dan untuk menghilangkan penyebab dari viktimisasi mereka. Secara umum, masalah perlindungan hak dan kepentingan sah para korban kejahatan, pemulihan hak-hak mereka secara efektif, kompensasi atas kerusakan yang disebabkan oleh kejahatan, yang telah dipelajari sejak pertengahan 90-an abad terakhir sehubungan dengan tingkat pertumbuhan kejahatan. Kejahatan, masih belum terselesaikan, khususnya, di bidang budaya fisik dan olahraga.

Kata Kunci: Viktimologi; Pencegahan Viktimologis Kejahatan; Korban; Bidang Budaya Fisik Dan Olahraga

Виктимологическая профилактика преступлений в области физической культуры и спорта

Аннотация

Целью статьи является анализ виктимологической профилактики преступлений в сфере физической культуры и спорта. В статье проведен общий анализ виктимологической профилактики преступлений. Авторами определен перечень преступлений, совершение которых напрямую повлекло за собой физический, материальный или моральный ущерб спортсменам, разделены их на преступления, жертвами которых являются: 1) исключительно спортсмены; 2) как обычные граждане, так и спортсмены. На основе мотивации проведена классификация спортсменов, ставших жертвами преступных посягательств, и предложены направления виктимологической профилактики преступлений в этой сфере. Отмечается, что общие меры виктимологической профилактики направлены на выявление виктимогенных факторов и принятие мер по их устранению или нейтрализации, то есть выявление причин и условий, связанных с защитой интересов потенциальных жертв в целом, и устранение причины их виктимизации. В целом проблема защиты прав и законных интересов потерпевших от преступлений, эффективного восстановления их прав, возмещения ущерба, причиненного преступлением, изучается с середины 90-х годов прошлого века в связи с ростом преступности, в частности, и в сфере физической культуры и спорта.

Ключевые слова: виктимология; виктимологическая профилактика преступлений; жертва; сфера физической культуры и спорта.

A. INTRODUCTION

The beginning of the XXI century was marked by a surge in the activity of youth movements. Socio-economic and political transformations in the country, the processes of integration into the globalized world community have led to the breakdown of former moral values, norms and traditions. Permanent social transformations with insufficient attention of the authorized state agencies to the organization of leisure for children and youth, their employment and recreation have led to the strengthening of radical movements, the existence of which began to manifest itself in the illegal activities of informal associations, including based on the sport.

The current state of law and order in Ukraine is characterized by a rather comprehensive criminogenic situation, in particular, in the field of public order protection, as evidenced by the annual statistical reports of the Ministry of Internal Affairs and the National Police of Ukraine. Crimes against public order rank fifth in the overall structure of crime (hooliganism during 2014-2018 averaged about 14.5% among them) (Analytical Report for 2018). Manifestations of public order violations are hooliganism committed during sports competitions, in particular the so-called "football hooliganism", which is common in most countries on almost all continents (78%). In particular, mass violations of order during football matches of the last European Championships (2012 and 2016) and the World Championships (2014 and 2018), as well as various incidents during club tournaments acquired a wide public response. Such a situation confirms the increased danger of radical groups of fans prone to uncontrolled violence and aggression, vandalism and other socially dangerous acts that threaten the lives and health of an indefinite number of people, encroach on property rights and create a risk of disruption of sports competitions.

B. METHODS

The current need in the field of studying this problem at both theoretical and practical levels is: first of all, enhanced and purposeful development of problematic issues of socio-legal and criminological scientific thinking, taking into account the tasks of preventing crimes committed in the field of physical culture and sports; secondly, the focus on the formation of a clear definition of the competent range of subjects and participants in this preventive activity.

In particular, special attention in this activity deserves a dynamic process of crime prevention among young people, taking into account the conditions of functioning of the subjects and participants; identification of existing cause and effect relationships; identification of real contradictions, disagreement of the interests of individual citizens, groups of young people with the interests of social morality and rules of conduct; determining the actual priorities of preventive action; implementation of the principle of equal opportunities under the law; development of special (specific) methods of solving preventive tasks (diagnostics, forecasting, planning and choosing the method of their implementation) (Dzhuzha, 2015, p. 14). These criminological needs must be met due to victimological preventive measures.

Modern criminological victimology (Dzhuzha, 2015, p. 354), as a branch of criminological knowledge, receives, accumulates and summarizes scientific information about the victim of crime and increasingly offers researchers new directions for its further development (Kleshchyna, 2010). With the occurrence of a new private criminological theory of crime in the field of physical culture and sports of Ukraine, there is the need to analyze its victimological aspect. For example, the victims of revenge of fans, whose expectations were not met, can be not only athletes who participated in competitions but also ordinary citizens.

Accordingly, criminological victimology in this field acquires not only scientific value but also practical significance. It is necessary to study many issues within this area related to its subject matter, without which further cognition, formation and development are impossible.

Victimological crime prevention is a specific type of activity of social institutions aimed at identifying, eliminating or neutralizing the factors, circumstances, situations in the field of physical culture and sports that form victim behaviour and determine the commission of crimes; identification of risk groups and individuals with a high degree of victimization to restore or enhance their protective properties; development or improvement of already existing special means of protection of citizens (specific persons) from crimes (Dzhuzha, 2016, p. 364).

The content of victimological prevention of crimes consists of specific objects, subjects, forms and methods. The objects include victim behaviour; actual and potential victims; factors of the formation of individual, group or mass victimization; the circumstances of the victim situation; victimization process; the subjects include: central and local authorities (determine the strategy of prevention activities taking into account the specifics of the regions and the problems of territorial communities, provide funding and

implementation of regional and local programs, coordinate the activities of their subordinate structures); law enforcement agencies and their units (a special place is occupied by the National Police, which is authorized to ensure the protection of human rights and freedoms, combating crime, keeping public safety and order); enterprises, institutions and organizations of all forms of ownership, territorial communities, other institutions of civil society. The most common forms of implementing the measures of victimological prevention should be considered: rule-making activities; introduction of appropriate programs and plans; conduction of target-oriented research; legal education and counselling activities (in children's groups, youth community, with representatives of certain professions, etc.), including with the participation of the mass media and the use of Internet resources; Psychological, medical and rehabilitation assistance to victims of crimes; special training on the use of safeguarding measures. Measures of individual victimological prevention are based on methods of persuasion, assistance, self-defence and coercion (Dzhuzha, 2016, p. 155).

Victimological prevention of crimes should be defined as specific activity of social institutions aimed at eliminating (neutralizing) the factors (circumstances, situations) that contribute to victim behaviour and the commission of crimes; identification of risk groups and individuals to produce a preventive impact on them, as well as enhance their protective capabilities; development (improvement) of protection means of various groups of the population from their further victimization. It is necessary to distinguish between general social (neutralization of general victimization factors), special criminological (restriction, elimination and prevention of victimization factors) and individual (impact on specific individuals) levels within victimological prevention. According to the results of the survey, devictimization (63.0% of law enforcement officers), which is aimed at preventing the victim's recidivism, is considered to be one of the effective areas of individual victimological prevention.

Criminological research of recent years has demonstrated that law enforcement agencies are not adapted to modern conditions on combating crime, either in logistical and resources, or in organizational and management, or in methodological, or in professional terms. The effectiveness of their fight against crime in general and with individual crimes, in particular, is very low. Thus, even compared to Sweden, where the number of police officers per 100,000 populations is 4.5 times less than in Ukraine, registered crimes are 6.5 times more "served". We should consider the fact that the level of latent crime in Ukraine is much higher than in Sweden. Ukrainian law enforcement agencies

are not ready to prevent crimes committed by football fans. Measures taken by the National Police do not have a significant preventive effect on informal associations of citizens of illegal orientation. Even though the number of crimes committed by members of those groups in the overall structure of crime is insignificant, those criminal manifestations negatively affect public order, can provoke mass riots, clashes on national grounds, create insecurity in citizens and create a negative opinion on the work of law enforcement agencies.

Work on crime prevention by informal associations of citizens having illegal orientation has not become a priority in all police units' activities yet. Territorial police chiefs do not pay appropriate attention to the organization of work on identifying active members of informal associations of citizens, adults who involve minors in such groups. Chiefs note, at operative meetings, the extremely weak organization of work in obtaining precautionary information about assembly points, numbers, intentions, as well as leaders and active members of informal groups. As a rule, members of informal associations of citizens come into the sight of police officers only after they commit illegal acts. Operative awareness of criminal police services regarding this category of persons is at a low level (Kopotun & Rudyk, 2016, p. 39).

C. RESULTS AND DISCUSSION

All of the above gives us a reason to determine the list of crimes, as a result of which the physical, material or moral damage is directly caused to athletes, dividing them into groups.

1. Crimes, where the victims are only athletes who are divided into the following subtypes

a. Crimes Committed by Sports Fans Against Life And Health, Public Order And Public Safety

As already mentioned, fans can take revenge on the opposing team for the victory over their favourite club by the way of committing a crime, as it was in the case of athletes of the football club "Feyenoord" (Rotterdam, Holland), who were attacked by fans of the football club "Zenit" (St. Petersburg, Russia). It happened at the international tournament in Switzerland in May 2010, where Zenit lost in the match for the third place (Zenit Fans Attacked Feyenoord players).

Law enforcement agencies obligatory ensure the protection of public order and stop any attempts to attack athletes in places of sports events.

However, the key role in preventing such crimes outside the sports arena belongs to the organizations and clubs, where the athletes are located. It is they who are obliged to protect their players, given that any public figure has increased victimization. However, it is not necessary to completely rule out the possibility of athletes to self-defence, since their training, mastery of self-defence techniques can significantly reduce the risk of injury during the attack of criminals.

b. Crimes committed by officials as a result of improper performance of their official duties

These crimes may be committed against athletes as a result of a violation of public order rules or non-compliance with safety rules during the conduction of sports events. This includes injuries on the hockey field, pole vault sector, etc., where athletes may be victims of improper performance of the duties by officials responsible for conducting these sports events under the Art. 367 of the Criminal Code of Ukraine "Official Negligence".

c. Crimes committed by athletes, in privity with them or in their interests against their sports opponents

The struggle for victory between athletes is often on the verge of their emotional tension, so defeat accompanied by strong emotional experiences, can provoke athletes to criminal behaviour. A bright example is a case that occurred in April 2007 in Tel Aviv (Israel) in Yarkon Park, where an amateur football match took place, during which one of the teams took the lead with a clear advantage. The football player of the outsider team thirty-nine-year-old Yu. Pardesia, frustrated by this course of events, brought a hammer from the locker room during the break and attacked his opponent with it, inflicting a dangerous traumatic brain injury, causing serious damage to health (An Israeli Football Player Beat His Opponent with a Hammer).

All this indicates that competition in sports causes serious psychological feelings in athletes who are sometimes unable to cope with them. Hence, they begin to blame not themselves for the defeat, but their opponents and they use violence against them as an emotional relief, which is accompanied by aggressive behaviour.

d. Crimes committed by athletes as a result of the uncontrolled application of their skills to victims

Such incidents most often occur with athletes who are engaged or have past martial arts skills. And the degree of their guilt can be completely different. For example, boxer A. Kuznetsov exceeded the limits of necessary defence, provoked by the violence against a child by the deceased (Volodin, 2008). According to experts, a master of sports in boxing is enough of one blow to kill a person. And A. Kuznetsov's fault is only that he could not cope with emotions and did not calculate the force of blow at the detention of the rapist. In this situation, A. Kuznetsov became a victim of the negative behaviour of the offender (Sidorenko, 2003, p. 57). Thus, guilty athletes in the described and similar cases become victims of the negative behaviour of the criminal, which provokes them to actively protect life, health, property and other benefits.

2. Crimes, the victims of which are both ordinary citizens and athletes. They include crimes where athletes are accidental victims

The classification of motives of criminal activity is most suitable for grouping these crimes.

a. Crimes committed with the violent motive

These are usually serious and especially serious actions, such as causing serious harm to health, murder, etc. The determining factor in the commission of such crimes is the predominance of the physical strength of the attackers and the lack or incompetent application of self-defence skills by the victims of crimes, which led to serious consequences.

b. Crimes committed for lucrative and violent motives

Criminals often have lucrative motives besides violent ones, and the latter are sometimes decisive, that is, criminals demand to give them the money and personal belongings possessed by the athletes. And when athletes resist, they often receive injuries, stab and gunshot wounds. All this is determined by similar circumstances: the presence of property that attracts the attention of criminals, and the superiority of the physical strength of the attackers.

c. Crimes committed with lucrative motives

Expensive property owned by highly paid athletes attracts the attention of criminals. The interest of criminals in the property of athletes arises because of the wide publicity of their high material wealth, but not because of their

professional affiliation. Thus, the increased victimization of victims of the analyzed actions is due to both their personal and behavioural characteristics. At the same time, the behaviour of the victims is the direct reason for committing crimes against them.

Based on the motivation, we can try to classify the typology of athletes who have been victims of criminal encroachments.

1. Depending on socio-demographic and biophysical characteristics:

(a) according to the athlete's gender:

- males – 56,4%;

- females – 43,6%;

(b) according to the age:

- minors – 10,2%;

- youth – 65,9%;

- mean age – 22,7%;

- age-group athletes – 1,2%;

(c) according to physical conditions:

- normal – 98,7%;

- morbid – 1,3%.

2. Depending on psychological characteristics:

(a) athletes with moral and psychological characteristics – 78.3%;

(b) with mental disorders – 10.1%;

(c) athletes-pretenders (imaginary victims) – 11.6%.

3. Depending on the role of the victim in the genesis of the crime:

(a) athletes – neutral victims – 46%;

(b) victims-accomplices – 13.7%;

(c) victims-provocateurs – 40.3%.

4. Depending on the content of the subjective aspect of the crime:

(a) athletes – victims of an intentional crime – 84.8%;

(b) victims of negligent crime – 15.2%.

5. Depending on the nature of the damage caused to the athlete:

- (a) athletes who suffered physical damage – 39.1%;*
- (b) athletes who suffered material damage – 33.7%;*
- (c) athletes who suffered moral damage – 27.2%.*

Based on the results of the study, we can conclude that such representatives of the sport become victims of criminal encroachments more often than others. These are young males with moral and psychological characteristics who have suffered from intentional crimes, as a result of which they have suffered physical and material damage. This category of victims had normal physical conditions in the pre-crime situation, which did not provoke criminals to take active actions. At the same time, they neglected their professional skills, which could protect them in an active position in a criminogenic situation.

Hence, we determine the range of victim situations, where athletes may occur. Depending on the sources of creating victim situations, they can be identified as follows:

- 1) created by mutual actions of the offender and the victim, which are characterized by mutual guilt of the victim and the offender – 23.7%;*
- 2) created by illegal and immoral actions of the victim, when the victim's behaviour is anti-social, illegal, negative – 3.8%;*
- 3) created by lawful actions of the victim, when the victim's behaviour is law-abiding – 72.5%.*

Thus, the degree of law-abiding representatives of the sports sector and the level of their legal awareness while ignoring the basic safety rules is not able to protect them from the possibility of becoming a victim of criminal encroachment. Only purposeful work on victimological prevention of crimes among members of this professional group can protect them from criminal activity against these citizens. Thus, the degree of law-abiding representatives of the sports sector and the level of their legal awareness while ignoring the basic safety rules is not able to protect them from the possibility of becoming a victim of criminal encroachment. Only purposeful work on victimological prevention of crimes among members of this professional group can protect them from criminal activity against these citizens.

Preventive measures against specific persons should be aimed at preventing the formation of anti-social attitudes to the commission of crimes. At

this stage, police officers organize meetings with the leadership of sports clubs, fan groups in order to explain the current legislation on mass events (representatives specify the program, place, time and procedure of the event, the number and participants or spectators' staff); district police officers carry out individual and preventive work with persons prone to committing offenses and crimes, as well as with the population and public formations at the administrative station; they carry out supervision and registration of local groups of football hooligans over the years; they study the attitude and carry out recording of the actions of the members of radical groups and individuals who intend to commit offenses (crimes) during international football matches; reconnaissance activities are carried out in places of compact residence or stay of international delegations, organized groups of fans in order to identify and prevent illegal actions; creation of an agency network in the fan environment to obtain accurate and up-to-date information about mass actions of fans; fan groups are escorted to and from vehicles (Polish police officers working with fans are clearly divided into two categories: patrol and monitoring groups. Any organized fan group cannot travel throughout Poland without police escorts. The number of police officers in ratio to fans is at the level of one to ten, and it is planned to increase this number of police officers to a ratio of one to seven) (Berezniak, & Bukhtiarova, 2008, p. 39).

D. CONCLUSIONS

Thus, it should be noted that general measures of victimological prevention are aimed at identifying victimogenic factors and taking measures to eliminate or neutralize them, i.e. to identify the reasons and conditions of becoming a victim related to protecting the interests of potential victims in general, and to eliminate the causes of their victimization. In general, the problem of protection of the rights and legitimate interests of victims of crimes, effective restoration of their rights, compensation for damage caused by crimes, which has been studied since the mid-90s of the last century in connection with the growth rate of crime, remains unresolved, in particular, in the field of physical culture and sports.

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