Effectiveness of Measures of Legal Response to Criminal Offenses against the Freedom, Honor and Dignity of a Person

Maryna Chernysh¹, Maksym Iatsyna², Oleksiy Petechel³, Volodymyr Holubosh⁴ & Ihor Pylypenko⁵

Abstract

Amidst the societal transformations taking place across various domains, the crucial matter of safeguarding individuals' lives, health, and integrity demands theoretical reconsideration. The objective of the research is to assess the efficacy of key legal measures in addressing criminal offences against the freedom, honour and dignity of a person. The study employed the comparative legal approach, formal legal analysis, legal modeling, and statistical methods. The research findings support the argument that combating crimes against individuals has currently assumed paramount importance. Violations of the person's freedom, honor and dignity present a significant menace to society. Special emphasis should be placed on the accurate legal evaluation of such crimes, as it hinges on establishing the elements of the offense, as well as addressing other aspects related to crime detection, investigation, identification of perpetrators, and bringing them to criminal accountability. The research concludes by advocating the necessity of acquiring comprehensive and unbiased criminology data concerning both the offender and the victim, with the aim of implementing more efficient and targeted strategies to prevent such crimes. Subsequent scientific inquiries in this realm could delve into exploring optimal and efficacious legal responses to criminal offenses against freedom, honor and dignity of a person.

Keywords: law enforcement, preventive activities, protection of rights and freedoms of citizens, combating crime, criminal justice.

Introduction

¹ The author is a PhD in Law, Associate Professor of the Department of Criminal and Legal Disciplines, Dnipropetrovsk State University of Internal Affairs, Ukraine. <u>D crld1@dduvs.edu.ua</u>

² The author is a Doctor of Philosophy Specialty of Law, Assistant of the Department of Policy in the Field of Fight Against Crime and Criminal Law, Educational and Scientific Law Institute, Vasyl Stefanyk Precarpathian National University, Ukraine. <u>M.iatsyna24@icloud.com</u>

³ The author is a Candidate of Legal Sciences, Associate Professor of the Department of Policy in the Field of Fight Against Crime and Criminal Law, Educational and Scientific Law Institute, Vasyl Stefanyk Precarpathian National University, Ukraine. <u>Opetechel5@gmail.com</u>

⁴ The author is a Candidate of Legal Sciences, Associate Professor of the Department of the Main Inspection and Observance of Human Rights of the National Police of Ukraine, Kyiv University of Intellectual Property and Law National University "Odesa Law Academy", National Academy of Internal Affairs, Ukraine. <u>Sinmiedovv14@gmail.com</u> ⁵ The author is a Candidate of Legal Sciences. For the first of the Internal Terms

⁵ The author is a Candidate of Legal Sciences, Expert of Analytical Department of Training of Prosecutors, Prosecutor's Training Center of Ukraine, Ukraine, <u>Pilipenko13a@gmail.com</u>

The relevance of the research topic stems from the Constitution of Ukraine guaranteeing citizens' rights to the safeguarding and legal defense of their honor, dignity, and professional reputation. Furthermore, currently two principal socio-economic factors contributing to criminal activities in Ukraine are notably prevalent: military conflict and the global COVID-19 pandemic (Koliesník et al., 2023).

The available statistics indicate that the number of criminal offenses against the person's freedom, honor and dignity in Ukraine has been quite significant in recent years. Thus, in 2023 it was 417, in 2022 - 615, and in 2021 - 684 registered criminal offenses during the reporting period (On Registered Criminal Offenses and the Results of Their Pre-Trial Investigation, 2024).

At the same time, it is important to acknowledge that as of 2022, the observed decline in the frequency of these illegal acts in the statistical data may not be deemed entirely accurate (Zarosylo et al., 2023). This is due to the full-scale invasion of the Russian Federation into Ukraine during this time frame. It has greatly impeded the operations of its proficient law enforcement entities during the preliminary phase of the legal proceedings (On Registered Criminal Offenses and the Results of Their Pre-Trial Investigation, 2024).

In defense of this stance, statistical data regarding the prevalence of criminal acts infringing upon an individual's freedom, honor and dignity during the period of January to April 2024 can be referenced, revealing that the frequency of such incidents remains notably elevated, with a total of 182 cases reported within a span of four months (On Registered Criminal Offenses and the Results of Their Pre-Trial Investigation, 2024).

As Stasi (2021) aptly observes, contemporary legislative institutions worldwide consistently enact measures against behaviors that are deemed detrimental to society by its representatives. Whether motivated by self-interest or altruism, society seeks to witness repressions (Stasi, 2021). A similar stance is supported by Cornford (2023). He notes that criminal law functions as a mechanism for restoring justice, guaranteeing that offenders face the consequences commensurate with their actions.

As noted by Sundram (2024), focusing on examples of successful operations organized by the Association of Southeast Asian Nations (ASEAN), such as the anti-trafficking operation and the cybercrime-focused operation, cross-border cooperation plays a vital role in the fight against crime. It is imperative for nations across the globe to collaborate in thwarting the aforementioned criminal acts, which, originating as isolated incidents, may evolve into a web of hidden motives with complex consequences on societal well-being (Spytska, 2023).

The state's administration of justice towards individuals who commit criminal acts serves to both affirm their standing as full-fledged members of society and underscore the government's responsibility to safeguard their rights (Maguire, 2022). Furthermore, as noted by Demeke (2024), a more sophisticated approach is needed when addressing crimes perpetrated against individuals. Solely relying on predefined legal sanctions falls short in terms of promoting social wellbeing, hence the need to prevent crime before it occurs (Baysal, 2023).

As Billah (2021) rightly points out, any criminal proceedings that prosecute and punish international crimes are aimed at strengthening the rule of law and emphasizing moral values. According to Vynnyk and Hazdayka-Vasylyshyn (2023), crime rate in the state and the overall efficacy of the criminal justice system hinge on the timeliness and accuracy of decisions made in this domain.

Literature Review

Currently, many criminal offenses against the freedom, honor and dignity of a person, both in economically developed countries and those in developing countries, are supranational in essence. The foundation of the crime prevention policy should be rooted in the belief that it is not only feasible to manage crime. But also to impact it through a combination of general, criminological and individual prevention measures. Thus, the chosen research topic is relevant, both from a scientific and practical point of view.

Ensuring the proper level of judicial protection of such personal benefits as freedom, honor, and dignity, as declared by the Basic Law, undoubtedly provides for further improvement of criminal legislation and law enforcement. This issue is especially acute in the context of armed aggression against Ukraine and in the context of its post-war reconstruction for the future. The value of the right of the individual is due to its significance for the law, they are interrelated phenomena. An improper low place of the individual in the hierarchy of legal values reduces the effect of legal means (Shchokin et al., 2023). Freedom, honor and dignity are abstract concepts. And their assessment is very relative and can differ significantly if viewed not only from the perpetrator's point of view but also from the victim's position.

In accordance with the above, it is necessary to theoretically rethink criminal law measures for the prevention of criminal offenses against the freedom, honor and dignity of a person, as well as to develop practical recommendations for improving the system of combating crime in this area. Criminal offenses against the freedom, honor and dignity of a person became a widespread phenomenon in the post-Soviet countries simultaneously with their independence and the

emergence of market relations. During the 1990s, the economic growth of these nations, driven by unregulated market forces. It resulted in a significant increase in criminal activity among the populace, who created and developed their own businesses. Dishonest entrepreneurs quickly obtained their profits by criminal means, including committing crimes against the freedom, honor and dignity of a person. These include trafficking people and the use of slave labor, the creation of criminal gangs, as well as kidnapping (Kyslenko et al., 2024).

One of the aspects of protecting the rights and interests of citizens is the fight against various manifestations of violent crime, which, at the present stage, is an urgent research issue. As Farrell and Lockwood (2023) rightly point out, combating crimes against the person is becoming increasingly important, as the consequences of such criminal transgressions on both individuals and society are multifaceted and result in a myriad of detrimental effects. In addition, crime is adaptive, new forms of crime and problems caused by offenses appear, which implies changes in the relevant legislation and the system of legal response measures to prevent them.

For instance, the 2018 shift in Ukraine's legal understanding of rape and other sexual offenses to align with European Union standards necessitated a reevaluation of various theoretical principles within the realm of criminal law (Volobuyeva, 2024). Another example is how the content of state policy in the field of combating arms trade in Ukraine takes into account generally accepted international standards, as well as the socio-political situation in the country (Shumeiko et al., 2021). Nevertheless, the issue surrounding the efficacy of legal interventions in addressing criminal acts that violate an individual's autonomy, reputation, and self-worth remains insufficiently explored. It provides for further scientific research in this area. Some philosophical, sociological, and criminological aspects of the issue under study were examined in the scientific literature as follows.

We share Lee's (2023) viewpoint that while all factors directly influencing criminal behavior are significant, there remains an element of unpredictability in criminal acts. Therefore, any strategies aimed at preventing and addressing crime must take this factor into consideration to be truly effective. Another important circumstance of committing a criminal offense against the freedom, honor and dignity of a person is drawn to the attention of Yucel and Aykut (2024). He notes that, in the event that the moral element of the crime cannot be correctly determined, an individual who is factually innocent may face criminal charges and, subsequently, be wrongfully convicted following a verdict.

According to researchers, the victim's condition is crucial, as well as the offender's themselves. A similar view is supported by Utama et al. (2024), who

points out that there are 2 environmental factors, namely the offender's family environment and their social environment. These two factors, according to the scholar, play an important role in determining a person's psyche and behavior.

With the rise in malevolent behaviors targeting the freedom, honor and dignity of individuals, safeguarding people from such threats has become an essential imperative (Arcer, 2022). Violent crimes committed against individuals are viewed as the quintessence of criminal activity, encompassing both general criminal behavior and unique characteristics that distinguish them. These offenses are defined by a complex interplay of general and specific elements that shape the nature of the crimes themselves, the perpetrators, and the detrimental social impact on both the victim and society at large.

It is, therefore, justifiable to support legislative measures regarding the exclusion of the statute of limitations for individuals who have committed or been convicted of crimes against the international legal order, such as genocide or crimes against humanity, which constitute crimes against individuals (Kolomiets, 2024). Moreover, the essence of the criminal violation is the freedom, honor and dignity, which are challenging to ascertain definitively. Therefore, the notion of human dignity can be analyzed in situations involving the right to equal treatment, privacy, employment. And the prohibition of torture and other forms of cruel and inhuman treatment (Shen, 2022).

The concept of human dignity is increasingly invoked in legal discourse, yet its precise role in this context remains ambiguous (Niemi, 2021). All criminal offenses against an individual not only degrade their honor and dignity, but also render them vulnerable and powerless. As Paterson (2023) notes, this is particularly evident in criminal acts targeting an individual's honor and dignity, motivated by the perpetrator's prejudiced views on the victim's sexual orientation or gender identity. According to the scholar, such offenses typically result in greater physical and emotional harm, leading to decreased empathy, support, and increased societal and judicial blame towards the victim.

The above situation is further exacerbated by the collusion of unethical law enforcement officers with individuals who have engaged in criminal activities, as well as instances of corruption. The latter has become an integral part of social relations in many countries around the world, including the criminal justice system (Podliehaiev et al., 2024). A similar position is supported by Shchokin et al. (2023). He notes that it can be stated that there is a certain limitation in the study of problematic issues of criminal liability for corruption crimes and insufficient development of certain aspects of establishing liability for these offenses.

The principles governing accountability for offenses against human life are integral to upholding public safety within the framework of the liberal

philosophy of human rights (Plysiuk, 2022). Important values, in addition to human life and health, include honor and dignity (Chachanidze, 2022). In this line, ethical and legal socialization plays a crucial role in deterring crimes that violate the freedom, integrity, and dignity of individuals. Moreover, according to Kachur and Kozin (2021), the latter should be considered a two-way process since a person is both an object and a subject of socialization. The active assimilation of legal values and norms by the individual, the focus on the personality formation with an appropriate level of legal culture.

Furthermore, the advent of cutting-edge information and communication technologies has resulted in the rise of novel criminal activities, such as those infringing upon the reputation and self-worth of individuals. One form of cybercrime involves identity theft. It refers to the unauthorized utilization of an individual's personal data, including the dissemination of inaccurate information about them (Pandey, 2024). At the same time, it is quite difficult to identify a criminal who has committed such a criminal offense due to the very specifics of the Internet.

At the present stage, criminal offenses against the freedom, honor and dignity of a person are a serious criminological and social problem in Ukraine. The decline in focus on preventive measures, as evidenced in recent years, has become a concerning trend caused by the full-scale invasion of the Russian Federation into Ukraine, does not correspond to the level of material, sociopsychological and moral damage caused to the victim and society from such acts of crime.

Objectives

The study is aimed at determining the main measures of legal response to criminal offenses against freedom, honor and dignity. The objectives of the study are:

1. assess the overall efficacy of the prevailing strategies;

2. identify the main criteria that can be used to determine a particular measure's effectiveness;

3. elaborate practical suggestions for enhancing the strategies' efficiency.

Materials and methods

The research procedure

The research was conducted in stages to fulfill the study's purpose and goals. Each phase involved a distinct assignment aimed at validating the hypothesis that criminal acts infringing upon the freedom, honor and dignity of a person pose the greatest threat to the rights and liberties of both individuals and society as outlined in the Constitution. Based on the aforementioned, for legal responses to such criminal activities to maintain efficacy. They must be tailored to suit society's social, economic and political landscape.

The research procedure was divided into 3 independent stages: preparatory, main and final. At the preparatory stage, scholarly works from the European Union nations and Ukraine published between 2019-2024 were meticulously chosen and examined, which were devoted to theoretical comprehension and empirical study of the study subject. At the main stage of the study, the author outlined the provisions to substantiate the research hypothesis. Finally, the study findings were juxtaposed with the conclusions drawn by researchers in the reviewed scientific literature.

Research methods

To achieve the aim and objectives of the study, the author used general scientific and special legal methods. The use of the former is due to the need to follow the algorithm of theoretical study of the issue under consideration. In turn, the use of the latter was necessitated by the need to highlight specific legal issues related to the analysis of criminal offences against a person.

Based on a comparative analysis of legal data, the author identifies the primary legal measures in response to criminal acts that violate the freedom, honor and dignity of the person.

Employing a formal legal approach, the author examines and assesses the key legal measures in response to criminal acts that infringe upon the freedom, honor and dignity in order to ascertain their fundamental characteristics.

Through the process of modeling, the essential components of the legal framework addressing criminal offenses against the freedom, honor and dignity of the person were identified.

To provide an overview of criminal offenses against the freedom, honor and dignity of the person, a statistical analysis was conducted to evaluate the frequency of such offenses in Ukraine.

Sample

For the study, scholarly articles related to the research theme spanning from 2019 to 2024 were meticulously selected for examination utilizing the ScienceDirect and Mendeley databases. The selection of scholarly articles was based on specific keywords such as law enforcement, prevention, efficacy, criminal offenses, crime, freedom, honor, dignity. Furthermore, the search parameters encompassed the pertinence of the topic under study as well as the potential for generating practical recommendations within the field of the research subject. These criteria were satisfied by a total of 31 scholarly articles, with contributions from 9 Ukrainian researchers and 22 international scholars.

For statistical analysis, we utilized publicly accessible indicators pertaining to the frequency of criminal incidents against the freedom, honor and dignity of a person in Ukraine, recorded in the relevant report for 2021-2023.

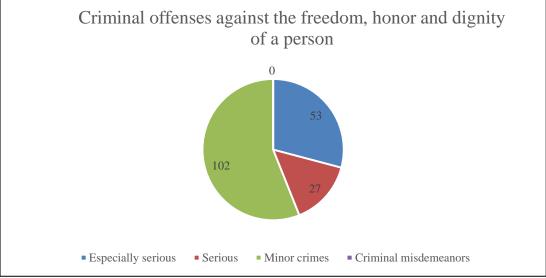
Results

Indicators of preventive measures efficacy serve as an evaluation of all the efforts undertaken, conducted through ongoing analysis and documentation of official actions based on specific, predetermined criteria. This is the effectiveness of the organization of the prevention of criminal offenses against the freedom, honor and dignity of a person. The results of implementing planned measures, the degree of achieving the intended goals are expressed through the categories of assessment — state, level, dynamics, quality, quantity, coefficient, intensity, optimality and others. Each of the evaluation categories characterizes only one side (facet, aspect, area) of the planned work. Taken together, all of them should give a comprehensive picture of the preventive action.

For instance, a thorough evaluation of the efficacy of efforts during the planning phase to deter criminal activities among individuals vulnerable to substance abuse or those reintegrating into society can only be achieved through clear, cohesive responses to inquiries concerning predetermined criteria related to the nature, extent, progression, and other factors of a specific category of criminal behavior. For such an analysis, it is expedient to utilize the available statistical data (Figure 1, Figure 2).

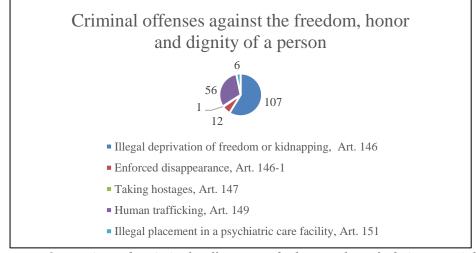
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Figure 1. Unified report on criminal offenses for the period January-April 2024: criminal offenses against the freedom, honor and dignity of a person (especially serious, serious, minor, criminal misdemeanors)



Source: On registered criminal offenses and the results of their pre-trial investigation, 2024

Figure 2. Unified report on criminal offenses for the period January-April 2024: criminal offenses against the freedom, honor and dignity of a person (especially serious, serious, minor, criminal misdemeanors)



Source: On registered criminal offenses and the results of their pre-trial investigation, 2024

The statistics shown in Figure 1 and Figure 2 testify to a significant number of minor crimes and illegal deprivation of liberty or kidnapping, Art. 146, as the main criminal offense committed during the analyzed period. Kidnapping of a person may be accompanied by the commitment of actions that fall under the signs of other acts, in particular, the use of violence against the victim. They caused damage of varying severity, which necessitates their separation from each other. When resolving this issue, it should be borne in mind that the corpus delicti of kidnapping includes causing harm to the health of the victim, if the violence that caused it was a method of kidnapping or its consequence. In other cases, if it was applied in direct connection with kidnapping, additional qualification is required for the totality of crimes. Qualification in the aggregate is also required in the case of other crimes related to kidnapping and which have a different object, for example extortion, rape.

Discussion

Criminal offenses evolve in the same way as society itself. This notion is supported by Arcer (2022), who maintains that effectively preventing such offenses in the current era is a crucial necessity. The advancement of groundbreaking information and communication technologies is reshaping crime and its manifestations. This viewpoint is reinforced by L'Hoiry et al. (2024). He observes that presently, the incidence of human trafficking has surged due to the global reach facilitated by the Internet, leading to increased risks for the populace and an upsurge in cybercrimes associated with human trafficking. Furthermore, the scholar posits that the proliferation of digital technologies in the early twentyfirst century has given rise to myriad causes of human trafficking, with the predominant motive being illicit financial gain. As criminal offenses targeting a person's volition, integrity, and dignity undergo transformation, the legal response must also adapt to ensure its efficacy.

At the same time, the significance of human life and health remains paramount. This sentiment is echoed in the scholarly work of Plysiuk (2022). He emphasizes that they are among the primary objects of protection under criminal law. Therefore, fostering legal awareness within society, along with proper moral and legal education, is crucial as a means of legal response. Furthermore, as stated by Borg and Hermann (2023), their research findings suggest a positive correlation in attitudes towards crime across all age and gender categories, indicating a shared foundation in these perspectives. The configuration of malevolence elements, as observed by the researcher, reveals two dimensions that exhibit strikingly similar patterns across different age and gender groups. Moreover, as emphasized by Billah (2021), ongoing refinement of legislation to align with societal conditions is imperative. No less important in determining a particular measure is to take into account the socio-political conditions in which a particular society lives in a particular period. The same opinion is supported by Kostadinov et al. (2023). He notes that, for example, the COVID-19 pandemic and related restrictive measures and social isolation are manifested in a decrease in reported crimes against life and health. At the same time, according to Shumeiko et al. (2021) it is necessary to take into account generally accepted international standards, as well as the socio-political situation in a particular country. Furthermore, as highlighted by Vynnyk (2023), combating criminal acts during times of conflict stands as a paramount issue, necessitating a swift and effective response from lawmakers.

Criminal offenses against an individual's autonomy, reputation, and selfrespect, their essence and pervasiveness, serve as a crucial gauge of the ethical and cultural well-being of society at large, reflecting its societal and moral development. This viewpoint is supported by Baysal (2023), who posits a correlation between the environment, community and criminal conduct. In contrast, the research by Coca-Vila and Irarrázaval (2021) argues that the characterization of such criminal offenses hinges not on societal factors. But rather on the political landscape of a given nation. A notable issue in contemporary Ukraine, amidst the backdrop of armed aggression, is the notably high level of criminal violence. This is most prominently manifested in offenses against individuals, particularly those infringing upon their life, well-being, liberty as well as sexual integrity. The severity of punitive measures and coercion fails to address the challenges of socialization, as they do not foster the cultivation of culture, ethics, or consideration for fellow members of society within an individual's consciousness.

Conclusions

As a study finding, it can be inferred that among the measures of legal response to criminal offenses against the freedom, honor and dignity, the most efficacious are preventive measures. Within the framework of criminal offenses prevention against the freedom, dignity and honour of a person, the proactive efforts of law enforcement agencies play a pivotal role. The most formidable challenge lies in selecting empirically grounded criteria to accurately measure the effectiveness of these efforts. Should there be a performance evaluation (i.e. the establishment of a performance indicator), it is imperative to ensure its alignment with objectively established standards. Deviation of performance indicators from the established criteria typically results in unwarranted expenses, inaccurate situation evaluation, and erroneous decision-making. In the assessment of any undertaking, specific criteria are invariably employed. While these criteria serve as indispensable benchmarks, their selection does not always conform to the standards of objectivity and scientific rigor.

Recommendations

Drawing upon the study findings, the following recommendations can be deduced: One of the primary factors contributing to criminal offenses against the freedom, honor and dignity, as well as the reduced effectiveness of legal measures taken in response to such offenses, is the presence of inconsistencies and conflicts within criminal procedural laws. Therefore, it is imperative to minimize their occurrence. Furthermore, aside from eliminating gaps and inconsistencies, the efficacy of legal measures in addressing criminal offenses against the freedom, honor and dignity depends on ensuring prompt identification of such offenses, equitable imposition of penalties, and fostering a high standard of legal professionalism among law enforcement officials and justice system personnel.

The effectiveness of legal responses to criminal offenses against the person's freedom, honor and dignity depends on consistent legal advocacy, socialization of the population, particularly the youth, and the cultivation of legal and moral principles within society. Socio-economic and moral-educational initiatives are pivotal in providing an effective legal response to criminal activities. Additionally, in efforts to minimize the factors contributing to criminal violations against the person's freedom, honor and dignity, and to enhance the effectiveness of legal responses, it is crucial to consider victimological socialization across various segments of the population.

The main areas of specially targeted criminological prevention in the analysed area include:

• consistent and persistent struggle against alcoholism and drug addiction, other manifestations of marginal behaviour in society on the basis of setting clear and realistic goals of preventive measures, their proper complexity and coordination;

• timely response to offences committed on the basis of family and other domestic conflicts that may later develop into crimes;

• ensuring effective protection of public order on the streets and in other public places;

• stopping criminogenic influences on minors and young recidivists, as well as professional criminals; improving the quality of preventive work in this area;

• intensification of activities to identify anti-social youth groups;

• timeliness of preventive impact on persons with a high degree of victimisation;

• intensification of the fight against the facts of illegal manufacture, sale, storage and carrying of cold and firearms, as well as their theft;

• use of criminal law preventive measures for timely response to threats to freedom, life, health and dignity of a person;

• ensuring fair liability for criminal offences against the freedom, life, health and dignity of a person on the basis of individualisation and differentiation.

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