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Complexity as a condition for the effectiveness of legislation in the field of crime prevention

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■ **Abstract.** The relevance of scientific research was determined by the fragmentary knowledge of the problem of complexity in the field of legal science in general and in criminology in particular. The expansion of epistemological boundaries of complexity was proposed by developing a criminological system and highlighting its structure. The paper examined the inter-system interaction of various branches of legislation designed to provide legal protection and regulation of social relations in the field of preventing criminal illegality. The research methodology was based on a systematic approach, complex systems theory, supplemented by hermeneutic methods and other special legal research methods. The purpose of the study was to understand the external (classical, traditional) manifestation of complexity through the inter-systemic links between different areas of legislation in the field of preventing criminal wrongdoing. The general orientation and practical possibilities of the norms of various branches of anti-criminal legislation of Ukraine in preventing the phenomenon of criminal illegality were revealed. The preventive potential of the criminal, criminal procedural, criminal executive, administrative, and administrative procedural legislation of Ukraine, including during the legal regime of martial law in our state, was clarified. The incompleteness of Ukraine's criminal law was highlighted through the prism of international and European legislation, which sets standards in the field of crime prevention. The necessity of observing the intersystem interaction of these branches with criminological legislation as a complex of the criminological system was determined. It has been substantiated that the effectiveness of Ukrainian legislation in the field of preventing criminal illegality correlates with the degree of external and internal regulatory and legal expression of complexity. The practical significance of the study was to use the idea of complexity of anti-criminal legislation to increase the effectiveness of the entire system of preventing criminal offences, and to transfer the idea of external and internal expression of complexity to the entire sphere of law enforcement

■ **Keywords**: integrated approach; system of legislation; legislation in the field of crime prevention; criminal legislation

■ Introduction

In Ukrainian legal science, the issue of preventive possibilities of legislation was considered mainly within the framework of its individual branches. However, there is a lack of scientific research where this problem would concern anti-criminal legislation in general. Moreover, these aspects were not previously considered through the prism of the problem of complexity. The development of contemporary criminological science in Ukraine is characterised by a certain stagnation and lack of a corresponding impulse in the study of theoretical problems that have a cross-cutting nature. The main increase in criminological knowledge is mainly conditioned by the results of applied scientific research on the knowl-

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edge of the state of crime, including the war period (Orlov, 2023) and the development of measures to prevent certain types of criminal offences.

Criminological theory is mostly based on the achievements of scientists obtained more than half a century ago. In this regard, the opinion of B. Holovkin (2020) seems fair, who emphasised that currently, criminological science in Ukraine is forming new approaches to transforming scientific vision, formulating new provisions and applying innovative solutions. According to the researcher's estimates, future criminology largely correlates with the results of current criminological research, and with the prospects for the development of, among other things, criminological theory. Therefore, there is an urgent need for knowledge, including problems that are not only important for the development of the doctrine of criminological science, but which are marked by a fundamental character and a holistic penetrating property through the prism of all criminological matter.

One of the scientific problems that deserve a thorough study in the field of criminology is considered to be complexity, which is at the heart of an integrated approach. In the progressive scientific thought of scientists mainly from Western countries, complexity was considered through the prism of complexity theory (Turner & Baker, 2019), sometimes referred to as the science of complexity (Vivo *et al.*, 2025). This issue is currently a mainstream topic in science, as complexity theory concerns the functioning of organised and unorganised social, legal, and other systems, where complexity is an integral and essential feature. Thus, P. Vivo *et al.* (2024) endowed legal systems with complex adaptive properties that are becoming important for criminal law and justice management. G. Harari & L. Monteiro (2024) investigated the model of organised crime and corrupt judiciary and demonstrated bifurcation and emergent behaviour as a classic application of nonlinear dynamics and complexity techniques to criminal systems. M. Quinteros & M. Villena (2022) examined the evolutionary interpretation of cross-system interactions ("games") of crime and punishment in the context of unstable social connections and their implications for government deterrence policies. J. Liu *et al.* (2021) applied the concepts of uncertainty and complexity to the analysis of crime trends during the coronavirus pandemic, considering the application of an integrated approach in criminology. K. Liu *et al.* (2024) conducted a multidisciplinary spatial and statistical analysis of complex relationships between the urban environment and crime as an example of applying complex thinking. D. McMillon *et al.* (2025) analysed criminal activity based on a comprehensive approach to selecting and evaluating relevant statistical markers to predict the state of crime in the long term.

Despite the fact that many criminological studies use the concept of complexity or state their complex nature, this scientific construct has become a kind of terminological template, a certain scientific template, the true essence and meaning of which some researchers do not fully understand. The scientific problem of complexity has been explored superficially thus far. Therefore, the purpose of this study was to learn the external (classical) manifestation of complexity through intersystem connections of various branches of legislation in the field of preventing the phenomenon of criminal illegality.

Materials and Methods

In the course of the study, there was also a need to apply methods due to various parameters of the general scientific methodology of the system approach. These were the method of system analysis as well as the system and structural method. They allowed expanding the understanding of the anti-criminal possibilities of certain branches of anti-criminal legislation, and the structure of the system of legislation of Ukraine in the field of preventing the phenomenon of criminal illegality, respectively. The hermeneutical method was used to interpret and understand the content of legal norms and provisions of legislation, and to analyse their relationship with social realities. It allowed exploring the categories "complexity", "efficiency", and "crime prevention". Special legal methods were also used in the study. In particular, the dogmatic (formal legal) method was used to analyse the content of norms in various areas of legislation in the field of crime prevention. Based on this method, their legal nature and logical structure were clarified. The systemic legal method allowed considering anti-criminal legislation as a single set of norms (an integral model of prevention) that interact in the process of crime prevention. The comparative legal method was used in the analysis of international, European, and national legislation of certain Western countries in the law enforcement sphere to establish the existence of relevant legal norms and provisions in Ukraine that relate to contemporary standards of crime prevention.

Conceptualisation of the problem of complexity at different levels of scientific knowledge helped to consider it through the prism of a special system object. This was the case with Ukraine's criminological system. It was considered as being formed by several related complexes (levels). One of the layers of the criminological system under consideration was the complex of criminological legislation. In the process of inter-system interaction, the criminological system affects not only the crime system. Its complexes interact with other systems: criminal law, criminal procedural, criminal enforcement, administrative law, administrative procedure, etc. Therefore, in order to

assess the degree of mutual influence of the listed systems on each other, and to weigh the cumulative inter-system effect in the legal protection and regulation of social relations, one of the classic manifestations of complexity was studied: the external systemic links between the norms of various branches of Ukrainian legislation in the field of crime prevention, aimed at achieving a common goal.

The results of the study were based, among other things, on the theory of complex systems. It allowed the study to consider the system of anti-criminal legislation of Ukraine as a complex (comprehensive) systemic object, formed by various branches that contain their own regulatory and legal means of prevention. The complexity of such a system was also conditioned by its multi-element nature in the form of the presence of a large number of norms and close external system communication between the relevant industries.

The study of the external (classical) manifestation of the complexity of anti-criminal legislation was carried out based on the analysis of key laws and regulations of Ukraine representing various branches of legal regulation in the field of preventing criminal illegality. The source base of the study included the Criminal Code of Ukraine[1], the Criminal Procedural Code of Ukraine[2], and the Criminal Enforcement Code of Ukraine[3], which reflect the substantive, procedural, and enforcement aspects of the state's response to crime. Their analysis allowed tracing the internal logic of interaction between criminal prohibitions, criminal proceedings, and mechanisms for implementing criminal liability as interrelated elements of a single anti-criminal complex.

Results and Discussion

The criminological system of Ukraine is in a permanent state of exchange of information and energy with the external environment. This process is linked, among other things, to the close inter-system and inter-complex connections between the criminological system and its individual complexes with other systems and, accordingly, their complexes: from the entire social system of Ukraine to the systems of legislation related to the problem of crime and its prevention. First of all, this refers to criminal, criminal procedure, penal enforcement, administrative, and some other branches of Ukrainian legislation. In other words, the normative legal dimension of complexity in the criminological system should not be limited only to the complex of criminological legislation. This problem needs to be considered in the system of all legislation of Ukraine in the field of prevention of illegality (criminal and administrative). The consideration of this problem from this perspective is fully consistent with the systematic approach.

Specialised literature notes that the characteristic features of contemporary law are interdisciplinarity, complexity, and integrativeness. This is a condition for the development of law, a way out of the crisis (Manko, 2022), in which law currently exists. It is fair to believe that the above thesis concerns not only law, but also its sources (forms), i.e., legislation (Ryndiuk & Hryshko, 2022). In addition, sectoral differentiation and cross-sectoral integration are currently considered to be the main areas of development in legislation. It is the latter trend that is characterised by complex development of legal norms.

The integrative impact of legal norms is a condition for more effective solution of different social problems (Dudnik, 2015). Considering the above, a separate comprehensive cluster of Ukrainian legislation in the specific field of crime prevention has a better chance of actually solving the problem of criminal illegality if the norms of the selected branches of legislation are applied simultaneously.

Cross-sectoral complexity can be called a naturally formed means of self-preservation of the national legal system of Ukraine, especially in a very difficult (crisis) period and the time of functioning of society in the conditions of numerous force majeure events. It is clear that the legal system must respond in its own way to serious social challenges generated and caused by them. This undoubtedly includes crime in all its various illegal manifestations. Therefore, it is the complexity of the legal system and, accordingly, the complex nature of the legislation of Ukraine in the field of crime prevention that is one of the few ways out of the situation described above.

Criminal legislation in Ukraine has the most powerful and multifaceted impact on society and behaviour, including unlawful behaviour, of citizens. One of the indicators of its effectiveness is its performance of a general preventive function. Potentially, every citizen can be brought to criminal responsibility under certain conditions. However, Ukrainian criminal law is generally incapable of having a real impact on individuals with established criminal motivations (Kolodyazhny, 2019). This opinion is consistently promoted in contemporary research by Western legal scholars. Thus, B. van Rooij *et al.* (2025) emphasised that punishment plays an important role in preventing crime. It can potentially shape criminal behaviour through at least 13 different mechanisms: 5 have a positive effect on reducing crime, while 8 have a negative effect on stimulating crime. In

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Procedural Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[3] Criminal Executive Code of Ukraine. (2003, July). Retrieved from https://zakon.rada.gov.ua/laws/show/1129-15#Text.

another study, L. Wilson & R. Boratto (2020), using the example of crime against the environment, demonstrated that repressive criminal law policies are not effective in reducing the level of relevant offences, including repeated and recidivist ones. In addition, according to these researchers, punitive policies ultimately harm individuals and the state's economy. However, it is not recommended to reject certain socially significant properties of criminal legislation, to deny its certain ability to protect public relations, certain social benefits and values, and to protect the rights of citizens, although not always in an effective way.

Despite the sceptical attitude about the effectiveness of the Ukrainian legislation on criminal liability and its ability to really influence the behaviour of citizens and prevent numerous criminal offences, this does not exclude the need to consider some of its socially useful properties. They are most fully manifested in the criminal law protection of public relations in various spheres and industries. In fact, this is one of the facets of complexity, when the regulatory (regulatory and protective) impact on the phenomenon of criminal illegality is carried out by combining the norms of various branches of legislation in the field of crime prevention. Therefore, the existence of certain criminological preventive effects in the provisions of the Criminal Code of Ukraine[1] (CC of Ukraine) should not be ruled out, even if they are not as noticeable and obvious as criminal scientists, law enforcement officers and, by and large, the entire Ukrainian society would like them to be.

In the development of this thesis, it is advisable to turn to separate considerations of V. Holina (2020) on the preventive function of criminal law. The researcher identified at least three ways of influencing the consciousness, will, and emotions of people: creating a deterrent effect through fear of punishment, isolation, or other negative consequences; encouraging ordinary law-abiding behaviour through special prevention and correction of convicts; and strengthening moral prohibitions, which is the content of general prevention. The lack of effectiveness of one of these areas in certain historical circumstances does not mean that the importance of other preventive properties of criminal legislation should be levelled or denied.

Criminogenic tendencies in society are opposed by the legal system, including criminal legislation, which implements the following key preventive functions: a) bringing to an unlimited number of persons, and to the perpetrator of a crime, information about possible punishment and its negative consequences; b) forming and maintaining moral and ideological pressure that encourages a person to behave lawfully; c) stopping criminal activity at certain stages of its development. Thus, V. Holina (2020) noted that the mechanism of ideological intimidation in general continues to work. Its effectiveness is enhanced when legal regulations are consistent with other social regulators: moral norms, ideological guidelines, customs, traditions, etc. That is why "pure" general prevention, which is based only on criminal legislation, has never existed and cannot exist. The researcher was also right when emphasising the dependence of the effectiveness of the preventive function of the criminal legislation of Ukraine on the success of criminological policy. It is obvious that in this aspect, in particular, in the combination of criminal law and criminological means of legal nature, the complexity of preventing the phenomenon of criminal illegality is manifested.

In addition, the relationship between criminal legislation and criminological science is bilateral. Criminologists not only assess how effective criminal legal means of preventing criminal offences are, but also the results of contemporary criminological research contribute to the development of the relevant scientific field, influence legislative decisions, and determine the pace of criminalisation or decriminalisation of individual acts (Melnychuk, 2014).

The criminal procedure legislation of Ukraine occupies its own place in the intersystem interaction of legislation in the field of crime prevention. For example, S.-C. Hsu *et al.* (2022), after analysing more than 1.5 thousand scientific studies conducted during 1989-2020 by researchers from different countries of the world, came to the conclusion that criminal procedural means (arrests of suspects in committing offences, prosecution, imprisonment of convicts in rehabilitation institutions), regulated by law, are a separate component in the overall system of crime prevention. A. Henriksen (2024) identified the significant role of the court in preventing offences through the use of procedural mechanisms. O. Kaplina *et al.* (2023) examined the risks of using artificial intelligence in criminal proceedings and noted that the limited use of digital tools only for auxiliary purposes carries minimal risks of interference with human rights and freedoms and, as a result, can increase the effectiveness of criminal procedural preventive capabilities. In general, criminal procedural legislation is understood as a set of laws regulating public relations in the field of criminal proceedings (Dressler *et al.*, 2020). This system includes the provisions of the Constitution of Ukraine[2], international treaties ratified by the Verkhovna Rada of Ukraine, norms of the Criminal Procedural Code of Ukraine (CPC of Ukraine), and other laws (Ryabukhina & Tsyhanyuk, 2014).

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Constitution of Ukraine. (1996, June). Retrieved from https://rm.coe.int/constitution-of-ukraine/168071f58b.

The key purpose of Criminal Procedure legislation is to ensure the proper and effective application of substantive law norms, primarily articles of the Criminal Code of Ukraine[1]. Consequently, its purpose is to protect the rights and freedoms of individuals and legal entities, and to protect society and the state from criminal offences (Kivalov, 2011). The main laws regulating criminal procedural relations is the CPC of Ukraine.

According to experts in the field of criminal procedure, the development of a conceptual vision of the model of modern criminal proceedings is based on a system of general theoretical, legal, and praxeological provisions that directly determine its content and form in Ukraine. However, it is the legal framework that is of leading importance. They constitute an externally expressed part of the law and are represented by a set of heterogeneous legal norms recorded in the relevant sources – mainly written documents officially recognised by the state. Their characteristic feature is their complexity and multidimensional nature, since some norms establish the areas for reforming and developing criminal procedure institutions, while others ensure the proper implementation of the criminal process in practice (Hlynskaya *et al.*, 2016).

It is possible to determine the importance of criminal procedure legislation in the field of crime prevention through the tasks of criminal proceedings stipulated in Article 2 of the Criminal Procedural Code of Ukraine[2]. These are: the protection of the individual, society, and the state from criminal offences, the protection of the rights, freedoms, and legitimate interests of participants in criminal proceedings, and ensuring a speedy, complete, and impartial investigation and trial so that everyone who has committed a criminal offence is held accountable to the best of their guilt, no innocent person is accused or convicted, no person is subjected to unjustified procedural coercion and that every participant in criminal proceedings is subjected to appropriate legal procedure[3]. Moreover, protection from a criminal offence, as the task of criminal proceedings, is "an activity of an external subject in relation to encroachment", which applies or initiates the application of criminal procedural norms, which is aimed at creating obstacles to a specific act provided for in the Criminal Code of Ukraine[4], in order to stop it, prevent the occurrence of negative consequences of such, or minimise them (Novozhilov, 2021).

The main criminal procedural mechanisms aimed at fulfilling the tasks of criminal proceedings can be distinguished. These are, among other things, measures to ensure criminal proceedings (Article 131 of the Criminal Procedural Code of Ukraine[5]), in particular: summons by an investigator, inquirer, prosecutor, court summons; imposition of a monetary penalty; temporary restriction on the use of a special right; removal from office; temporary suspension of a judge from the administration of justice; temporary access to things and documents; temporary seizure of property; arrest of property; detention of a person; preventive measures.

A typical method of ensuring criminal proceedings in order to ensure the proper behaviour of a suspect and accused is a set of preventive measures (Dekailo & Deineka, 2022). Moreover, criminal procedural preventive measures in their pure form cannot be compared with criminological measures for the prevention of crime. After all, according to Part 1 of Article 177 of the Criminal Procedural Code of Ukraine[6], the purpose of applying a preventive measure is to ensure that the suspect or accused fulfils the procedural duties assigned to a person, and to prevent attempts to:

1) hide from the pre-trial investigation bodies and/or the court;

2) destroy, hide, or distort any of the things or documents that are essential for establishing the circumstances of a criminal offence;

3) illegally influence the victim, witness, other suspect, accused, expert, specialist in the same criminal proceedings;

4) prevent criminal proceedings in any other way.

Only in paragraph 5 of Part 1 of Article 177 of the Criminal Procedural Code of Ukraine[7], it is emphasised that preventive measures, including those aimed at preventing a person from committing another criminal offence or continuing the criminal offence of which a person is suspected or accused. Therefore, it can be stated that preventive criminal procedural measures have only a partial purely criminological preventive content. The preventive measures themselves are listed in Article 176 of the Criminal Procedural Code of Ukraine: personal commitment; personal guarantee; bail; house arrest; detention. Moreover, their list is given from the least to the most rigid. A similar approach is applied in

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Procedural Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[3] Ibidem, 2012.
[4] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[5] Criminal Procedural Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[6] Ibidem, 2012.
[7] Ibidem, 2012.

Article 51 of the Criminal Code of Ukraine[1], which lists criminal penalties depending on the degree of restriction of the rights and freedoms of convicts: from a fine to life imprisonment.

The criminal procedural principles of crime prevention should be considered as an organic and natural part of a broader social activity that covers the norms of both criminal law and criminal procedure. The scientific and regulatory doctrine defines this activity as "prevention of criminal offences". Its provisions should be considered by all subjects engaged in scientific activities or law enforcement in the relevant field (Topchiy *et al.*, 2024). The partial (criminologically "background") preventive effect of criminal procedural measures is mainly dissolved in activities limited to the tasks of criminal proceedings (criminal proceedings). Activities related to the prevention of criminal offences should first of all be expressed in the norms of various branches of legislation in the field of crime prevention. These norms, on the one hand, are the result of the development of doctrines of the relevant branches of knowledge about crime, and, on the other, the legal basis for the implementation of relevant theoretical provisions in law enforcement practice.

The complex branch of legislation considered also covers the norms and principles of Ukraine's criminal enforcement legislation. Recent studies by foreign researchers (Esposito *et al.*, 2024) substantiated the provisions that ensuring decent conditions of detention, access to health care, and preventive programmes in convicts reduces the risks of suicide, violence, and complications, which indirectly increases the chances of re-socialisation and reduced recidivism. In a broad sense, penal enforcement legislation is understood as a system of laws and regulations containing the provisions of penal enforcement law (Holina & Stepaniuk, 2015). In a narrow sense, it is a set of laws that regulate the entire range of public relations related to the execution and serving of criminal sentences, the application of specific measures of criminal enforcement influence against convicts, and international treaties ratified by the Verkhovna Rada of Ukraine (Muzyka *et al.*, 2018).

The basic law on regulating criminal executive relations, and preventing convicts from committing new criminal offences, is the Criminal Executive Code of Ukraine[2] (CEC of Ukraine). In fact, the penal enforcement legislation is, like other branches, a separate complex in the system of legislation of Ukraine in the field of crime prevention in Ukraine. The more substantive orientation of the penal enforcement legislation of Ukraine is revealed through its purpose (Article 1). In particular, the purpose of this branch of the legislation of Ukraine can be called the regulation of the procedure and conditions for the execution and serving of criminal sentences to protect the interests of the individual, society, and the state by creating conditions for the correction and re-socialisation of convicted persons, preventing the commission of new criminal offences by both convicted persons and other persons, and preventing torture and inhuman or degrading treatment of convicted persons (Part 1 of Article 1). That is (a) correction, (b) resocialisation, (c) prevention of criminal offences, and (d) torture are actually means of achieving the goal of protecting the interests of the individual, society, and the state, which is the main goal of regulating the procedure and conditions for the execution and serving of criminal sentences (Avtukhov, 2016).

It is not without reason that preventive measures are referred to in specialist literature as one of the main functions of criminal enforcement law. Given that legislation is an external form of expression of legal norms, it can be stated that the preventive function is also inherent in the criminal enforcement legislation of Ukraine.

The preventive function is manifested primarily in the fact that both the criminal executive law and the criminal executive legislation are aimed at preventing the commission of criminal offences both by the convicted persons themselves and by other groups of persons. In the context of the regime, this function is also referred to as preventive. Within its limits, the internal regulations oblige not only convicts and staff of penitentiary institutions to comply with the established requirements, but also all other persons who are located on the territory of the colony or in premises subject to regime rules (Yatsyshyn, 2010). In this regard, the results of V. Batyrgareieva's (2009) criminological study of recidivism in Ukraine seem entirely justified. The researcher is right to note that the second conviction can be considered critical in the "career" of a recidivist: after the second conviction, there is almost no reason to hope for the final return of the person to a law-abiding life. With these words, the researcher actually recognises that it is possible to prevent a repeat offender from committing a new criminal offence by applying preventive reserves contained in the penal enforcement legislation of Ukraine and the mechanism for executing and serving sentences. Such reserves are reduced to the legally provided possibility of social isolation of a convicted person in an institution of execution of a sentence in the form of imprisonment for a certain period of time and thus protecting society from very likely illegal recidivist behaviour, and its negative social consequences.

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Executive Code of Ukraine. (2003, July). Retrieved from https://zakon.rada.gov.ua/laws/show/1129-15#Text.

It will be fair to extend the preventive property to the criminal executive policy of Ukraine in general. One of its tasks is to develop areas of activity for the prevention of crimes and offences committed by convicts during and after serving their sentences (Driomin *et al.*, 2024). In this regard, V. Vasilyevych (2023) clarified that the goals of the contemporary penal enforcement policy of Ukraine are, among other things, to protect the rights and legitimate interests of citizens, legal entities, and the state from criminal encroachments. It is clear that such a goal is impossible without the practical implementation by the penal enforcement legislation of its preventive socially useful effect.

The specifics of the penal enforcement legislation of Ukraine differ from those in the criminal and criminal procedural legislative branches, primarily in terms of the time of implementation of the preventive legislative potential. The criminal procedure legislation exercises its preventive function during the pre-trial investigation or during the judicial review of criminal proceedings against a subject who is in the procedural status, respectively, of a suspect, accused, or defendant. Criminal and, especially, penal enforcement legislation, show the ability (special prevention) to influence the behaviour of a convicted person, whose guilt has already been proven in court and against whom a court verdict has already been passed.

A separate regulatory component of the legislation of Ukraine in the field of prevention of offences is administrative legislation. It acts as one of the key regulators of public relations, since it is through the norms of administrative law that public administration is carried out, the organisation of the activities of state institutions is ensured, and everyday issues of citizens are resolved (Moroz & Vysotsky, 2020). Recent scientific studies (Oanta, 2022), in particular on the example of Spain, emphasise the high potential of administrative tools as an effective preventive tool along with (or as an alternative to) criminal law response.

The administrative legislation of Ukraine contains a significant number of administrative and preventive tools that have a clear preventive character. These tools cover a range of moral, physical, organisational, and other measures aimed at detecting and preventing offences, maintaining public order, and ensuring security, including in emergency situations. Although their exact list is not consolidated either in the laws or in the scientific literature, they traditionally include: document verification, inspection, suppression of crime, administrative supervision of persons released from prison, measures to counteract domestic violence, etc. (Galunko *et al.*, 2021).

The broadest group is administrative termination measures, which include: the requirement to stop illegal behaviour (Article 25 of the Law of Ukraine "On the Security Service of Ukraine"[1]); summoning persons (Part 2 of Article 268 of the Code of Administrative Offences of Ukraine[2]; prohibition order (Article 1 of the Law of Ukraine "On Prevention and Combat Domestic Violence"[3]); stopping vehicles (Article 35 of the Law of Ukraine "On the National Police"[4]), and measures to ensure proceedings in cases of administrative offences, in particular, the delivery of the offender, administrative detention, personal search and inspection of things, seizure of things and documents, suspension of drivers from driving vehicles; and measures of administrative suspension of a special nature (Galunko *et al.*, 2021).

A special form of administrative coercion is the application of administrative penalties. They serve as measures of responsibility and are designed to educate the person who committed the administrative offence, instil in them respect for the laws of Ukraine and the norms of coexistence, and prevent the commission of new offences by both the offender and other persons. Administrative penalties serve a threefold purpose: 1) they punish the person guilty of the offence; 2) they contribute to their rehabilitation; 3) they prevent repeat offences, both privately (for the offender) and publicly (for other persons) (Galunko *et al.*, 2021). The Code of Administrative Offences[5] provides for a range of administrative penalties, the list of which is not exhaustive: from a warning to administrative arrest or arrest with detention in a guardhouse (Article 24).

Although the main scientific impulse of knowledge is directed by criminology to socially dangerous acts defined as criminal offences, non-criminal (administrative) offences (misdemeanors) are also of particular scientific interest to criminological science. In most cases, they serve as background phenomena for crime. The latter should be eliminated, including through administrative and legal measures, which, among other things, are concentrated in the preventive function of the Code of Administrative Offences, and many other laws and regulations.

In the structure of administrative unlawfulness, both in terms of relative prevalence and the extent of social harm caused, administrative offences in the

[1] Law of Ukraine No. 2229-XII "On the Security Service of Ukraine". (1992, March). Retrieved from https://zakon.rada.gov.ua/laws/show/2229-12#Text.
[2] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://zakon.rada.gov.ua/laws/show/80731-10#Text.
[3] Law of Ukraine No. 2229-VIII "On Prevention and Combating Domestic Violence". (2017, December). Retrieved from https://zakon.rada.gov.ua/laws/show/2229-19#Text.
[4] Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from https://zakon.rada.gov.ua/laws/show/580-19#Text.
[5] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://zakon.rada.gov.ua/laws/show/80731-10#Text.

field of road safety occupy a special place. This is conditioned by the fact that, on the one hand, criminal illegality in the field of road safety and transport operation clearly correlates with administrative illegality in this area. In particular, the results of criminological studies showed that the average ratio of administrative and criminal offences in the field of road safety in Ukraine was 274:1, respectively (Novikov, 2023). On the other hand, in the structure of social consequences from road traffic deaths and injuries, a significant part is made up of consequences from administratively punishable road accidents.

In addition, similar interdependencies are established for other typical offences, for which both criminal and administrative liability is simultaneously provided. This refers to, for example, unauthorised occupation of a land plot (Article 197-1 of the Criminal Code of Ukraine[1] and Article 53-1 of the Administrative Code[2]). Life and socio-legal reality demonstrate that failure to bring a person to legal responsibility for committing a certain administrative offence often leads to the commission of a typical, but already more socially dangerous act in nature, the responsibility for which is already provided for by the Criminal Code of Ukraine[3].

The corresponding preventive potential is also contained in the administrative procedural legislation of Ukraine. In this regard, some foreign researchers (van der Sloot & van der Schendel, 2021) note that modernised administrative and procedural tools have the potential for prevention, but their implementation requires a balance between effectiveness and protection of citizens' rights. The literature notes that the system of sources of administrative procedural law is quite multi-level and complex, since it includes a considerable number of laws and bylaws (Yosyfovych, 2021). The main provisions of administrative proceedings are concentrated in the Code of Administrative Offences (Shapoval, 2022). Administrative and procedural norms regulate the application of administrative and procedural measures. These measures are understood to mean procedural actions taken by administrative jurisdiction bodies and their officials in the course of law enforcement activities with the aim of detecting offences, identifying offenders, creating conditions for clarifying the circumstances of the case, recording, investigating, and securing evidence, and ensuring the enforcement of the decision taken. The basis for applying such measures is the committed offence or available data that reasonably indicates its commission (Bortnykh & Yesimov, 2021).

Administrative and procedural measures based on purposefulness can be classified into the following main groups: a) measures of procedural coercion; b) measures aimed at obtaining evidence. A separate group of such measures concerns the enforcement of administrative penalties and the prevention of offences (Bortnykh & Yesimov, 2021). Thus, Article 260 of the Administrative Code states that measures to ensure proceedings in cases of administrative offences are taken, among other things, in order to stop administrative offences. For this purpose, there is administrative detention (Article 261 of the Code of Administrative Offences). This measure can, among other things, prevent the continuation of illegal activities of a certain person, and, most importantly, prevent the transformation of an administrative tort into a criminal offence. The fact is that there is a rather fine legal line between common acts that are subject to both administrative and criminal liability: petty hooliganism (Article 173 of the Code of Administrative Offences) and hooliganism (Article 296 of the Criminal Code of Ukraine); driving a vehicle while intoxicated (Article 130 of the Code of Administrative Offences) and violation of road safety rules or transport operation rules by persons driving vehicles (Article 286 of the Criminal Code of Ukraine); bullying of a participant in the educational process (Article $173^{(4)}$ of the Code of Administrative Offences) and intentional minor bodily harm (Article 125 of the Criminal Code of Ukraine); sexual harassment (Article $173^{(7)}$ of the Code of Administrative Offences) and rape (Article 152 of the Criminal Code of Ukraine)[4] and many others.

The accompanying preventive content is also contained in Article 264 of the Administrative Code, which provides for personal search and inspection of citizens' belongings. Such measures are traditionally called restriction prevention, because they can prevent, for example, the storage and further use of cold and firearms, or the storage, sale or further use of narcotic drugs or psychotropic substances. A more pronounced preventive potential is noted in Article 266 of the Administrative Code of Ukraine. It regulates the possibility of removing persons from driving vehicles and examining them for intoxication. The adoption of such administrative and procedural measures can prevent the threat of potentially socially dangerous behaviour of drivers, which can lead to injury or death of other road users.

Certain administrative and procedural norms of special laws also have a preventive effect. One of

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://zakon.rada.gov.ua/laws/show/80731-10#Text.
[3] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[4] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://zakon.rada.gov.ua/laws/show/80731-10#Text.

them is the Law of Ukraine "On the National Police"[1], Article 41 of which provides for police custody of certain categories of persons: minors under the age of 16 who are left without care; persons suspected of escaping from a psychiatric institution or specialised medical institution; individuals who have signs of a pronounced mental disorder and create a real danger to others or themselves; persons who are in a public place and as a result of intoxication have lost the ability to move independently or create a real danger to others or themselves[2]. According to some researchers, police custody refers specifically to measures of administrative coercion, in particular administrative prevention (Kaliman, 2024). These categories of persons are marked by pronounced victim characteristics, especially minors and persons who are in a public place in a state of strong alcoholic intoxication. Persons with obvious signs of a mental disorder, marked by aggressive behaviour, can cause physical harm to other citizens. Therefore, the administrative and procedural regulation of police custody is of great importance for the prevention of offences, in particular for their victimological prevention.

The authors agree with the opinion expressed in the specialised literature that the metasystemic and rhizomatic nature of criminological legislation (including the norms of various branches of Ukraine's anti-criminal legislation) does not imply chaos. Thus, it is a super complex object of scientific analysis and controlled influence, which implies, on the one hand, the need to implement an integrative epistemological movement, combining knowledge, doctrinal provisions, and analytical schemes of work in various branches of law and legislation, on the other – the need to establish legal cross-sectorality. This means developing and supporting cross-sectoral links in the metasystem of criminological legislation (Shabelnikov, 2022). That is why in the system of legislation of Ukraine in the field of crime prevention, all these and some other industries are important. It is their complex (intersystem and at the same time parallel) application that is a condition for greater efficiency and productivity, considering the provision of law and order, public security, protection of human and civil rights and freedoms, the interests of society and the state.

Inter-system interaction of anti-criminal legislation of Ukraine with the leading legal systems of developed countries, in particular on borrowing norms and mechanisms in the field of criminal offence prevention, can significantly improve the content and improve the quality of both law-making and law enforcement activities. The implementation of this approach involves adapting the international, regional European, and national experience of individual leading countries of the world, considering Ukrainian socio-legal features. This helps to optimise the regulatory framework, increase the effectiveness of preventive measures, and harmonise the legislation of Ukraine with contemporary international standards in the field of criminal offence prevention. The described legal mechanisms are mainly concentrated in the so-called criminological legislation. Its core is formed by regulatory legal acts (laws, strategies, programmes, plans, etc.) that define scientifically based standards and basic approaches to influencing the phenomenon of crime.

At the international level, special documents of the United Nations Office on Drugs and Crime (2010) concerning guidelines for crime prevention deserve attention. Generalisation of world practice in this area helped to establish the need to prevent crime, considering the existence of criminogenic factors at different levels of public relations: 1) individual (personal values, beliefs, skills reflected in thoughts and behaviour); 2) group (family values, school factors that take place, respectively, in the family and local community); 3) mass (culture, national mentality, common in a particular society); 4) global (world politics and economy). In addition, this document emphasises a comprehensive combination of interrelated types (approaches) of preventive activities: social prevention; prevention of offences at the community level; situational prevention; implementation of reintegration programmes. It is noted that the effectiveness of crime prevention correlates with the simultaneous implementation of measures within the framework of these approaches. In addition, progressive international practice in this area emphasises cross-sectoral coordination and partnership, that is, the subject complexity of law enforcement activities.

In the EU, one of the most important and still valid sources of criminological legislation is Recommendation No. R (96) 8 of the Committee of Ministers of the Council of Europe on crime policy in Europe during the period of change[3]. The key provisions of this regulation are as follows: 1) the goal of the state policy of crime prevention should not be complete neutralisation of crime, but its control on an acceptable scale; 2) the effectiveness of such a policy should be evaluated based on the ratio of the social consequences of crime with the amount of funds spent on its prevention; 3) the involvement of

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from https://zakon.rada.gov.ua/laws/show/580-19#Text.
[3] Recommendation of the Committee of Ministers to Member States No. R (96) 8 "On Crime Policy in Europe in a Time of Change". (1996, September). Retrieved from https://rm.coe.int/16804f836b.

the public sector is a condition for the effectiveness of such a policy. A special feature of contemporary EU criminological legislation in this area is the shift of emphasis to the development of laws and regulations that relate to certain types of criminal offences.

The specificity of criminological legislation at the national level lies in the existence of the main laws and regulations of a particular country, within the requirements and principles of which national strategies and programmes for the prevention of offences are developed. For example, in the United States, the Law "On the control of violent crimes and law enforcement" was adopted in 1994. This law: establishes a set of measures to reduce violent crime, including funding for community policing (COPS) programmes and grants to local law enforcement agencies; includes measures to increase prison places, programmes for young people, support for victims, and funding for research and training in the field of law and order; combines preventive initiatives (grants for crime prevention programmes) with control and punishment measures[1]. Similar initiatives are also available in the UK[2]. In Ukraine, unlike in these countries, a basic law has not been developed that would define the principles of criminological policy, considering the progressive world experience of crime prevention.

Conclusions

Knowledge of the main characteristics of cross-sectoral legislative support in the field of crime prevention in Ukraine provides grounds for formulating a number of generalisations. The scientific problem of the existence of complex adaptive systems is of scientific interest to a separate scientific field in the form of complex systems theory. The problem of criminological complexity is closely related to these issues. Complexity as a scientific problem was studied in fragments. This hinders the development of criminological doctrine.

The complex of criminological legislation is an important level of the criminological system of Ukraine. Between it and its elements, there is an interaction with other layers of this system, and with the relevant branches of anti-criminal legislation. Such branches belong to the criminal law, criminal procedural, criminal executive, administrative legal, and administrative procedural systems. Such interaction is a reflection of the external (classical, cross-sectoral) expression of complexity.

The internal manifestation of the complexity that underlies the so-called contemporary interpretation of the legislation of Ukraine in the field of crime prevention is reflected in the completeness, content, and already intra-systemic interaction between the norms belonging to a specific branch of anti-criminal legislation. The possibilities of criminal legislation in influencing the behaviour of citizens, and therefore the crime, are quite limited. The effect of general and special prevention of the provisions of the law on criminal liability is the most stringent (systematically expressed). Strengthening the systemic effectiveness of criminal legislation is possible by combining it with improving morals and changing traditions in society. In the context of social turbulence associated with force majeure circumstances, the importance of criminal legislation increases due to violations of traditional social mechanisms inherent in peacetime. Similarly, the penal enforcement legislation has a repressive essence. It can influence the behaviour of persons, especially those who have committed a criminal offence repeatedly or have committed a recidivism. This branch of legislation concentrates special prevention and is justified in relation to persons who pose a threat to the life, health, property of law-abiding citizens and are capable of causing repeated harm to the interests of society and the state.

Criminal procedural legislation has a side preventive manifestation. For the most part, the norms of this industry are aimed at ensuring criminal proceedings. The administrative and administrative procedural legislation of Ukraine has a more pronounced preventive content compared to the criminal procedural legislation. These areas deserve attention for their intersystem interaction in the context of achieving the goal of the criminological system in the sense that they are most suitable for preventing administrative offences as a background for crime phenomena. By applying administrative and administrative procedural legislative reserves, it is possible to prevent further criminalisation of Ukrainian society, including during the legal regime of martial law in Ukraine. Such cross-system regulatory interaction fits into the theory of "broken windows", the provisions of which emphasise the need to prevent and stop torts so that they do not transform into socially dangerous acts.

Ukraine does not take into consideration current international trends in the development of criminological legislation. Ultimately, the principles of crime prevention are not consolidated in the unified profile law and the corresponding state strategy and programme for crime prevention. The stability and development of the criminological system, and the overall effectiveness of crime prevention, are not possible without: a) close external links of

[1] Violent Crime Control and Law Enforcement Act of the USA. (1994, September). Retrieved from https://www.congress.gov/103/bills/hr3355/BILLS-103hr3355enr.pdf.
[2] Crime and Disorder Act 1998 of the United Kingdom. (1998, July). Retrieved from https://www.legislation.gov.uk/ukpga/1998/37/contents.

criminological legislation with other branches of legislation capable of both their own and common legal means of influencing and spreading criminal offences; b) ensuring intra-industry completeness regarding the combination and practical application of the relevant legislation regulating the relevant legal means of protecting citizens from criminal encroachments.

The vector of further scientific research of the problem of criminological complexity is aimed at the knowledge of its other facets, in particular, concerning the deepening of knowledge about the inter-system links between the anti-criminal legislation of Ukraine and the national legislation of the EU countries in the field of crime prevention.

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Conflict of Interest

None.

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Комплексність як умова ефективності законодавства у сфері запобігання злочинності

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■ **Анотація.** Актуальність наукового дослідження зумовлена фрагментарністю пізнання проблеми комплексності в галузі правової науки загалом і кримінології зокрема. Розширення гносеологічних меж комплексності запропоновано шляхом розроблення кримінологічної системи та визначення її структури. У статті розглянуто міжсистемну взаємодію різних галузей законодавства, що призначені здійснювати правову охорону та правове регулювання суспільних відносин у сфері запобігання явищу кримінальної протиправності. Методологія дослідження ґрунтувалася на системному підході, теорії складних систем, доповнених герменевтичним методом й іншими спеціально-юридичними методами дослідження Метою дослідження було пізнання зовнішнього (класичного, традиційного) вияву комплексності через міжсистемні зв'язки різних галузей законодавства у сфері запобігання явищу кримінальної протиправності. Висвітлено загальну спрямованість та практичні можливості норм різних галузей антикримінального законодавства України в запобіганні явищу кримінальної протиправності. З'ясовано запобіжний потенціал кримінального, кримінального процесуального, кримінально-виконавчого, адміністративного й адміністративного процесуального законодавства України, зокрема в період правового режиму воєнного стану в нашій державі. Обґрунтовано неповноту кримінологічного законодавства України крізь призму міжнародного та європейського законодавства, що визначає стандарти в царині запобігання злочинності. Аргументовано необхідність дотримання міжсистемної взаємодії цих галузей з кримінологічним законодавством як комплексом кримінологічної системи. Доведено, що ефективність законодавства України у сфері запобігання явищу кримінальної протиправності корелює зі ступенем зовнішньосистемного та внутрішньосистемного нормативно-правового вираження комплексності. Практична цінність дослідження полягає у використанні ідеї комплексності антикримінального законодавства для підвищення дієвості всієї системи запобігання кримінальним правопорушенням, а так само перенесення ідеї зовнішнього та внутрішнього вираження комплексності на всю сферу правозастосування

■ **Ключові слова:** комплексний підхід; система законодавства; законодавство у сфері запобігання злочинності; кримінальне законодавство