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## VICTIMOLOGICAL SITUATION AND ITS ROLE IN THE MECHANISM OF VICTIMISATION OF CONVICTS IN PENITENTIARY INSTITUTIONS

**The relevance of the topic** is determined by the fact that in the system ‘personality – situation’ the last one always occupies a subordinate place. It is the impact of the situation on the individual that can vary considerably. Not every situation that arises in life can lead to victimisation. Situations that give rise to motives for behaviour can be called victimogenic. The place of the situation in the mechanism of criminal behaviour has already been determined – it serves as a necessary condition for criminal behaviour, although it was originally considered its cause.

The interaction of a person with a negative social environment causes persistent social and psychological changes in the personality that affect his or her entire lifestyle. At the same time, personal deformations, or the person’s victimisation, create only a formal possibility of victimisation, which may not be materialised. The victim, by the very fact of his or her existence in a certain situation, can turn it into a criminogenic one, as it can influence not only the emergence and formation of motives for criminal behaviour, but also the emergence of the very thought of it. It can actually provoke harm.

According to the statistics of the Prosecutor General’s Office of Ukraine, in January-April 2024, there were 84,775 victims of crime, in 2023 – 355,023, in 2022 – 230,939, in 2021 – 197,274,

and in 2020 – 234,816. However, it should be noted that it is impossible to clearly identify all victims of crimes in penitentiary institutions.

It is important to note that the issue of preventing victim behaviour of victims is of great importance, first and foremost, for strengthening the rule of law and order in the state. Victim behaviour and criminal behaviour are interconnected and influence each other. It is clear that optimal conditions for the formation and development of the victim and educational influence are important in a preventive sense, as they will help to reduce the level of violent crime on a victimological basis.

The following national scholars have devoted their works to the study of certain aspects of crime in penitentiary institutions in general and victim behaviour of convicted persons: V. A. Badira [5], I. G. Bogatyrev [7], O. M. Dzhuzha [6], Z. V. Zhuravska [2], O. G. Kolb [4], M. S. Puzyrev [7], O. O. Shkuta [7] and others. The works of these authors are of great scientific and practical importance. However, they did not pay enough attention to ensuring a comprehensive study of the causal mechanisms of victimisation of convicts, creation of an organisational and legal infrastructure for the prevention of victimisation of convicts, as well as improvement of the legal regulation of human and civil rights, prevention

of attacks on the personal safety of convicts in the context of reforming the Penitentiary Service of Ukraine.

**The purpose of the article** is to determine the role of the victimological situation in the mechanism of victimisation of prisoners in penitentiary institutions by disclosing the results of the author's research.

**Presentation of the main material.** The victimological characteristics of the crime mechanism include victimisation, its process and result; the victimological situation and its components; the victim's behaviour in the crime mechanism and the process of interaction with the offender in a criminal situation.

We believe that in criminology, the study of the role of a specific life situation in committing a crime is among the most important. In our opinion, a specific life situation is understood as a set of circumstances of a person's life before committing a crime, which, with the decisive role of his/her anti-social views, aspirations and habits, influence his/her criminal actions.

The process of victimisation includes a complex system of phenomena related to the victim's participation in the formation of a criminal motive, interaction with the perpetrator in a specific life situation, and the commission of a violent crime against him/her, which leads to certain criminal consequences. We believe that it is appropriate to distinguish five levels of victimisation. At the same time, it is necessary to take into account both the parameters of victimisation of an individual and the parameters of victimisation of social groups.

The first level should consist of information on direct victims of crimes identified in the course of criminal proceedings or latent victims identified through victimisation surveys and the damage caused to them. The second level should include data on the victim's family members indirectly affected by crimes committed against their loved ones. The third level should include other social groups (labour collectives, friends, acquaintances, neighbours, etc.) who are also harmed, albeit indirectly, by the crime. The

fourth (social) level implies the existence of negative consequences of the crime for the whole region or the whole society. The fifth level of victimisation is manifested in cases where so-called international criminal offences, crimes against humanity (genocide, criminal destruction of civilians during war) are committed.

We believe that the most acute and tangible consequences of victimisation are those on the first two levels, which manifest themselves in the deaths, injuries, loss of working capacity, psychological trauma due to the loss of loved ones, material costs of treatment, etc. Potentially dangerous, and often accompanying serious aggressively violent crimes, is the desocialisation of the victim, caused by pain, fear, shame, loss of faith in the state and society, which have failed to protect them from the perpetrator, etc.

In our opinion, it is advisable to divide the process of victimisation according to the victim's attitude to the consequences of their actions and the offender's actions, namely: a) negative (the victim, regardless of the purpose of their actions, does not want the harm that is ultimately caused); b) positive (the victim wants an objectively harmful consequence).

In this regard, the characterisation of crime in penitentiary institutions should include such an important feature as victimisation from crime while serving sentences, which implies that it is not only social consequences, but also a real aggregate result, i.e. the sum of quantitative and qualitative characteristics of victims of crime.

This conclusion is generally accepted in science, namely, crime victimisation in penitentiary institutions should be distinguished by a set of different types of processes for becoming victims of crime, which can be representatives of certain contingents of convicts, PI staff and other persons.

Knowledge of these characteristics, along with data on crime in prisons, makes it possible not only to accurately identify the objects of crime prevention, including the objects of victimisation prevention, but also to predict the probability of committing crimes against specific

categories of prisoners and other persons and by them, resulting in an appropriate classification of victims of crime in penitentiary institutions and pre-trial detention centres.

This classification on the basis of victimisation, as the ability to facilitate criminal acts, i.e. the presence of a 'victimogenic deformation', can take place at the:

– the personal (physical) level, which involves a combination of personality traits and social status (static characteristics of the victim's traits and dynamic – role characteristics during interaction); it can be both positive and negative;

– at the social level, where we can distinguish such features as:

a) 'professional victimisation';

b) impersonal victimisation;

c) victimisation as a feature caused by the performance of social functions, which forms specific relationships that contribute to criminal behaviour in prisons [2].

As for occupational victimisation, its carriers in prisons are prisoners of different social statuses in the criminal hierarchy (those with the lowest status (the so-called 'oppressed') and those with the highest status ('thieves in law') and persons from among the staff of penitentiary institutions who enter into off-duty (non-statutory) relationships with prisoners.

It is worth noting that the number of such subjects is growing annually and amounts to up to 30 people.

Impersonal victimhood includes legal entities (penitentiary institutions, pre-trial detention centres, the State Penitentiary Service of Ukraine) and society and the state in general.

До віктимності як властивості, обумовленої виконанням соціальних функцій, жертви виконання службових обов'язків (персонал установи виконання покарань) і громадських обов'язків (засуджені бригадири, обліковці, днювальні та ін.).

For example, in 2007, in the Shostka Correctional Colony managed by the State Department of the Penitentiary Service in Sumy Oblast, convict K. inflicted bodily harm with a

homemade knife on senior day shift convict O. [2], who was performing public duties and for this reason became the object of a criminal attack (a victim of a crime).

A similar crime was committed in 2008 in Berdiansk correctional facility no. 77, when several convicts with their faces covered with a white cloth and with pieces of metal pipes from the bed rails in their hands inflicted bodily harm on the senior day shift convict K., who died as a result [2].

We believe that the totality of these properties of crime victimisation should be taken into account as 'victimological potential' when organising victimological crime prevention in penitentiary institutions.

The problem of victimogenicity of specific life situations, as well as the problem of determining the place of the victimogenic situation in the mechanism of victimisation of convicts in penitentiary institutions, has not been sufficiently reflected in criminological literature.

While determining the place of the victimogenic situation in the mechanism of victimisation of convicts in penitentiary institution P, it is necessary to use the hypothesis of mechanisms' similarity of criminal and victim behaviour, which is widespread in science. Both criminal and victim behaviour are forms of deviant behaviour. Based on this hypothesis and the method of analogy, we can conclude that the situation is a necessary condition for the mechanism of victimisation of convicts in penitentiary institutions.

Victimogenic situations that arise in penitentiary institutions are characterised by the following features: a) they arise in the interaction of at least two parties; b) in most cases they exist for a long time; c) they limit the freedom of choice of the potential victim to the maximum extent possible, contributing to his/her victim behaviour; d) they are marked by an increase in the infliction of harm to any social relations (for example, from attacks on property to attempts on the life and health of the convict).

In our opinion, it is the analysis of the

victimisation situation, the immediate preceding victimisation, that is clearly insufficient. There are too many significant components outside of the situation limited in this way, which limits the victim's role in the genesis of the crime. That is why the term 'victimisation situation' is often used in victimology studies.

We believe that the victimisation situation should include the following: personality-formative victim situation (a system of factors, conditions, circumstances that had a decisive impact on the formation of the potential victim's qualities of increased victimisation); pre-criminal (life) victim situation (a system of circumstances directly preceding the crime, in interaction with the personal qualities of the victimisation subject) criminal victim situation (the situation of direct commission of a crime and causing harm); post-criminal victim situation (the victim's behaviour after the crime and all circumstances that affect his or her condition).

It should be noted that we cannot agree with this approach and the use of the above term due to the following reasons:

- firstly, the concept of 'victimisation mechanism' is actually being substituted;
- secondly, this approach assigns to the situation the role of the main element in the 'personality-situation' system, thereby allowing for the possibility of victimisation under the influence of only created circumstances;
- thirdly, it complicates the development of measures aimed at preventing the occurrence of situations that contribute to victimisation;
- Fourth, it does not take into account the fact that victimisation situations can be created not only by the victim of a crime.

An important element that characterises a victimological situation is its subjects – individuals and groups, whose relations determine the possibility of such a situation. The analysis of the subject composition of victimogenic situations in penitentiary institutions showed the following structure of the number of victims of penitentiary crimes: one – 88.4%; two – 8.9%; three or more – 2.7%.

According to criminologists, the objective core of any situation is formed by the following elements: the place of the incident; time of crime, time of year and climatic conditions; object and motive of the criminal offence.

The largest number of cases of violent victimisation occurred in the residential area – 43%, in the production area – 36%, other areas of the penitentiary accounted for 21% of victimisation cases.

Victimisation from mercenary crimes also occurred in the majority of cases in residential areas (61%) and at workplaces (about 23%). In 16% of cases, personal property was stolen from convicts in baths, canteens, during transfer, in schools, hospitals, etc.

An analysis of the time of day when the victimisation took place revealed the following data. Most cases of victimisation occurred at night between 22.00 and 06.00. Next in order of decreasing rates are the evening (from 18.00 to 22.00) and daytime (from 12.00 to 18.00) periods. The lowest number of crimes was committed in the morning hours from 06.00 to 12.00. In this regard, the literature has repeatedly drawn attention to the fact that in the evening, weekends and holidays the number of staff in the PIs is always minimal, and the possibility of illegal actions by convicts directly depends on the state of control by the supervisory services. However, while the victimisation of convicts from violent crimes occurred more often in the evening and at night (63.7%), the victimisation from mercenary crimes occurred during the daytime (45.6%).

Violent victimisation in 27% of cases was accompanied by a threat of physical force; in 14.3% of penitentiary victimisation situations, various household items were used, and in 7% of cases, a knife or other piercing or cutting object was used.

Other information obtained during the study of criminal proceedings is also interesting. Thus, in the majority of cases of violent victimisation (74%), a victimogenic situation caused by conflict interaction between convicts preceded it.

Conflict in the PIs is understood as a clash of opposing interests between subjects regarding

execution and serving, during execution and serving of a sentence of imprisonment not regulated by law.

We believe that conflict in a penitentiary institution is characterised by confrontation, most often by open actions of convicts, and ‘manifests itself in an aggressive form of behaviour aimed at neutralising or sometimes eliminating obstacles from one of the participants and associated with causing moral, psychological, physical or material damage’.

The majority of conflicts occurred immediately before the victimisation (72.3%), and in 27.7% of cases the conflict took place long before the crime was committed.

The results obtained are also confirmed in the works of other scholars. For example, according to A.L. Sitkovsky and O.G. Kolb, who studied violent crime in PIs, in 27% of cases the conflict arose long before the crime was committed, and attempts were made to resolve it; in 19% of cases there were no attempts to resolve a long-lasting conflict; in 54% of cases the conflict arose immediately before the crime was committed [3; 4].

The vast majority of victimisation cases were committed as a result of conflicts that arose in the personal and domestic sphere (58.2%), on the basis of work activities (19.4%); in other spheres of public life this figure is 22.4%.

These results indicate that the majority of violent crimes in Pi are domestic crimes.

We believe that it is significant that in the criminological literature most crimes committed in penitentiary institutions are considered to be informal ‘sanctions’, ‘forceful punishments’ for violation of informal norms of behaviour that exist in the microenvironment of prisoners.

In our opinion, only some types of violent crimes can be committed only within informal norms of behaviour – these are crimes committed with particular cruelty. This confirms the author’s conclusion that the majority of crimes in penitentiary institutions are domestic crimes. ‘A characteristic feature of such crimes is that they are usually committed on a domestic basis, their specificity is also the motivation for

criminal behaviour, which is closely related to the situational factor, i.e. the impact of a specific life situation that has developed on the basis of the joint imprisonment of convicts.’

The potential victim, based on his or her subjective perception and value orientation, chooses a certain line of behaviour at a particular moment in time and enters into a certain relationship with the future perpetrator. Therefore, the analysis of the relationship between the perpetrator and the victim, as well as the nature of this relationship, is essential to clarify the peculiarities of the victim’s behaviour and his/her role in the mechanism of committing the crime.

In places of deprivation of liberty, these ties can be friendly, international, etc. In any case, all the victims of violent assault were to some extent familiar with the perpetrators, as they served their sentences in the same prison.

It should be noted that in the structure of social relations between the offender and the victim, the dominant share is occupied by joint serving of sentences in the same unit (68%). The rest of the convicts were held on the territory of one penitentiary institution. This indicates a more likely frequency of conflict situations in the penitentiary system. The emergence and development of victimogenic circumstances is influenced by the fact that the limited territory of a penitentiary institution contains a large number of people from the same circle, coming from the same social environment, characterised by the same lifestyle, manners and anti-social behavioural stereotypes. Direct communication between people of different personalities and temperaments, with varying degrees of criminal and moral degradation, in a confined space inevitably contributes to contradictions between them, one of the ways to resolve which is victimisation.

A study of criminal proceedings shows that in a number of cases, the offender’s intent was formed under the influence of several motives at once – mercenary and violent. In this regard, in order to establish the main motivational basis for

such attacks, it is crucial to analyse the nature of the relationship between the offender and the victim, which is usually divided into friendly, neutral, hostile and even hostile.

This may be due to the fact that in 13.6% of cases, the relationship between these convicted offenders was unfriendly. It is noteworthy that in 4.3% of the cases the relations between the convicts could be described as neutral, and in 49.2% of the cases they were practically absent. Some authors refer to the commission of such crimes as 'motiveless' or 'with an indefinite motive'. In our opinion, it is here where the choice of the victim was purposeful, which can certainly be predicted.

For the analysis of victimogenic situations, it is no less important to study the peculiarities of the victim's behaviour, since it plays an important role in the mechanism of committing a crime, and at the same time is the most important structural component of the characterisation of victimisation of a person as a process of becoming a victim of crime. Naturally, the victim's behaviour cannot lead to a crime by itself, but it necessarily interacts with negative factors related to the perpetrator. A criminal act is not just an action or inaction of its subject, but an interaction involving at least two people whose personal characteristics determine: it is an interaction through two intersecting lines of motivation. Thus, the interaction between the perpetrator and the victim in a particular situation is understood as the systematic commission by both parties of actions aimed at provoking a response from the partner.

The situation becomes victimogenic only after the merger of objective circumstances, personal characteristics of the offender and the victim's chosen behaviour: provocative or facilitating. Therefore, among the most important issues of criminal victimology that require further in-depth development, an important place belongs to the problem of studying the behaviour of victims in victimisation situations.

According to the data obtained, the victim's behaviour plays a crucial role in creating the majority of cases (61%) of violent penitentiary

victimisation and can be characterised as provocative. Favourable behaviour of victims is typical for 39% of violent crime victimisation cases and in the majority of cases of victimisation from acquisitive crimes (87%).

The study revealed a certain dependence of the type of victim's chosen behaviour on their victim characteristics.

Favourable victim behaviour is determined by the refusal or inability to take protective measures to ensure personal safety and proper control over material assets. First of all, such victim characteristics of a person include:

- cooperation with the administration of the penitentiary institution and other law enforcement agencies. The behaviour of such persons is characterised by law-abiding and lawful actions, but it is precisely these that cause a negative reaction from the offender;

- mental and psychophysiological characteristics and condition of the convict. The behaviour of such persons is determined by the presence of various traits and characteristics of victims, which occur as a result of their age (mostly convicts over 50), poor health or mental disorder. Such convicts are unable to take protective measures to ensure their personal safety or resist the physical force of the offender;

- maladjustment to the conditions of imprisonment. The behaviour of such victimised convicts is determined by the lack of sufficient foresight, indiscriminate relationships with other convicts and is characterised by a reduced ability to resist the offender.

The victim's use of alcohol and drugs is also a victimogenic circumstance that contributes to the nature of the behaviour. In a number of cases, criminals use the painful condition of drug addicts in prison and their physical addiction to drugs to commit crimes and violent sodomy. Almost a third of the victims (29.3%) were in a state of intoxication when the offence was committed against them, which is known to affect not only the ability to resist, but also the understanding of the situation, as well as the general behaviour of the person (often aggressive or, conversely, completely

passive, which negatively affects the development of the victimogenic situation). If the state of intoxication of the offender is considered as a component of the pre-criminal situation, which acts as a catalyst that accelerates or facilitates the commission of a crime, then the victim's intoxication is a favourable victimogenic factor.

The use of alcohol, despite the regime requirements, is not uncommon. Episodic alcohol consumption was detected in 72.4% of the convicted victims, 16.7% were systematic drinkers. Only 10.9% of victims did not drink alcohol.

Other factors include a low level of culture and negligence, personality traits such as bravado, boasting, carelessness, pride, greed, self-confidence, arrogance and indifference to others.

The victim's provocative behaviour is determined by such victim characteristics as dishonesty, incorrectness, and sometimes rude, defiant actions of the victim and is characterised by demonstrative immoral or unethical actions of the victim.

The fact that in half of the provocative victimogenic situations (55%), the victim's behaviour can be assessed as criminal is worrying. Perhaps, in other circumstances, outside the PI, the convict could have chosen a different way of responding to the victim's negative behaviour. In prisons, he should always respond firmly to any form of attack on his honour and dignity. This allows him not only to maintain his informal status, but also in some cases to increase it by committing a violent crime.

In provocative victimogenic situations, the following schemes are most clearly visible. On the part of the victim: potential offender – situation – victim. On the part of the perpetrator: potential victim – situation – perpetrator. The roles of the offender and the victim are interchanged and intertwined in such a bizarre way that it is necessary to state that the distinction between them is very relative, since only chance decides which of the convicts will become the offender and which will become the victim. Moreover, these roles can interchange and be combined in one person [5, p. 14].

Victimogenic situations in penitentiary institutions are in many ways similar to situations

where a person, depending on the circumstances, can become either a criminal or a victim, a criminal and then a victim (and vice versa); both a criminal and a victim. This mixed type of person, combining features of criminality and victimhood, shows that there are no fundamental differences in the types of people who are prone to commit crimes or to be victims.

It is significant that the convicts who became criminals as a result of the criminal behaviour of their victims decided to deal with the problem by criminal means without seeking help from the administration of the correctional institution. Thus, we can talk about the existence of such a negative phenomenon in PIs as the termination of criminal behaviour by criminal means in groups of convicts. This is criminal self-regulation of the social organism, an attempt to improve inner life and interpersonal communication through criminal violence.

The existence of such a problem is also evidenced by the results of the questionnaires of convicts. According to the data obtained, 68.5% of the surveyed convicts indicated their readiness to defend themselves against crimes. This leads to a decrease in the authority and trust of the penitentiary administration. The convicts do not believe in the ability of the penitentiary administration to protect them from criminal attacks.

Solving the problem without the intervention of the penitentiary administration and other law enforcement agencies – 31.5%; 'insignificance of damage', i.e. the victim's subjective assessment of the damage as insignificant – 27%; fear of revenge from the criminal environment – 22.4%; uncertainty about the ability of the penitentiary administration or law enforcement agencies to provide appropriate assistance – 12.1%; other motives – 7%.

Fear of crime in penitentiary institutions has a very specific impact on the genesis and dynamics of the development of victimogenic situations.

Fear is usually defined as an emotion that arises in situations of threat to a person's biological or social existence and is directed at

a source of real or imagined danger. According to A.O. Dzhezha, the prevalence of fear in social psychology and in the mass consciousness is one of the important objective indicators of the criminological situation [6].

The fear of crime is a reflection of collective or personal experience and arises in most convicted prisoners through the mechanisms of socialisation, social and psychological contagion, suggestion, imitation and conformism. Fear can be expressed both in the form of a specific fear of certain situations or objects, and in the form of a generalised and vague state determined by the influence of the collective experience of victimisation (fear of crime in general), collective behaviour (mass panic), and the influence of the media.

It is noteworthy that convicts with victimisation experience are the most 'infected' with the fear of becoming a victim of a crime in a penitentiary institution. This is due to the fact that victimisation in a penitentiary institution is always accompanied by pronounced emotional reactions. In this case, fear is the strongest emotion, characterised by immediacy and extreme intensity, which arises as a result of criminal interaction between the offender and the victim. It should also be noted that the analysis of the convicts interviewed about their experience of victimisation indicates a slight possibility of weakening the connection between their experience and the fear of becoming a victim of crime. The experience of victimisation causes fear in convicts regardless of the information they have about criminal attacks, obtained from the media or other sources.

It is also typical that the fear of becoming a victim of crime by prisoners who have no experience of victimisation is primarily caused by their own vision of crime in penitentiary institutions based on the media, information received from other prisoners and the administration of the penitentiary institution, rather than on their actual experience (given that most prisoners have no such experience at all). In addition, the study found that information about embezzlement does not cause fear in prisoners

at all. Fear of crime increases depending on the cases of violent crimes committed in penitentiary institutions that the convict knows about [7].

The victimogenic significance of fear of criminality in penitentiary institutions is expressed, respectively, in the formation of panic moods, obsessive phobia of becoming a victim, in the perception of the environment as socially dangerous and anomie when feeling the danger of serving a sentence. The fear of becoming a victim of a crime contributes to the emergence of victimogenic situations, forms a person's aggressive attitude towards others, and a constant readiness to fight back even when there is no real threat of attack. Fear of penitentiary crime, worsening the conditions of serving a sentence and forcing convicts to take protective measures, demoralises the society of convicts, 'disorganises it and thereby increases anomie'.

Fear of crime also affects the victim's behaviour in victimisation situations. It has a negative impact on the mental and moral assessment of the convict, destabilises his mental state, pushes him to commit rash, affective acts, reducing the boundaries of self-control and increasing the impulsiveness of reactions. The experience of victimisation, accumulating fear of penitentiary crime, depending on the peculiarities of the subject's mental state, reduces the protective properties of the victim in a victimogenic situation, thereby increasing the offender's self-esteem and provoking him to commit anti-social acts.

**In conclusion**, it is advisable to determine the following with regard to this issue:

- the interaction of personal, victimising qualities of the convict and objective victimising conditions of the execution of a sentence in the form of imprisonment occurs against the background of a certain victimogenic situation that precedes or contributes to individual victimisation;

- most victimogenic situations are caused by conflictual interaction between convicts at the interpersonal level. A characteristic feature of victimisation is that it usually occurs on a domestic basis, and its specificity is the



motivation for victim behaviour, which is closely related to the situational factor, i.e. the impact of a specific life situation that has developed on the basis of the joint imprisonment of convicts;

– victimisation situations in prisons, despite their diversity, are characterised by the decisive role of the victim in the mechanism of their formation;

– the quality of the study of victimogenic situations with different types and types of victim behaviour significantly affects the effectiveness of crime prevention in penitentiary institutions. This is all the more important given that the situation plays the role of a natural, necessary condition for not only criminal but also victim behaviour and cannot be ignored by the researcher.

### Summary

In the article, the authors examine the process of victimisation which includes a complex system of phenomena related to the victim's involvement in the formation of a criminal motive, interaction with the perpetrator in a particular life situation, and the commission of a violent crime against him/her, which leads to certain criminal consequences. The authors believe that it is advisable to distinguish five levels of victimisation. At the same time, it is necessary to take into account both the parameters of victimisation of an individual and the parameters of victimisation of social groups. The most acute and tangible are the consequences of victimisation at the first two levels, which are manifested in the deaths of people, injuries, loss of ability to work, psychological trauma due to the loss of loved ones, material costs of treatment, etc. Potentially dangerous, and often accompanying serious aggressively violent crimes, is the desocialisation of the victim, caused by pain, fear, shame, loss of faith in the state and society, which have failed to protect them from the perpetrator, etc.

The authors determine that in characterising crime in penitentiary institutions, it is necessary to identify such an important feature as victimisation from crime while serving sentences, which implies that it is not only social consequences, but also a real aggregate result, i.e. the sum of quantitative and qualitative characteristics of crime victims. In conclusion, the authors note that the victimisation situation should include: personality-formative victim situation (a system of factors, conditions, circumstances that had a decisive impact on the formation of the potential victim's qualities of increased victimisation); pre-criminal (life) victim situation (a system of circumstances directly preceding the crime, in interaction with the personal qualities of the victimisation subject); criminal victim situation (a situation of direct commission of a crime and causing harm); post-criminal victim situation. (behaviour of the victim after the crime and all circumstances that affect his/her condition).

**Key words:** victimisation, jurisprudence, law, offender, crime, convict, penitentiary institution, victim, behaviour, injured, mechanism.

**Церкуник Л.В., Вишнеvsька М. М. Віктимологічна ситуація та її роль у механізмі віктимізації засуджених в установах виконання покарань**

### Анотація

У положеннях наукової статті автори досліджують процес віктимізації який в себе включає складну систему явищ, пов'язаних з участю жертви у формуванні злочинного мотиву, взаємодією зі злочинцем в умовах конкретної життєвої ситуації, з вчиненням стосовно неї насильницького злочину, що призводить до певних злочинних наслідків. Автори вважають, що доцільно виділити п'ять рівнів віктимізації. Водночас при цьому потрібно враховувати як параметри віктимізації особи, так і параметри віктимізації соціальних груп. Найбільш гострими та відчутними є наслідки віктимізації на перших двох рівнях, що виявляються в загибелі людей, отриманих каліцтвах, втраті працездатності, психологічних травмах з приводу втрати близьких, матеріальних витратах на лікування тощо. Потенційно небезпечна, нерідко супутна тяж-

ким агресивно насильницьким злочинам, десоціалізація жертви, обумовлена болем, страхом, соромом, втратою віри в державу та суспільство, які виявилися нездатними вберегти від злочинця і т.д.

Автори визначають, що при характеристиці злочинності в установах виконання покарань варто визначити таку важливу ознаку, як віктимізація від злочинності під час відбування покарань, яка передбачає, що це не тільки соціальні наслідки, а й реальний сукупний результат, тобто як сума кількісних і якісних характеристик потерпілих від злочинів. Як висновок, автори зазначають, що до складу віктимологічної ситуації доцільно включати: особистісно-формувальну віктимну ситуацію (систему чинників, умов, обставин, що мали вирішальний вплив на формування у потенційної жертви костей підвищеної віктимності); передкримінальну (життєву) віктимну ситуацію (систему обставин, які безпосередньо передують злочину, у взаємодії з особистими якостями суб'єкта віктимізації); кримінально-віктимну ситуацію (ситуація безпосереднього вчинення злочину та заподіяння шкоди); посткримінальну віктимну ситуацію (поведінка жертви після злочину і всі обставини, що впливають на її стан).

**Ключові слова:** віктимність, право, закон, злочинець, злочин, засуджений, установа виконання покарань, жертва, поведінка, потерпілий, механізм.

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