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UDC 32

DEVELOPMENT OF SUBJECTIVE LEGAL RESPONSIBILITY OF JUVENILE PROBATIONERS*

SUMMARY. The article is devoted to the idea of subjective legal responsibility as a personal quality. The need of its development in order to increase the activity efficiency according to the prevention of illegal behavior of juvenile probationers is proved. The description of the developed technique of subjective legal responsibility progress is given. The results of its approbation are provided in a pilot study with participation of juvenile probationers in Tyumen and other towns of the south of the Tyumen region (120 people). The technique is based on the idea of using a constructive component of suspended sentence potential. Personal experience of negative consequences of crime commission by juvenile probationers is taken into consideration. The need to follow law standards in the course of serving a trial period of suspended sentence comes into account. Stages when a consecutive change of vectors in orientation of subjective legal responsibility from actual to retrospective and from the retrospective to perspective are characterized. The conclusion is made that the technique implementation in preventive activity according to juvenile probationers promotes decrease in level of illegal behavior among them.

KEY WORDS. Responsibility, responsibility development, the subjective legal responsibility, juvenile probationers, resocialization, readaptation, recurrent crime of minors.

Modern scientific literature broadly discusses the issue of juvenile crime, its high rates and stable growth. According to the official statistics, the level of re-offence of juvenile probationers in RF is 55.8-59.5%. What's important here is that 71.2% of teenagers re-offend within the probation period. Statistics on the juvenile probationers in Tyumen also shows high rates of re-offence. In 2012 from 87 juvenile probationers 8 teenagers re-offended within the probation period, i.e. 9%. Only few juvenile probationers followed responsibilities imposed by the court and norms of law on the whole.

Theoretical and empirical studies of social and psychological peculiarities of juvenile delinquents showed that, unlike other under-age criminals who were not imprisoned or were exempt from criminal liability, juvenile probationers are more morally and legally infantile. They are more likely to ignore moral and legal norms; they do not repent of the committed crime. Besides, they have external control locus on the whole and they

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use it to interpret the reasons of the crime in particular (teenagers are used to blame other people and external consequences for the committed crime; to deny their own contribution to the events). These peculiarities contribute to the re-offence.

Having researched some points of the psychological theory of personal (B.G. Ananyev, A.A. Bodalev, V.N. Myasishchev) and action (L.I. Bozhovitch, P.Y. Galperin, A.N. Leontiev) approaches, basic points of juvenile deviant behaviour prevention (Y.M. Antonyan, S.A. Belicheva, A.S. Belkin, V.L. Vasiliev, A.S. Makarenko, G.M. Minkovskii, R.V. Ovcharova, Y.A. Kleiburg, M.A. Kovalchuk) and also different approaches to the phenomenon of responsibility, its contents and structure [1-4], we have coined and developed the notion of the *subjective legal responsibility* (SLR). The development of SLR, that is seen as a personal quality, is an efficient means to prevent wrong-doing. SLR is apparent if a subject demonstrates self-control while following the rule of law that includes knowledge of the norms of law and understanding their significance for oneself and the society; following these norms; self-criticism and negative emotional attitude to the committed crimes; readiness to bear guilt for breaking the law.

SLR, being a personal trait, has four components: cognitive, emotional, motivational axiological and behavioral. Cognitive component is connected with the knowledge of the legal norms, yearning to increase one's legal competence. Emotional component is expressed through a positive emotional attitude to the existing legal norms, their observance in the behavior. Motivational axiological component means that legal norms are the main motivational factor of one's behavior. Behavioral component is presented by the behavioral guidelines and also real responsible and law-abiding behavior.

SLR has 3 levels of development. Low level is characterized by abiding the law only out of fear of being punished. When violating the norms, one doesn't have remorse. Responsibility for the committed crimes is ascribed to the external factors. Medium level is characterized by following the legal norms out of conformity and wish to earn the approval of others. One's own attitude to the legal norms is indifferent or negative. Responsibility for the committed crimes is still ascribed to the external factors. Meanwhile a person understands his\her own guilt for the crime. At a high level one's actions are determined by the legal norms out of the personal belief in their importance. A person disapproves of others breaking the law; considers oneself to be an active subject of law-abiding activities [5].

The analysis of the juvenile probation procedure (E.V. Bushkova, G.S. Gaverov, O.V. Demidova and others) and the approaches to the research of the peculiarities of the children from the risk-group (B.N. Almazov, Y.A. Kleiburg, A.I. Nevskii and others) allows to conclude that probation in psychological and pedagogical aspects may be considered as *a specific social psychological situation possessing a resocializational potential*. On the one hand, it is more relevant for juvenile probationers to observe the legal norms than for their law-abiding peers never charged with a crime, as far as the former have lived through the negative experience of the consequences of committing a crime: aggressive attitude of the victims, long, complicated investigation and legal proceedings, sentence to probation, connected to the freedom restricting obligations that make one change the habitual life style. Juvenile probationers have to abide the law in order to avoid being put in a correctional institution. On the other hand, unlike

teenagers sentenced to imprisonment, whose life is strictly regulated by the rules of a closed correctional facility, juvenile probationers stay in the society and are autonomous, being able to make their own decisions, realize their rights. In other words, there is a base for the development of the motivation and realization of the law-abiding behavior. Moreover, positive social links and possibilities to develop positive social skills are preserved. Meanwhile, imprisoned juvenile delinquents often get involved into the culture and traditions of the criminal world and start rejecting common norms and rules. So being set free they re-offend.

In the course of the research undertaken in 2009-2011 with juvenile probationers from Tyumen, Zavodoukovsk, Tobolsk, Yalutorovsk, Ishim and some municipal areas of Tyumen region we applied different methods (studied personal files, used questionnaire polls, interviewed teenagers, their parents and prevention system specialists, etc.) and defined the elements of the social psychological portrait of a juvenile probationer. It consists of a number of objective (kind of crime, form of guilt, additional duties appointed by the court, actions taken to eliminate caused damage, etc.) and subjective characteristics (crime motivation, attitude to the committed crime, feelings about the committed crime, etc.). In general, probation includes several factors: a real experience of legally warranted restriction of rights and freedoms in teenager's life and at the same time personal resources for self-reliant behavior.

Some points of the juvenile responsibility upbringing theory, reflected in the researches [1], [6-8], the ideas of the constructive potential of the critical psychological conditions (L.A. Kitaev-Smik, F.E. Vasiluk, L.A. Pergamenshchik) and the points of problem-personal approach to the re-adaptation of juveniles with different forms of deviant behavior [9] underlie our methodology of SLR development in juvenile probationers. The main idea of the methodology is to use a constructive element of the probation potential in the re-socialization process. The methodology includes a system of measures meant to develop cognitive (knowledge of the legal norms), emotional (positive emotional attitude to the existing legal norms and their observance), behavioral (real responsible law-abiding behavior), motivational axiological SLR components (observing the norms as the behavioral motivation). These measures also take into account the consecutive shift of the SLR vector direction from relevant (responsible for actions in the present) to retrospective (responsibility for committed actions), from retrospective to perspective (responsibility for the future behavior) [10].

The methodology has been tested on the institutions affiliated to the Department of Sport and Youth Policy of Tyumen Administration. MAEI SEC "Centre of Extracurricular Work "Dzerzhinez" in Tyumen was the basic institution. In the research we used the affiliates of the federal public institution "penal inspection of Russia in Tyumen Region" (FPI PI), a number of educational institutions of the city, institutions of supplementary education. The subjects of the research were 120 juvenile probationers registered in the FPI PI in Tyumen region. According to the experimental plan they were divided into two equal parts: experimental and control groups. The experimental group was comprised of the juveniles registered in the FPI PI in Tyumen region who live in Tyumen. SLR development methodology was included in the re-adaptation preventative work with them. The control group was comprised of the juveniles

registered in the FPI PI in Tyumen region who live in Tyumen region outside Tyumen (Zavodoukovsk, Tobolsk, Yalutorovsk, Ishim and some municipal areas of Tyumen region). The teenagers from this group underwent conventional preventative work without SLR development methodology.

Experimental influence of SLR development methodology application was an independent variable of the experiment. The level of SLR of the subjects was a dependent variable.

The methodology of SLR development was realized in several consecutive stages.

The aim of the *first stage* was to create conditions for a juvenile delinquent to understand negative and positive factors of probation as a personally relevant situation (relevant vector of SLR). The activity at this stage was mostly focused on using personal experience to analyze advantages and disadvantages of the relevant life situation of a teenager. Many teenagers artificially disactualize negative sides of the probation: time-table and movement restrictions, public disgrace, risk of being put in a correctional institution, etc. They emphasize its "positive" sides: status of a convict, crime as a proof of one's independence, courage, etc. The key activities at this stage included individual consultations and interviews with youngsters on the one hand; support groups where teenagers could define (and detail) their relevant life experience and compare it with the similar experience of other participants, on the other. Besides, at the initial stage the juveniles gradually got to know the existing legal norms. It is proved that juvenile probationers are hardly aware of the legal norms, their significance for the society. As the result, they treat legal norms breaches indifferently or even approve of them. It is important to know that the law is meant not only to defend rights and interests of a person in general, but of the exact teenager and his family in particular. The first stage was considered to be successfully completed if a teenager understood the disadvantages (relevant and perspective) of the situation of a partial freedom restriction and potential opportunities that the situation grants him with.

The aim of the *second stage* is to develop responsibility and an adequate attitude of a juvenile to the committed crime (retrospective vector of SLR). The activity at this stage was mostly focused on using juvenile's personal experience of committing a crime for development of SLR components. At the individual and group sessions (consultations, group trainings, conciliatory procedures, etc.) teenagers developed the understanding of cause-effect relationships between the committed crime and relevant situation restricted in many aspects (social and etc.). It happened through the analysis and discussion of the personal experience of committing a crime. The main problem solved at this stage is an external control locus of the interpretation of the reasons of the crime. Juveniles do not understand their guilt in the committed crime. Moreover, at this stage re-offence might be provoked by a number of psychological factors: poorly developed behavioral self-regulation; stress; dependence on the opinion of the reference group that consists of asocial teenagers as a rule. Most of these problems were solved by a series of trainings that were meant to develop assertiveness, coping and responsible behavior. These trainings have been introduced by the practitioners of the preventative work with deviant teenagers (S.A. Belicheva, K. Phopel). The

original system of trainings with the use of "legally significant situations" (i.e. situations that show one's attitude to the legal norms) was especially important at this stage. These situations were chosen according to the level of SLR development and the prevailing SLR direction vector. At the second stage the conversations of the teenagers with the socialized, successful adults (25-35 years old) who served a real sentence in prison in the teen age (youngsters often idealize criminals, their life style and consequences of the imprisonment) played an important role in SLR motivation development. The criteria of the second stage completion and readiness to pass over to the third stage: a teenager understands the meaning and consequences of the committed crime both for himself and for others; one is ready to consider some alternative ways of behavior in the similar situations.

The aim of the *third stage* is to develop responsibility for the future crimes (perspective vector of SLR). The activity at this stage was mostly focused on using juvenile's personal experience of committing a crime for planning and targeting social positive image of the future life. The key activities at this stage included individual and group sessions on targeting, training skills and abilities that a definite teenager lacks (inability to plan one's activity, inability to confront negative influence of the environment and manage conflicts efficiently, etc), on solving relevant and perspective problems of the teenager ("case study" method). At this stage it was important to form teenager's striving for the future independent law-abiding behavior. In this context it was efficient to make youngsters participate in such forms of activities that would demand his\her responsibility in different fields. During the experiment the juvenile probationers participated in the work of socially active youth organizations. At first, they were given some simple tasks and were assisted while fulfilling them. The independence of their activities grew gradually. The teenagers who showed high level of responsibility and performance were given an opportunity to organize some event all by themselves. The criteria of the completion of the third stage: a teenager is convinced of the necessity for the law-abiding behavior; he\she strives to learn more about legal norms; shows sympathy to the crime victims; strives to find his\her own contribution to some activities in the future; is ready to bear responsible.

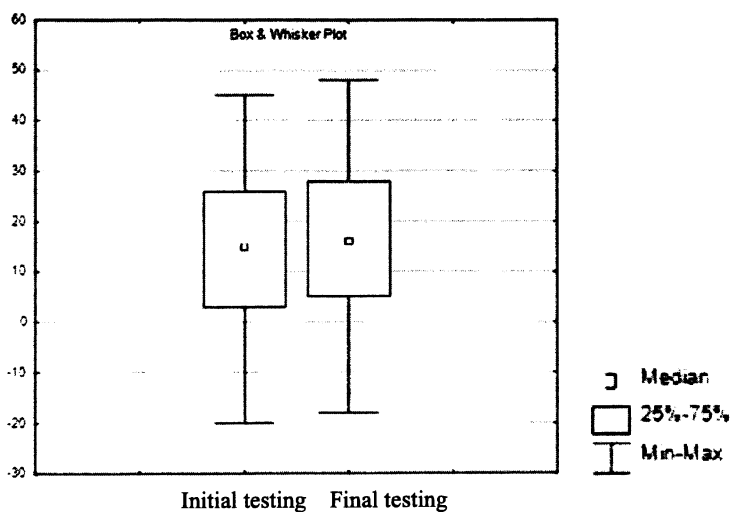
The dependent variable (juvenile probationers' SLR level) was measured with the help of psychodiagnostical methodologies for SLR and SLR correlated qualities measurement: SLR questionnaire by I.V. Vasilieva and Y.V. Golceva; social responsibility scale by L.Berkovitz and K. Luttermann; contrition rating scale by L.T. Yampolskii (all methodologies are monoscale). The psychological tests in the experimental group were given before and after the experiment. The control group was also tested twice, at the same time with the experimental group. The results of the tests were compared with the help of statistical analysis using G-sign test. G-sign test is used to find a common direction of the researched characteristics' shift under the influence of an experiment if there is a control group. The following rule is applied to the test: if p , found as the result of the statistical analysis of the data, is more than 0.05, then the change of the researched characteristic's level is insignificant (accidental). If $p \leq 0.05$, then the change is acknowledged to be significant (table 1).

Table 1

**The assessment of the test results' shifts in the experimental group
with the help of G-sign statistical test**

Methodology	The average value of the characteristic before the experiment	The average value of the characteristic after the experiment	The number of zero shifts of the characteristic	% of the positive shifts of the characteristic	Significance level (p)
SLR questionnaire by I.V. Vasilieva and Y.V. Golceva	15,77	16,25	50	100	0,00
Contribution rating scale by L.T. Yampolskii	8,04	9,75	47	100	0,00
Social responsibility scale by L.Berkovitz and K. Luttermann	31,12	34,03	31	100	0,00

According to the test results, in the experimental group there is a growth of the average values of the measured characteristics after the experiment. SLR level (pic. 1), social responsibility level, level of contrition increased in more than a half of the teenagers from this group. The changes of the test results are statistically significant, i.e. not accidental.



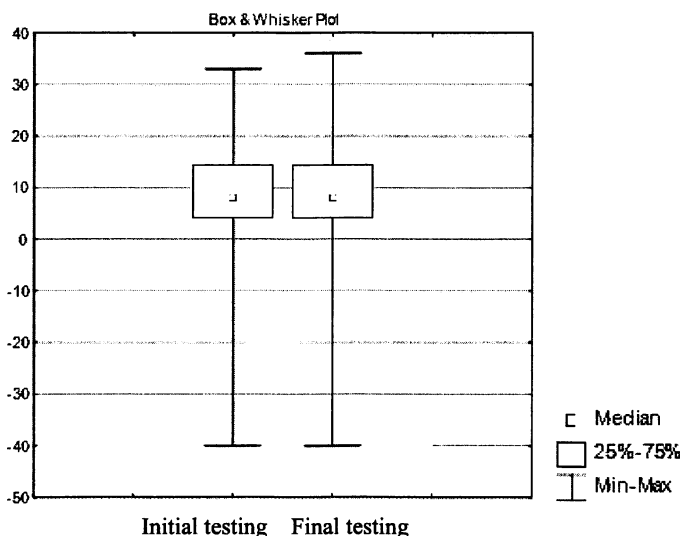
Picture 1. Test data shift in the experimental group according to SLR questionnaire (G-sign test)

In the control group the average values of the measured characteristics after the experiment changed insignificantly. SLR level in the group grew by 0.23 on average (pic. 2). The average value of the group results on L.T. Yampolskii's contrition rating scale didn't change after the experiment, the values on L.Berkovitz and K. Luttermann's social responsibility scale decreased by 0.07.

Table 2

**The Assessment of the Test Results' Shifts in the Control Group
with the help of G-Sign Statistical Test**

Methodology	The average value of the characteristic before the experiment	The average value of the characteristic after the experiment	The number of zero shifts of the characteristic	% of the positive shifts of the characteristic	Significance level (p)
SLR questionnaire by I.V. Vasilieva and Y.V. Golceva	8,23	8,46	4	100	0,13
Contribution rating scale by L.T. Yampolskii	8,05	8,07	3	100	0,25
Social responsibility scale by L.Berkovitz and K. Luttermann	27,26	27,19	4	50	0,62



Picture 2. Test data shift in the control group according to SLR questionnaire (G-sign test)

The level of the measured characteristics according to all the methodologies has changed only in a few teenagers. The changes of the values according to SLR questionnaire and L.T. Yampolskii's contribution rating scale have been 100% positive. The values on L.Berkovitz and K. Luttermann's social responsibility scale have increased only in 50% cases. In another 50% they have decreased. The changes of the test results in the control group are statistically insignificant. In other words, the changes of SLR levels and of other measured characteristics are accidental and can not be used to make well-grounded conclusions.

We have introduced and developed the notion of SLR, seen as a personal quality, that consists of 4 components (cognitive, emotional, motivational axiological and behavioral). We have revealed the mechanism of SLR development, being a process of the consecutive responsibility direction vector change from relevant to retrospective, from retrospective to perspective. Moreover, we have proved the necessity of SLR development for the efficient prevention of deviant behavior. The methodology of SLR development in juvenile probationers, based on the idea of using constructive component of the probation potential, has been developed and tested. The analysis of the results of the methodology application in the experimental group showed the growth of SLR level unlike the control group, members of which underwent some general preventative work. After the experiment the teenagers from the experimental group showed lower level of deviant behavior than those from the control group. Thus, it can be assumed that using forms and methods of SLR development in the course of re-adaptation preventative work with juvenile probationers may contribute to the increase of the general efficiency of re-adaptation work on the whole and to the decrease of re-offence among these teenagers in particular.

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