

SYSTEMS APPROACH TO COMPARATIVE CRIMINOLOGICAL STUDIES: CONCEPTUAL ISSUES

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Abstract. *The author has made the attempt to develop conceptual issues of systems approach to comparative criminological studies.*

The article deals with “bedrock” of criminology (and comparative criminology) as interdisciplinary science. In this article, the systems approach to comparative criminological studies has been defined. The author argues that practically all modern sciences are designed according to systems approach. Analysis of scientific literature enabled the author to state that systems approach was/is applied to the studies of political systems, legal systems, criminal legal systems, criminal justice systems, penitentiary systems, and other systems. Standing out that “systems theory” as one of scientific approaches has made a considerable influence on criminology, the author considers the systems approach in criminology to be hosted and necessary.

Considering three basic assumptions of systems approach, the author believes in the existence of “criminological systems”. The author has conducted a profound analysis of “criminological system” from the point of view of “systems theory”. He argues that the definition of criminological system and its features allow getting a general conception of system and the definition of such features on the level of a country allows getting the idea of its “national criminological system”. Also, the author supports the idea of existence of “criminological system” elements, such as “criminological outlook”, “criminological legislation”, “criminological

practice”, “criminological security”. The interrelation between the elements of “criminological system” and other systems (and their elements) is discovered.

Results of the author’s analysis will be significant in the development of modern criminology in the context of science globalisation.

Keywords: system, criminological system, national criminological system, criminological outlook, criminological legislation, criminological practice, criminological security.

Introduction

To obtain a fuller and holistic idea about an object of cognition, modern scholars claim more often about the creation of a new research methodology. The sense of it lies in the study of an object as an integral set of elements in their relationships and connections between them (interconnected elements). This set is isolated from the continuum and interrelates with it as a whole, has inlet (objective) of its own, outlet (resources) and feedback. It is about the study of a system (Old Greek σύστημα – *connection*) by means of an approach that is termed as systems approach as a means of organising research activities that include any kind of activity establishing regularities and interrelations to use them more effectively.

It must be noted that almost every scholar treats the notion of systems approach differently, according to his/her beliefs. But all of the scholars unanimously acknowledge *complexity* as an essential characteristic of systems objects (albeit complexity is treated differently). The result is a broad and ambiguous definition of the notions of “system” and “systems approach” and, as a result – vague definition of characteristics of systems studies.¹

Ludwig von Bertalanffy is considered to be a leading figure among the founders of the systems approach. He was the first to publish a comprehensive “general systems theory”², the main task of which “lies in the fact that basing on the understanding of a system as a complex of interrelated components, to find an aggregate of laws that explain functioning and development of systems of different classes” and which “is able to lead the science out of the deadlock of mechanistic outlook according to which any complex phenomenon can be described as physics (mechanistics in actions) which governs the functioning of its components” and “fosters the solution of a unity problem of scientific knowledge”.³ Other researchers whose names are also connected with

1 Блауберг, И.В.; Садовский, В.Н.; Юдин, Э.Г. Системный подход в современной науке [Blauberg, I.V.; Sadovskiy, V.N.; Yudin, E.G. Systems approach in contemporary science]. *Проблемы методологии системного исследования* [Problems of systems research methodology]. Москва: Мысль, 1970, с. 27-28.

2 Bertalanffy, Ludwig von. *General System Theory. Foundations, Development, Applications*. New York: Braziller, 1969.

3 Blauberg, I. V.; Sadovskiy, V.N.; Yudin, E.G. *op. cit.* p. 19.

the systems approach to scientific knowledge are worth mentioning: A.V. Antonov⁴, O.O. Bohdanov⁵ (whose “tektology” is also considered to be an attempt to form a generalised perspective of systems approach to cognition⁶), I.V. Blauberger, V.N. Sadovsky⁷, E.G. Yudin⁸, V.N. Volkova and A.A. Denisov⁹, V.A. Kartashev¹⁰, I.V. Pranghishvili¹¹, A.I. Uyemov¹², Niklas Luhmann¹³, Herbert A. Simon¹⁴ and others.

“Leading the science out of the deadlock of mechanistic outlook” – the implementation of systems approach – has been used so widely, that **practically all modern sciences are designed according to systems approach**. O. Fisun and V. Shevchenko believed that “... so-called ‘systems theory’ ... in the fifties and sixties reached its peak in popularity and was widely used in a number of important disciplines and new scientific fields: cybernetics, biology, operational and systemic studies, game theory, economic and mathematic modelling etc”.¹⁵ System structural method, according to A.P. Zakalyuk, is widely used in arts and sciences, and technical sciences.¹⁶

Analysis of scientific literature enabled the author to state that **systems approach was/is applied to the studies of: (1) political systems** (Gabriel A. Almond, G. Bingham

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- 4 Антонов, А. В. *Системный анализ*. [Antonov, A.V. System Analysis]. Москва: Высшая школа, 2004.
 - 5 Богданов, А. А. *Тектология: Всеобщая организационная наука. В двух томах*. [Bogdanov, A. A. *Tectology: General organizational science. In two volumes*]. Москва: Экономика, 1989.
 - 6 Блауберг, И. В.; Садовский, В.Н.; Юдин, Э.Г. *Системный подход: предпосылки, проблемы, трудности*. [Blauberger, I.V.; Sadovskiy, V.N.; Yudin, E.G. Systems approach: backgrounds, problems, difficulties]. Москва: Знание, 1969, с. 13.
 - 7 Садовский, В. Н. *Основания общей теории систем. Логико-методологический анализ*. [Sadovskiy, V.N. Foundations of general systems theory. Logical-methodological analysis]. Москва: Наука, 1974.
 - 8 Блауберг, И. В.; Садовский, В.Н.; Юдин, Э.Г. *Проблемы методологии системного анализа*. [Blauberger, I.V.; Sadovskiy V.N.; Yudin, E.G. Problems of system analysis methodology]. Москва: Наука, 1970.; Блауберг, И.В.; Юдин, Э.Г. *Становление и сущность системного подхода*. [Blauberger, I.V.; Yudin, E.G. Formation and essence of system approach]. Москва: Наука, 1973.
 - 9 Волкова, В. Н.; Денисов, А.А. *Основы теории систем и системного анализа*. [Volkova, V. N.; Denisov, A. A. Foundations of systems theory and systems analysis]. Санкт-Петербург: СПбГТУ, 1997.
 - 10 Карташев, В. А. *Система систем. Очерки общей теории и методологии*. [Kartashev, V.A. Systems System. Essays on general theory and methodology]. Москва: Прогресс-академия, 1995.
 - 11 Прангишвили, И.В. *Системный подход и общесистемные закономерности*. [Prangishvili, I.V. Systems approach and general-system regularities]. Москва: СИНТЕГ, 2000.
 - 12 Уемов, А.И. *Системный подход и общая теория систем*. [Uyomov, A.I. Systems approach and general systems theory]. Москва: Мысль, 1978.
 - 13 Luhmann, Niklas. *Social Systems*. Stanford: Stanford University Press, 1995.
 - 14 Simon, Herbert A. *Models of Discovery: And Other Topics in the Methods of Science (Boston Studies in the Philosophy of Science)*. Springer, 1977.
 - 15 Бакіров, В. *Порівняльна політика. Основні політичні системи сучасного світу*. [Bakirov, V. et. al. Comparative politics. Main political systems of contemporary world]. Харків: ХНУ імені В.Н.Каразіна, 2008, с. 15.
 - 16 Закалюк, А.П. *Курс сучасної української кримінології: теорія і практика: У 3 кн. Кн. 1: Теоретичні засади та історія української кримінологічної науки*. [Zakalyuk, A.P. Course of contemporary Ukrainian criminology: Theory and Practice: In 3 books. Book 1: Theoretical foundations and history of Ukrainian criminological science]. Київ: Ін Юре, 2007, с. 103-104.

Powell, Jr., Kaare Struim, Russel J. Dalton¹⁷, Ronald H. Chilcote¹⁸, Charles F. Andrain¹⁹ G.V. Kamenskaya and A.H. Rodionov²⁰, L.V. Smorgunov²¹, V. Bakirov, M. Sazonov, O. Fisun, V. Shevchenko, O. Dovbnya, V. Shuvaev, V. Shevchuk, V. Tchub, V. Kalynovsky, M. Shapovalenko, T. Avksentieva, O. Lytvynenko, V. Palamarchuk, L. Gerasina²²); **(2) legal systems** (H. Berhuz²³, M.M. Marchenko²⁴, F.M. Reshetnikov²⁵, A.Y. Suharev, V.V. Boitsova and William Elliott Butler²⁶, V.O. Tumanov and A.H. Saidov²⁷, Y.A. Tihomirov²⁸, Renй David, Camille Jauffret-Spinosi²⁹, Raymond Legeais³⁰); **(3) criminal legal systems** (S. Boronbekov³¹, O.N. Vedernikova³², N.P. Meleshko and E.G. Tarlo³³,

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- 17 Almond, Gabriel A.; Powell, G. Bingham Jr.; Struim, Kaare; Dalton, Russel J. *Comparative Politics Today: A World View*. 8th ed. Pearson Longman, 2003.
 - 18 Chilcote, Ronald H. *Theories Of Comparative Politics: The Search For A Paradigm Reconsidered, Second Edition*. Westview Press, 1994.
 - 19 Andrain, Charles F. *Foundations of comparative politics: A policy perspective*. Brooks/Cole Pub. Co, 1983; Andrain, Charles F. *Comparative Political Systems: Policy Performance and Social Change (Comparative Politics)*. M.E. Sharpe, 1994.
 - 20 Каменская, Г. В.; Родионов, А. Н. *Политические системы современности*. [Political systems of contemporaneity]. Москва: Онега, 1994.
 - 21 Сморгунув, Л.В. *Сравнительная политология: Теория и методология измерения демократии*. [Smorgunov, L.V. Comparative politology: Theory and methodology of democracy observation]. – Санкт-Петербург: Издательство С.-Петербургского университета, 1999.
 - 22 Bakirov, V. *et. al.* op. cit.
 - 23 Бехруз, Х. *Порівняльне правознавство. Підручник*. [Behruz, H. Comparative jurisprudence. Textbook]. - Одеса: Фенікс, 2009.
 - 24 Марченко, М.Н. *Правовые системы современного мира*. [Marchenko, M.N. Legal systems of contemporary world]. Москва: Зерцало, 2009.
 - 25 Решетников, Ф.М. *Правовые системы стран мира. Справочник*. [Reshetnikov, F.M. Legal systems of the world countries. Reference book]. Москва: Юридическая литература, 1993.
 - 26 Решетников, Ф.М.; Батлер, У.З.; Бойцова, В.В. *Правовые системы стран мира: Энциклопедический справочник*. [Reshetnikov, F.M.; Butler, W.Z.; Boytsova, V.V. Legal systems of world countries: Dictionary reference book]. 3-е изд. Москва: Норма, 2003.; for criminology W.Butler is known by articles about crime in Soviet Union: Butler, W.E. Crime in the Soviet Union: Early Glimpses of the True Story. *The British Journal of Criminology*. 1992, 32 (2): 144-159.
 - 27 Саидов, А.Х. *Сравнительное правоведение (основные правовые системы современности): Учебник*. [Saidov, A.H. Comparative jurisprudence (main legal systems of contemporaneity)]. Москва: Юристь, 2003.
 - 28 Тихомиров, Ю.А. *Курс сравнительного правоведения*. [Tikhomirov, Yu.A. Course of comparative jurisprudence]. Москва: Норма, 1996.
 - 29 David, Rene; Jauffret-Spinosi, Camille. *Les grands systemes de droit contemporains*. Paris: Dalloz, 2002.
 - 30 Legeais, Raymond. *Les grands systemes de droit contemporains*. Litec, 2008.
 - 31 Боронбеков, С. *Современные уголовно-правовые системы и школы*. [Boronbekov, S. Contemporary penal-legal systems and schools]. Рязань: Мысль, 1999.
 - 32 Ведерникова, О. Н. *Современные уголовно-правовые системы: типы, модели, характеристика* [Vedernikova, O.N. Contemporary penal-legal systems: types, models, characteristics]. *Государство и право* [State and law]. 2004, 1: 68–76.
 - 33 Мелешко, Н.П.; Тарло, Е.Г. *Уголовно-правовые системы России и зарубежных стран: Криминологические проблемы сравнительного правоведения, теории, законодательная и правоприменительная практика*. [Meleshko, N.P.; Tarlo, E.G. Penal-legal systems of Russia and foreign countries: Criminological problems of comparative jurisprudence, theories, legislative and law-enforcement practice]. Москва: Юрлитинформ, 2003.

O. O. Malinovski,³⁴ A. G. Kibalnyk³⁵); **(4) penological systems** (Michael Cavadino and James Dignan³⁶, Negley K. Teeters³⁷, R. A. Anreyashchenko and A.S. Smykalin³⁸); **(5) criminal justice systems** (Philip L. Reichel³⁹, Harry R. Dammer and Erika Fairchild⁴⁰, Jay S. Albanese⁴¹); **(6) penitentiary systems** (V. M. Trubnikov, V. P. Filonov, A. I. Frolov⁴², O. B. Ptashynsky⁴³, Mitchel P. Roth⁴⁴, Jon Vagg⁴⁵, Robert P. Weiss and Nigel South⁴⁶); **(7) and other systems.**

Did Criminology Stay Aloof?

The main text

Theory of systems analysis or, in other words, “**systems theory**” as one of the scientific approaches, according to V.M. Dryomin’s beliefs, has **made considerable influence on criminology.**⁴⁷ A.P. Zakalyuk wrote that “due to the fact that systemic-

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- 34 Малиновский, А. А. *Сравнительное правоведение в сфере уголовного права* [Malinovskiy, A.A. Comparative jurisprudence in sphere of penal law]. Москва: Международные отношения, 2002, с. 13-17; Малиновский, А.А. Уголовно-правовые системы: вопросы классификации [Malinovskiy, A.A. Penal-legal systems: issues of classification]. *Международное уголовное право и международная юстиция* [International penal law and international justice]. 2008, 3: 14-19.
- 35 Кибальник, А. Г. Тенденции развития мировых уголовно-правовых систем [Kibalnik, A. G. Development perspectives of world penal-legal systems]. *Правоведение* [Jurisprudence]. 2007, 2: 212-222.
- 36 Cavadino, Michael and Dignan, James. *Penal Systems: A Comparative Approach*. SAGE Publications Ltd., 2006; Cavadino, Michael and Dignan, James. *The Penal System: An Introduction*. Fourth Edition. Sage Publication Inc., 2007.
- 37 Teeters, Negley K. *World Penal Systems: A Survey*. Philadelphia, 1944.
- 38 Андреященко, Р.А.; Смыкалин, А.С. Современные пенитенциарные системы России и Великобритании: сравнительный анализ [Andreyaschenko, R.A.; Smykalin A.S. Contemporary penitentiary systems of Russia and Great Britain: comparative analysis]. *Академический юридический журнал* [Academic law journal]. 2009, 2(36): 44-55.
- 39 Reichel, Philip L. *Comparative Criminal Justice Systems: A Topical Approach*. 5th ed. Prentice Hall, 2007.
- 40 Dammer, Harry R. and Fairchild, Erika. *Comparative Criminal Justice Systems*. 3rd ed. Wadsworth Publishing, 2005.
- 41 Albanese, Jay S. and Dammer, Harry R. *Comparative Criminal Justice Systems*. 4th ed. Wadsworth Pub Co, 2010.
- 42 Трубников, В.М.; Филонов, В.П.; Фролов, А.Н. *Уголовно-исполнительное право Украины. Учебник*. [Trubnikov, V.M.; Filonov, V.P.; Frolov A.N. Penal-executive law of Ukraine. Textbook]. Донецк, 1999.
- 43 Пташинський, О.Б. *Пенітенціарна система України: монографія*. [Ptashynsky, O.B. Penitentiary system of Ukraine: monography]. Київ: Інститут держави і права ім. В.М. Корецького НАН України, 2004.
- 44 Roth, Mitchel P. *Prisons and prison systems: a global encyclopedia*. Greenwood Press, 2006.
- 45 Vagg, Jon. *Prison Systems: A Comparative Study of Accountability in England, France, Germany and the Netherlands (Clarendon Studies in Criminology)*. Oxford and New York: Clarendon Press, 1994.
- 46 Weiss, Robert P. and South, Nigel. *Comparing Prison Systems: Toward a Comparative and International Penology*. Amsterdam: Gordon and Breach Publishers, 1998; Weiss, Robert P. and South, Nigel. *Comparing Prison Systems (International Studies in Global Change)*. 1 edition. Routledge, 1998.
- 47 Дремін, В.Н.; Березовський, А.А.; Орловська, Н.А. *Преступність і кримінологічні основи уголовної юстиції: монографія*. [Dryomin, V.N.; Berezovskiy A.A.; Orlovskaya, N.A. Crime and criminological foundations of criminal justice]. Одеса: Фенікс, 2007, с. 32.

structural method provides more complete and deep cognition of the above-mentioned properties and qualities of an object... it turned out to be expedient and promising to apply this method in criminology primarily concerning criminality analysis, its motives and conditions, criminal identity, mastering theory and practice of crime prevention...⁴⁸ In his opinion, addition of the systems approach to the structural one in itself "... makes it possible to master system-structure method as a universal way of cognition of complex objects, first of all society, and social manifestations whose multidimensional and multiconditional phenomenon, deep fundamentals of determination, functioning, social activity etc. cannot be fully comprehended by means of such methods of analysis as abstraction, simulation, logical thinking *et al.*"⁴⁹

V.V. Vasylevych and O.M. Dzhuzha write about vast application of the systems approach method in criminological victimology, emphasising that "... it is impossible to give an adequate criminological assessment of a crime without all its internal relations and circumstances which, in aggregate, establish conditions for its perpetration, in one way or another influenced criminal behaviour, form motivation readiness in a criminal for committing unlawful acts being examined in full."⁵⁰ V.V. Luneev acknowledges: "Criminogenic factors under study, belonging to different levels and having different content, are in certain, more or less stable relations both with each other and criminality. In this connection, criminology studies them not as a simple set, but as an interrelated criminogenic system of phenomena and processes together with mechanisms of their influence on genesis of criminality and criminal behaviour, their combinations and correlations"⁵¹

Thus, as we can see, the systems approach in criminology is hosted and necessary, since it "... is now one of the main directions of the methodology of scientific knowledge and social activities based on considering their objects as system entities"⁵²

Three basic assumptions of the systems approach are considered: (1) systems exist in the world; (2) the description of systems is true; (3) systems interact, thus, all things in the world are interconnected; (4) thus, the world is a system, too.

Taking these assumptions into consideration, it is possible to state that the world hosts political, legal, criminal legal, criminal justice, penal, and criminological systems.

O.N. Vedernikova also asserts the existence of criminological systems⁵³, though, in our opinion, without due substantiation of the "systems" (if we talk about the systems

48 Zakalyuk A.P. *op. cit.*, p. 103-104.

49 *Ibid.*, p. 103.

50 Моїсєєв, Є.М.; Джу́жа, О.М.; Васи́левич В.В. *Кримінологічна віктимологія: Навчальний посібник*. [Moiseev, E.M.; Dzhuzha, O.M.; Vasylevych, V.V. Criminological victimology: Educational manual]. Київ: Атіка, 2006, с. 25-26.

51 Лунеев, В.В. *Курс мировой и российской криминологии: учебник. В 2 т. Т. I. Общая часть*. [Luneev, V.V. Course of world and Russian criminology: textbook. In 2 V. Vol. 1. Common part]. Москва: Юрайт, 2011, с. 48.

52 Zakalyuk A.P. *op. cit.*, p. 103.

53 Ведерникова, О.Н. Основные криминологические системы современности [Vedernikova, O.N. Main criminological systems of contemporaneity]. *Закономерности преступности, стратегия борьбы и закон* [Crime regularities, strategy of struggle, and law]. Москва: Криминологическая Ассоциация, 2001, с. 529-532.

approach). For example, she considers it valid to introduce, for scientific use, along with the notion of legal system, the concept of criminological system – as an effect of “map” approach in comparative criminology, which is not an ultimate goal, but serves for the interests of ordering and systematisation of basic approaches to the fight against crime. The essence of the “map approach”, from her point of view, lies in the fact that if the issue of foreign criminology is studied from the perspective of comparative legal science, and considering the goals of comparative criminology, we may speak about the existence of both maps: the legal map and the criminological map, which reflect as the peculiarities of crime conditions in a definite country (“criminological map of the world”) so basic theoretical and practical approaches to the issue of crime prevention in separate countries and regions (“criminal and political map of the world”).⁵⁴ The introduction into academic discourse of such notion as “criminological system” alongside with “legal system” is merely copying that can be observed in the PhD thesis of O.N. Vedernikova “Theory and Practice of Crime Prevention: British Criminological Model”. The author works out the following classification of criminological systems: Anglo-American, West European (Continental), Asian and Pacific, Socialistic, Russian, Muslim, and Mixed. Thus, as the author states, the presented “classification coincides with the classification of law systems adopted by scientists in comparative science of law”.⁵⁵ Such an idea is criticised by I.M. Kleymyonov who declares that “the way of direct borrowing in this case is not appropriate: legal systems and criminal legal systems (criminal and political) are in dialectal correlation of general and particular”.⁵⁶ Speaking about the choice of criteria forming the basis of classification of criminal legal systems, O.O. Malinovsky writes that scientists should choose the criteria by themselves, the most important being “a scientific grounding of an approach, as the next step on the way to the cognition of legal reality and excluding useless theoretical structure”. By dividing criminal legal systems into repressive, punitive, and humane, O.O. Malinovsky chooses the role and place of criminal legal coercion in the state politics of a certain historic period as criteria for their classification, by dividing criminal and law systems into religious and secular – the dependence on peculiarities of socio-normative regulation of social relations.⁵⁷

Though criticising the standpoint of O.N. Vedernikova, we must confess that it is the first attempt to define the existence of criminological systems studied by comparative criminology.

The existence of criminological system/systems, in our opinion, stipulates solving many objectives such as its/their definition by comparative criminology. The term

54 Ведерникова О.Н. *Теория и практика борьбы с преступностью: британская криминологическая модель*. Дис. ... докт. юрид. наук: 12.00.08. [Vedernikova, O.N. Theory and practice for struggle against criminality. Thesis for D.Sc.: 12.00.08]. Москва, 2001, с. 25-26.

55 *Ibid.*, p. 25-26.

56 Клейменов, И.М. *Борьба с преступностью в государствах различных правовых систем (сравнительное исследование)*. Дис. ... канд. юрид. наук: 12.00.08. [Kleymyonov, I.M. Struggle against crime in the countries of different legal systems (comparative research). Thesis for Ph.D.: 12.00.08]. Омск, 2002, с. 45.

57 Malinovskiy, A.A. *op. cit.*, p. 12-13, 15.

“system” is a basic concept of the systems approach. The system is defined as a totality of the elements and connections between them (for example, the analysis of “system” definition is thoroughly carried out by A.I. Uyomov⁵⁸, V.N. Sadovsky⁵⁹). Applying integrity as a fundamental principle of the systems approach (by studying the system as an entity and as a subsystem of higher levels), implementing the approach followed by I.V. Blauberg, V.N. Sadovsky, E.H. Yudin⁶⁰, and P.K. Anokhin⁶¹ to the general notion of a system, it is possible to define the concept of a criminological system on the basis of the following features: (1) a criminological system comprises an integral complex of interrelated elements (systems of lower level); (2) a criminological system forms special unity with its environment; (3) as a rule, any criminological system under analysis is an element of the system of a higher level (can be a subsystem or an element of a macro system); (4) the elements of any criminological system under study are treated (in definite objectives) as systems of lower level; (5) interaction and relationships of system elements should acquire the character of their mutual cooperation to receive focused and useful result.

Indeed, a criminological system consists of definite elements. For example, O.N. Vedernikova delineates the following elements of a criminological system: “criminological outlook” (the system of views, ideas, concepts of criminogenic complex and crime conditions, basic tendencies of crime counteraction), “criminological legislation” (the system of regulatory acts that define the goals, objectives, and priority tendencies of crime counteraction, forms and methods of social activity concerning crime prevention), and “criminological practice” (practical organisation and realisation of the system of crime prevention measures as well as criminologically important aspects of law enforcement activity).⁶² In addition, we can offer the fourth element referred to by E.D. Skulysh, namely “criminological security” (the objective state of protection of vital and other essential interests of the individual, the society and the state from criminal attacks and their threats, caused by various criminogenic factors (events and processes) as well as awareness of such protection).⁶³

We are not going to discuss the exhaustiveness of such list of elements of a criminological system. However, we would like to state that they do not only have

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- 58 Уемов, А.И. Системы и системные исследования [Uyomov, A.I. Systems and systems research]. *Проблемы методологии системного исследования* [Problems of systems research methodology]. Москва: Мысль, 1970, с. 64-73.
- 59 Садовский, В. Н. *Основания общей теории систем*. [Sadovskiy, V.N. Foundations of general systems theory]. Москва: Наука, 1978, с. 92-102.
- 60 Blauberg, I. V.; Sadovskiy, V. N.; Yudin, E. G. *Systems approach: backgrounds, problems, difficulties*, p. 29.
- 61 Анохин, П. К. Теория функциональной системы [Anokhin, P.K. Theory of functional system]. *Успехи физиологических наук*. [Advances of physiological sciences]. 1970, 1(1): 19-54.
- 62 Ведерникова, О. Н. Основные криминологические системы современности сравнительный анализ [Vedernikova, O. N. Main criminological systems of contemporaneity (comparative analysis)]. *Государство и право* [State and law]. 2002, 10, с. 33.
- 63 Скулиш, С. Кримінологічна безпека в системі національної безпеки України. [Skulysh, E. Criminological Security in the System of National Security of Ukraine]. *Вісник Національної академії прокуратури України* [Herald of National academy of prosecutor’s office of Ukraine]. 2010, 2, с.47.

the right to exist but they do already exist. In our opinion, every country has its own system of views on the causes and conditions of crime, and the basic tendencies of crime counteraction. The proof is the presence of criminological theories on the causes of crime and their counteraction that have “their own national components” – for example, social theories of crime spread in the USA. Besides, it is necessary to highlight a peculiar feature of a criminological system, such as the interconnection of its elements. E.g., “national criminological outlook” affects “national criminological legislation”. The latter, in its turn, affects “national criminological practice”. And the latter, in its turn, affects “national criminological outlook”. And all of them, in their system, condition the existence of a characteristic, for a given historic period, “national criminological system”.

A criminological system can be viewed as a constituent element of a higher-ranked system. In our opinion, a criminological system is an element of a general social system. In addition, separate elements of a criminological system can function as elements of other systems. E.g., such an element as “criminological legislation” can comprise an element of legislative system of a society, together with “crime legislation”, “criminal procedural legislation”, and “criminal executive legislation”. Besides, “criminological legislation” is interconnected with the elements referred above. It is not difficult to reveal such interconnection but we reckon that it is an object of another investigation. It is worth mentioning that criminologists deal with this interconnection when they reveal the connection of criminology with other sciences.

To our mind, the connection of criminological system (via its elements) with the system of social values of society is of extreme interest. Each person has values, and their system, classification, priority, the order of acquisition, loss, change, etc are defined individually, according to bio-psychological peculiarities of a person. Personal values are health, love, family, children, home, relatives, friends, communication, realisation of personal potential, moral values, religion, leisure, education, self-education, social status and position in the society, freedom (movement, speech, and choice), stability, etc. If a number of people with such values prevails in the society, then the ruling system of values is formed, which is represented by regulations – rules or leading principles of people’s behaviour in definite situations. Accordingly, the change of the values system predetermines the change of content of regulations. Regulations are conceptions of bad, good or desirable. Thus, regulations as representatives of values comprise basic concepts of crime and behavioural act. And more than this – regulations can represent concepts of crime counteraction. Is it possible to observe here the connection of the system of social values with “criminological outlook”, “criminological legislation”, and “criminological practice”? According to us, yes.

It is necessary to take into consideration the feature of criminological system, namely its dynamics. It means that “dynamics” (at a definite time period or territorial division) is a characteristic feature of elements comprising the criminological system. It predetermines the necessity of further investigation of a criminological system in different aspects and spheres.

In the future, the existence of a criminological system/systems, in our opinion, will stipulate the revelation of such fundamental concepts of systems approach to its investigation (excluding the definition of system referred above): (1) the structure of a criminological system (the way of interaction of its elements with the help of definite relations); (2) the process of a criminological system (its dynamic change over time); (3) functions of elements in a criminological system (their functioning in the system); (4) the state of a criminological system (its position as against the other elements/systems); (5) system effect (the result of reorganisation of the elements of a criminological system that leads to the transformation of an entity into the sum of elements); (6) structural optimisation (purposeful, integral process of receiving system effects aimed at optimisation of applied objectives in the frame of definite restrictions).

Fulfilment of such tasks, firstly, stipulates the necessity of research and practical implementation of the following aspects of systems approach: (1) system and element or system and complex; (2) system and structural; (3) system and functional; (4) system and purpose-oriented; (5) system and operating; (6) system and integral; (7) system and communicative; (8) system and historic.

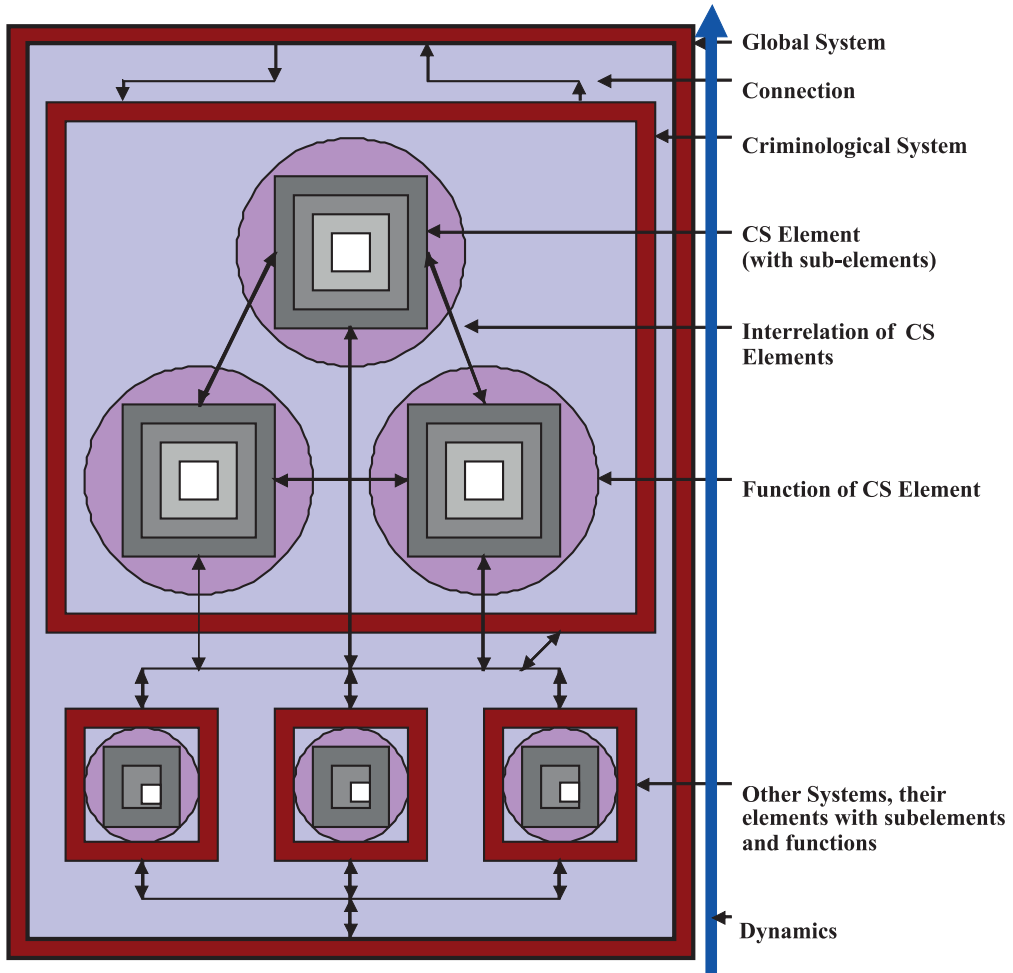
In order to implement the systems approach it is necessary to: (1) define the elements – constituents of the criminological system (system and element or system and complex aspect); (2) reveal internal relations and dependences between elements of criminological system, highlight the law of interrelations in a system that allows receiving the notion of its internal organisation⁶⁴ (system and structural aspect); (3) define the level of its complexity and compare the criminological system with other systems (system and complex aspect); (4) to determine scientifically the objectives of the criminological system, their relations (system and purpose-oriented aspect); (5) specify the resources needed for the functioning of the criminological system that helps the system to solve issues (system and operating aspect); (6) define the totality of qualitative features of the criminological system that ensures its integrity and peculiarity (system and integral aspect); (7) delineate external links of the criminological system with other systems, relations with the environment (system and communicative aspect); (8) define temporal conditions that influenced the formation of a studied criminological system, its stages, contemporary status, and further evolution perspectives (system and historic aspect).

The realisation of such operations in comparative-criminological research should be carried out taking into consideration the following statements: (1) criminological system is an entity as well as a subsystem of higher levels (the principle of integrity); (2) criminological system consists of a set of elements located on the basis of subordination of lower level elements to higher ones (principle of hierarchical structure); (3) the elements of the criminological system and their interrelations are analysed within the framework of a definite organisational structure (the principle of structuring); (4) it is possible to apply various models to describe separate elements and the criminological

64 Сетров, М.И. *Методологические основы системологии. Учебное пособие*. [Setrov, M.I. *Methodological foundations of systemology. Educational manual*]. Ленинград, 1978, с. 30.

system as a whole (the principle of plurality); (5) the criminological system should possess all the features of a system (the principle of system).

In summarising the above, we may state that a systematic investigation of such an object as a criminological system should be aimed at “the disclosure of “life” mechanism that is functioning and evolution of the object in its internal and external (concerning its interrelation with the environment) characteristics”⁶⁵ (see Picture 1).



Puc. 1. Criminological System and Systems

Conclusions

1. The definition of a criminological system and its features (its elements, their role, relations, and functioning in the system, its temporal dynamic change, its status

65 Blauberg, I.V.; Sadovskiy, V.N.; Yudin, E.G. *op. cit.*, p. 25.

etc.) allows getting a general conception of the system and the definition of such features on the level of a country allows getting the idea of its “national criminological system”.

By defining a ‘national criminological system’ of a country and its features we can delineate ‘national criminological systems’ of other countries.

3. Comparative analysis of the features of “national criminological systems” forms the basis for the classification of criminological systems.

4. The perspective consists in further investigation of the interaction character of “national criminological systems” of different countries and their elements.

Considering that any system is always in a definite environment and systems approach always accounts for its connections and relations with the environment – thus the system is always a subsystem of another system of a higher level, we can speak about a “global criminological system” that is formed by subsystems (national criminological systems).

6. Considering the fact that a system consists of smaller subsystems, we may study a “global criminological system” as a subsystem of a “global system”.

7. Perspective is the study of interaction character of ‘global criminological system’ in the structure of “global system” with political, legal, criminal, criminal legal, penology and other systems and their elements.

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SISTEMINIS POŽIŪRIS Į LYGINAMĄSIAS KRIMINOLOGIJOS STUDIJAS: KONCEPTUALŪS KLAUSIMAI

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Santrauka. Taikant sisteminį požiūrį, straipsnyje yra siekiama įvertinti konceptualių sistemos metodų taikymo galimybes lyginamosios kriminologijos tyrimuose bei studijose.

Straipsnis grindžiamas kriminologijos (ir lyginamosios kriminologijos) kaip tarpdisciplininio mokslo pagrindų analize, taip pat apibrėžiamas sistemų analizės taikymo pagrįstumas lyginamosios kriminologijos studijose. Autorius teigia, kad iš esmės bet kuris šiuolaikinis mokslas vystosi sistemų teorijos pagrindu. Mokslinės literatūros analizė leido autoriui padaryti apibendrintas išvadas, kad sisteminis metodas buvolyra taikomas politinių sistemų, teisės sistemų, baudžiamosios teisės sistemų, baudžiamojo teisingumo sistemų, pataisos sistemų ir kitų sistemų tyrimuose. Įvertinęs duomenis, kad sistemų teorija, kaip vienas iš mokslinių požiūrių, padarė esminę įtaką kriminologijai, autorius teigia, kad sisteminis požiūris kriminologijoje tampa būtinu šio mokslo metodu.

Atsižvelgdamas į tris pagrindines sisteminio požiūrio prielaidas, autorius, atlikęs giluminę sistemų kriminologijoje analizę „sistemų teorijos“ požiūriu, pagrindžia „kriminologinių sistemų“ egzistavimą. Straipsnyje teigiama, kad kriminologijos sistemos apibrėžimas bei tokio apibrėžimo bruožai leidžia formuluoti bendrą sistemų koncepciją, o minėtųjų bruožų išskyrimas valstybės mastu sudaro prielaidas „nacionalinės kriminologijos sistemos“ formulavimui. Taip pat autorius, nustatęs sąveikos ryšius tarp kriminologijos sistemos ir atskirų jos elementų, teigia, kad egzistuoja tokie „kriminologijos sistemos“ elementai kaip „kriminologinė perspektyva“, „kriminologinė teisėkūra“, „kriminologinė praktika“, „kriminologinis saugumas“.

Reikšminiai žodžiai: sistema, kriminologinė sistema, nacionalinė kriminologinė sistema, kriminologinė perspektyva, kriminologinė teisėkūra, kriminologinė praktika, kriminologinis saugumas.

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