

будівництво нових міжнародних транспортних коридорів і морських терміналів, модернізація автомобільних і залізничних доріг з метою утвердження України як транзитної держави; розвиток ринку інформаційно-комунікаційних технологій; інвестування програм розвитку туристичного й аграрного секторів; фінансування будівництва житла.

Реалізація боргової політики держави у даних напрямках допоможе перевести використання запозичених коштів із площини споживчих потреб у інвестиційну площину, що на даному етапі формування економічних відносин є запорукою розвитку економіки.

**Перспективами подальших наукових досліджень** має стати розробка власної моделі фінансово-кредитного механізму як складової державної економічної політики з метою подальшої поступової інтеграції України в світові ринки капіталу. Це створить можливості отримання доступу до додаткових фінансових ресурсів як джерела надходження інвестицій, що сприятиме зростанню вітчизняної економіки і підвищенню якості життя населення.

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## SECURITY AND HUMAN RIGHTS IN THE BALKANS, RUSSIA AND UKRAINE

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*The article presents a review of the problem about the security and human rights in the Balkans, Russia and Ukraine. The modern democratic countries have adopted the French model which has been historically imposed. In this model, personal security has been regarded as supreme value guaranteed by the state. The legal definition adopted in Bulgaria, Russia and Ukraine deviates from that line and goes another direction where “national security” is regarded as alternative to the “human rights” category.*

**Keywords:** security, personal security, right for security, national security, human rights

This is a thought of a modern Bulgarian playwright, Konstantin Iliev, stating that man identically to all living creatures, cannot survive without food or water. Man is distinguished by the feature that he or she does live for things he or she does not really need. In the opinion of Maslow, next after food and water, security is most important. From the psychological aspect, satisfying this need for security will ensure freedom for further actions and activities. Unlike animals, man does not just strive to avoid hazards, but also to create possibilities for active performance beyond the sphere of immediate protection and survival. Therefore, satisfying of the need of security represents a fundamental condition for man’s full-blooded realization.

In phylogenetic terms, formation of human need of security is a long process of separating a human being from his/her direct interrelations with natural environment. Make and use of tools and manmade hideaway, evolution of joint actions and formation of social relations have gradually resulted in an artificial environment of habitation, and man cannot survive without it. Left alone a human will die quickly because a man alone could not rely on himself/herself to run so quickly and man has no sharp teeth or nails, and is in no way protected against temperature fluctuations, etc. Therefore, the scope of the need of security includes establishing and maintaining an artificial environment for living (Величков, 2004).

Solving a task like this is not in the powers of a lonely individual, but requires collective efforts, and these in turn, determine the social nature of artificial environment created by men for their living. The effect of this is - in exchange for protection provided against natural hazards this artificial environment challenges a human individual with a new type of threat, such as those arising in human interrelations and human society. It is not accidental that the French declaration of human and citizen rights of 1789, security as a natural and irrevocable human right has been rated level with social constitutional values such as freedom, ownership and opposition to violence.

From the psychological point of view, activation of the need to be secure has been a complex of internally coordinated processes. Its power to motivate is manifested either by negative emotional experiences (fear, anxiety, tension), caused by existing threat and risks assumed, or as positive emotions where people are facing abstract or real dangers, but they are in a secure position (Величков и съавт., 1998). This situation, in my opinion, entails a methodological resource that can help organize one's efforts towards establishing effective and efficient mechanisms for human right protection.

In Bulgaria the naked eye can see that policies and practices developed and applied by "people with positive emotions" (nationals of the USA and Western Europe) and designed for "people having negative emotional experiences" (nationals of Russia, Ukraine and the Balkan countries) do not lead to the expected results. Here, in the first place, it would be worthwhile to see the varying assessment of priorities in the activity related to human rights protection.

The annual reports of the Bulgarian Helsinki Committee, whose activity is financed by and managed by the West, highest priority is given to the issues related to gypsies, migrants, ill-treatment of persons detained by the police and poor condition in prisons.

The summary annual reports of the minister of justice relating to the implementation of the decisions of EC court of Human rights, made based on a template specified by Brussels, accentuate unacceptably long duration of criminal and civil proceedings (10, 15 and even 18 years), poor conditions in prison, unreasonable use of guns and excessive police power, failure of the court to implement control on administrative acts for expulsion of foreigners, removal of the right to access qualified information and the like;

At the same time, the review of Bulgarian media has shown that, most Bulgarian citizens are mostly interested in widespread poverty, domestic crime, which practically overlaps with Roma /gypsy crime and the inefficiency of the judiciary system.

In my daily work of university administrator I must handle cases arising from poverty, being an obstacle for the students to pay their fees for education, to procure the required learning resources, to visit regularly the classes. Particularly irritating are the inequalities between state and non-state universities and systemic discrimination by the state administration of the students and graduates of the non-state universities. Such differences have a diffuse effect and lower the efficiency of activities related to protection of human rights. Considering the social ethics and social psychology factors in the historical plan, it has been traditional for the study of this problem, starting as early as Thomas Hobbs. Speaking of the human rights in Russia, Ukraine and Bulgaria in the context of protection of national security, first comes the question of freedom and how fair are its civilizing intents. For example, a lady, one of our PhD students from Kazakhstan, has paid attention to the fact that, while in the western world "being imprisoned" represents a universal punishment measure, with the Nomadic peoples of the East, the customary practice has been to impose a punishment of absolute freedom, i.e. being chased away from the tribe into the vast steppe, i.e. expulsion from the artificially established secure environment.

From the aspect of activating the need to feel secure, between people living in the USA and Western Europe and those living in Russia, Ukraine and Bulgaria, civilizing intent can also be seen. The line of separation can be seen as placed by Jean Calvin as early as the 16th c., who has set the basic idea in the protestant ethics that success of worldly affairs is a sign of God having chosen the man's salvation. This motivates continuous striving for growing prosperity. Practically the effect of this, in the opinion of Max Weber, is rapid accumulation of capital and growth of production. In this sense, the notion of freedom being the absence of external obstacles of man's welfare in man's own environment quite naturally leads the West to the emergence of the modern state as the counterpoint of absolutism. The goal of any state unification under the Declaration of Human and Citizen Rights adopted in France in 1789,

At the same time, in the East (Russia, Ukraine, and the Ottoman Empire including Christian Balkan peoples) the still dominating idea of state device is in consideration of the God's justice, i.e. meaning "Unwavering will to give everyone their own". This idea developed at the time of Plato, adopted by orthodox Christianity. Therefore, as Nasim Taleb has written in his works, while the protestants who relate human efforts to reward and personal responsibility – for them, this being a sequence of events that need no explanation or establishing of logical relations, orthodox Christians (Russia, Ukraine, Bulgaria, Serbia, Macedonia, etc.) feel the need of having an explanation of the meaning and causation (Taleb, 2009).

In this context we should seek the explanation of the fact that, Russia, Ukraine, and Bulgaria the ideas of etatism have been fairly acceptable for public consciousness. It is the ideological product of the West developed purposefully for the European monarchs as the vaccine against the ideas of the Great French Revolution. According to Hegel, the objective of the state is not to defend the interests of individuals, their relevant freedoms, property or lives, but rather the opposite – the state is the supreme power, therefore the state can have claims against the life and the property of any individual and can demand, as required, such man's sacrifice in favor of the state.

The preamble of the Constitution of the Republic of Bulgaria of 1991, individual rights, dignity and security constitute the ultimate principle. The penal code of year 1968 however, makes foremost provisions against crime against the republic, then in the second chapter comes crime against personality. This ambivalence – accepting the form of liberal principles and notions while filling these with traditional content, full of etatism, has been specifically palpable in the sphere of national security. The term of "national security in itself", was adopted in the country after the democratic changes. It has been used in six wordings of the Constitution, a fact that places us in line with the Ukraine and other former soviet republics.

Furthermore, in such countries the liberal determination of national security imposed in the United States and Western Europe – as the capacity of the state to defend national values, has been ignored at the dispense of the Russian notion of national security as the "condition of being defended". And since this notion is not suitable for use in the sphere of law, Bulgaria's national security has as a matter of fact been defined as an alternative for law order. Thus at the level of legislation, the basis of a direct way to a "state garrison" is established.

I will finalize with two paradoxical facts:

The first – the Russian understanding of national security was implemented as definitions and legal terms by politicians, who have

defined themselves as Russophobes, as supporters of liberal ideas, aided financially for example by America for Bulgaria Foundation.

The second – Russia has been in the process of reconsidering of the widely spread notion of national security and adoption of the pragmatic western definition of this term. Bulgarian politicians notwithstanding their party affiliation, however still remain surprisingly attached to the dogmas of etatism.

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## IS THE PREVENTIVE POLICY FOR INTERRUPTION OFFENDERS' CRIMINAL CAREERS EFFECTIVE?

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*The article is dedicated to the connection between institutional treatment in early age and following process of establishment of a lasting model of criminal behavior. The effectiveness of preventive policy is connected with inclusion of the offender's social environment in institutional impact on his behavior. That is a necessary condition for interruption his criminal career.*

**Keywords:** preventive policy, stigmatization, minor and juvenile delinquents, institutional treatment of the delinquents, offenders' criminal careers.

Criminological views on approaches to interruption individual criminal behavior have undergone a long evolution. Criminal-oriented state policy narrows its borders. In the same time the adoption of alternative sanctions and measures to combat crime is widely applied in the laws of the various countries. The view that enlightenment and upbringing are among the main means of preventing crimes<sup>1</sup> is constant in time. No measure with repressive character can achieve such an effect as the early preventative impact.

Already in the second half of the last century, representatives of the new social defense arrived to a conclusion that the passive understanding of the criminals' isolation must be abandoned and an active impact on offenders must be undertaken to interrupt the danger of developing a criminal career. This impact involves healing and educational measures<sup>2</sup>. The development of Symbolic interactionism leads to the emergence of the Labeling theory, which presents a new perspective on the causes of deviance<sup>3</sup>. The stigmatization of deviant is explained by social interactions and building self-consciousness as a result of sanctioning and labeling<sup>4</sup>. A number of international acts, among which United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules", 1985) and United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines, 1990), take into account the young offenders' risk of stigmatization. The focus in the new preventive policy is on limiting the contact of young people with the formal justice system and expanding opportunities to influence in family, school and community. An expression of these views is also the Restorative justice, exclusively oriented towards young offenders and their integration into society<sup>5</sup>.

Alongside these views in the modern criminology and social practice, during the last century in Bulgaria were laid the foundations of the humanistic criminal policy on juvenile offenders. The creation of specialized institutions for the accommodation of the perpetrators of anti-social acts and juveniles released from criminal liability is borrowed from the views of the new social defense. Such institutions are socio-pedagogical boarding school and educational boarding-school, where minors and juveniles offenders are accommodated.

In the whole process of reforming the policy to reduce juvenile crime, the role of local commission for fight against anti-social acts of minor and juvenile delinquents is particularly important. It develops on the basis of protecting the offender from the negative consequences of his contact with the court and providing the case for consideration by a special non-judicial jurisdiction. In performing the jurisdictional activity defined as „transformed jurisdictional powers”<sup>6</sup>, the focus is on the commissions' legal status as a state-public body. They include representatives of the public engaged in preventive activities. Thus, for over half a century, in the offenders' early preventative impact has been gained considerable practical experience. Nevertheless, antisocial acts of minors and juveniles and juvenile crime keep the persistent high levels achieved in the years after 1989<sup>7</sup>. This determines the unfavorable trends in recidivism among those who have started their criminal career at an early age.

In analyzing the reasons for the lack of sufficient effectiveness in the individual-preventative impact on young offenders, it is necessary to take into account the specifics of the crime prevention policy. Its characteristic feature is institutionalization. The legislator provides a range of institutions for fight against anti-social acts of minor and juvenile delinquents, children's protection

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