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ISSUES OF THE STATE AND SOCIETY SECURITY (Part II): MANAGEMENT OF CONTROL OVER INDIVIDUAL CRIMINAL PROCESSES

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Abstract. The Part II is the continuation of the discussions begun in the last issue of *Journal of Security and Sustainability Issues* 6(3) in area of ensuring public security in the fight against crime and focuses in particular on the importance of creating models for control and prevention of new crime acts. Also, the problems of prevention and control of some conditionally distinguished criminal processes – shadow economy, corruption, fight against human trafficking and domestic violence – are scrutinized. In consideration of the limited scope of the work and striving for the concentration of the research, analysis of these criminal processes is conducted just to the extent it is important in order to distinguish the main topical issues pertaining to the modernization of coordination for ensuring public security.

Keywords: public security, crime, shadow economy, corruption, human trafficking, domestic violence, optimization, modernization

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1. Introduction

Contemporary crime, under the effect of globalization processes, forces to search for new opportunities to overcome crime. Therefore, when continuing this part of the work, expedient to discuss some specificities of control over criminal processes. *Four examples* were selected for this purpose as expedient to be discussed: *shadow economy, corruption, trafficking in human beings and domestic violence*. These examples have been selected due to their *exclusive topicality* in Lithuania.

A problem of the *shadow economy* in Lithuania, like in other Baltic countries, is urgent due to the geopolitical position; for example, due to differences in prices for goods the scope of smuggling has been increasing. Society is prone to justify the existence of the shadow economy, and such approach is to be linked with the improper tax system and dissatisfaction of the residents with their life quality.

The relevance of the *corruption problem* in Lithuania is witnessed by its high latency and the research data, wherefrom it is evident that the residents of Lithuania indicated corruption as one of the most important public security problems (Vileikiene 2012).

A corruption problem, like a problem of *trafficking in people*, is to be related to the augmented influence of transnational organized crime groups due to globalization. This is also emphasized in the Public Security Development Program for 2015–2025, underlining that the main traits of Lithuanian organized crime groups are the leadership in the region of the Baltic Sea countries, intermediation between criminal groups of the Russian Federation and the EU Member States, international mobility, usage of most sophisticated information and communication technologies, disposition of large financial resources, and a strong influence of corruption (Republic of Lithuania Seimas Resolution No. XII-1682, 2015).

Finally, the problems of *domestic violence* prevention are discussed in consideration of the altered regulation in 2011 and its results.

2. Reduction of the shadow economy

The growth of the shadow economy is determined by the following economic factors: the rapidly decreasing gross domestic product, an increasing level of unemployment, significant reduction of the national budgetary income, hindering “the opportunities for implementing the national economic and social policy” (Krumplytė 2009). The shadow economy is a complex and multi-faceted phenomenon, which may be described as “the economic activity pursued without applying the requirements and restrictions of legal acts when such activities are strictly regulated and regulable” (Krumplytė 2009).

The factors of the shadow economy are divided into *economic*, *legal administrative* and *social psychological* (Krumplytė 2009, Gasparėnienė et al. 2016, Tvaronavičienė et al. 2016).

One of the key legal administrative factors of the shadow economy is deemed to be the unreasonably *high intensity of legal regulation*. If freedom of market players is too much restricted by imposing unreasonable restraints, introducing special requirements, and extending a list of activities under license, the scope of the shadow economy swells up. The shadow economy growth may be stimulated by gaps in legal acts, making it possible to escape taxation, and a frequent alteration of legal acts, overburdening the opportunity to perform economic activity legally. The improperly provided administrative services are also of special importance, *for example*, an impracticable “one window” principle and inadequate provision of information. In addition, social security, employment and taxation policies have a big impact on the growth of the shadow economy.

In the *first* case the scope of the shadow economy augments if measures for increasing employment are not undertaken, residents are not granted sufficient social guarantees in labor relations or in the event of unemployment.

In the *second* case the rise of the shadow economy is stimulated by the gap between the average and minimum wages in the country, complexity, inflexibility and ineffectiveness of tax administration, insufficient education and information on tax issues (Krumplytė 2009).

As noted by A. Pocius (2015), the main cause for a growing shadow economy in the developed countries is a high level of taxation (*for example*, a taxation level in West Europe may reach 40 percent–50 percent of the wages). This problem, however, in the case of Lithuania is of special urgency, since, as compared to the West European countries, living standards in Lithuania are not high. *For example*, the excise goods are purchased with the greatest difficulty in Bulgaria, Lithuania, and Romania.

Meanwhile, the lowest share of the average wages for a basket of excise goods is allocated by such countries as Luxembourg, Denmark, and Germany. According to V. Žukauskas (2012), great differences between moderate prices for excise goods are predetermined by differences in the average living standards: “the lower living standards automatically predetermine low moderate prices, stimulate residents to reduce the consumption of goods and services or to search for alternatives, as well as for cheaper goods and services in the shadow economy.”

Evidently, however, it is difficult to impact the living standards by using the administrative legal regulation measures alone. Therefore, some other options should be sought to overcome the problem by legal measures.

According to experts, the most effective measures for control over the shadow economy shall be tax reduction (indicated by 66.2 percent of the experts, participating in the survey), ensuring the stability of tax laws (46.8 percent of experts), explicitness of legal acts, reducing the opportunity to interpret them diversely (38.1 percent of experts), and inevitability of sanctions for law offences (30.8 percent of experts) (Krumplytė 2009).

It is noteworthy that utmost attention in Lithuania is devoted to ensuring the inevitability of sanctions for law offences. Institutions, responsible for controlling the shadow economy, most notable of which – the Financial Crime Investigation Service under the MoI, and the State Tax Inspectorate under the Ministry of Finance – are focused on the prevention of the on-going processes and application of sanctions thereof. These measures are accorded paramount attention in the fundamental legal acts: Law on the Financial Crime Investigation Service (2002), Law on the Prevention of Money Laundering and Terrorist Financing (1997), Law on Tax Administration (2004).

Meanwhile, practically, only the National Program for Crime Prevention and Control (2003) has highlighted certain economic and financial crime control measures pertaining to the real shadow economy prevention: to orient law enforcement institutions, to develop prevention and control measures and to apply them against crimes, causing significant material damage to the state, natural and legal persons:

- money laundering, fraud, misappropriation of property or squandering in the economic sphere, making and realizing fake money, smuggling, breaches of intellectual property rights, counterfeit of payment cards and cyber crimes;
- to improve the system of law enforcement institutions detecting and investigating financial offences, the coordination of actions and information exchange, to ensure proper cooperation with relevant financial and other institutions;
- to improve the legal framework regulating prevention and control of economic and financial crimes, to eliminate gaps in it and faults in the activity of state institutions;
- to expand international cooperation, to support and participate in domestic and international investigations by monitoring and analyzing the tendencies of money laundering, other economic and financial offences, international practice of prevention and control of such crimes;
- carrying out money laundering prevention, to provide information and educate the public and civil servants on how to recognize money laundering manifestations and to fight them; to raise the level of legal and administrative readiness to detect and investigate economic and financial offences committed with the help of computers, telecommunications, fake payment cards, to strengthen interagency and international cooperation.

However, it should be noted that the newer strategy of the fight against the shadow economy has not been adopted in Lithuania though the problem persists. At the same time the Program 2003 does not emphasize certain recent problematic aspects of the shadow economy, the present economic and social situation is not and cannot be taken into account. The Public Security Development Program for 2015–2025 does not envisage any specific measures for the shadow economy control.

In summary, the shadow economy is defined as the economic activity pursued without following the requirements and restrictions of legal acts when such activities are strictly regulated and regulable. The factors of the shadow economy are subdivided into economic, legal administrative and social psychological which are closely interrelated.

The key legal administrative factors of the shadow economy include the unreasonably high intensity of legal regulation, gaps in legal acts, making it possible to escape taxation, a frequent alteration of legal acts, and the improperly provided administrative services. The rise of the shadow economy is also impacted by the improperly implemented social security and tax policy measures.

The most effective shadow economy control measures would be tax reduction, ensuring the stability of tax laws, explicitness of legal acts, reducing the opportunity to interpret them diversely, and inevitability of sanctions for law offences.

Utmost attention in Lithuania is focused exactly on the latter measure, whereas prevention measures are listed only in Program for Crime Prevention and Control 2003. The Public Security Development Program for 2015–2025 does not foresee any specific measures for the shadow economy control.

Therefore, a conclusion is to be made that it is necessary to adopt a strategy for control of the shadow economy whereby the measures for combating the shadow economy and its prevention be foreseen in consideration of the present-day social and economic tendencies.

3. Corruption prevention

Corruption is a many-sided phenomenon which despite diversity of political, legal and economic systems in different countries where it exists shares common trends of its development. Moreover, its history is as ancient as the civilization itself. Corruption significantly influences stability and security of many countries, undermines democratic and moral principles as well as hampers the economic and political development of the countries. That is why the world community treats corruption as the major social problem to solve which is the priority in crime fighting (Teivāns-Treinovskis, Amosova 2016).

According to J. Palidauskaitė, rudiments of corruption date back to the Assyrian civilization, this being witnessed by the suits from the 12th century BC special archives about the officials who took bribes. *Today*, “with the development of societies and technologies, corruption acquires still more new forms” (Palidauskaite 2005). Hence, corruption is not just the phenomenon, characteristic of modern societies and states.

Secondly, this evidences that only conditional corruption regulation is possible since the complete elimination of this phenomenon is impossible. However, estimates of corruption damage caused to the state are significant indeed. *For example*, by calculations of financial expert G. Nausėda, the annual bribery price in 2004 even exceeded the amount of profit tax collected to the state budget (Palidauskaite 2006). The problem of corruption is one of the most acute in Lithuania as compared to other EU states.

For example, according to surveys conducted in 2014, somewhat less than 1 percent of the respondents in Denmark, Finland, Luxembourg and Sweden claimed that bribe was expected from them, and the number of people thinking that corruption is widely spread (correspondingly, 20 percent, 29 percent, 42 percent, and 44 percent) is considerably less than the EU average.

Meanwhile, it is regrettable that Lithuania together with Croatia, the Czech Republic, Bulgaria, Romania, and Greece is attributed to the countries lagging behind “in the scores concerning perceptions and actual experience of corruption” (EU Anti-Corruption Report 2014). In this group of countries, between 6 percent and 29 percent of the respondents indicated that they were asked or expected to pay a bribe in the past years, whereas even 84 percent–99 percent of the residents expressed the opinion that corruption was widespread in their country.

It is also noteworthy that neighboring Latvia belongs to the group of the countries with the better results (together with Malta, Cyprus, and Ireland), the results of which do not diverge considerably from the EU average (EU Anti-Corruption Report 2014).

Such data evidence that fight against corruption in Lithuania was conducted in improper and inefficient ways. In the National Security Strategy (2012), corruption is claimed to be one of the main internal risk threats, which “undermines legitimate interests of individuals and the state, discredits the principle of the rule of law, diminishes the trust of citizens in democratic values, democratic authorities, and reduces the country’s attractiveness for foreign investors.”

One of the tasks indicated in the National Security Strategy is the implementation of complex measures in the fight against corruption and corruption prevention focused on enhancing transparency and responsibility in the public sector, publicity of the legislative process and decisions, elimination of unnecessary regulation, improvement of the mechanisms of investigation of corruption crimes and imposition of sanctions (Strategy p. 16.4.1). It is also notable that “fight against corruption traditionally rests on “three whales”: *prosecution, corruption prevention, and anti-corruption education*” (Palidauskaite²⁰⁰⁵).

Already the National Program for Crime Prevention and Control (2003) emphasizes that corruption prevention and control are considered a priority direction, and the following tasks are set for it:

- to improve the system of public institutions fighting corruption and the anti-corruption legal base;
- to cut down the number of opportunities for administrative corruption by improving the anti-corruption legal base; it is necessary to draft professional ethics rules for servants and officials that would precisely regulate the behavior of servants taking into consideration the coordination of public and private interests;
- to strengthen the resistance of the state administration system, especially law-enforcement institutions;
- to raise the level of the anti-corruption education of the public, to involve the public in the struggle with corruption, to promote cooperation with public authorities in their anti-corruption activities;
- to raise the level of professionalism of public servants with regard to anti-corruption issues, to train them providing with information about the cause and consequences of corruption, efficient ways of fighting it;
- to seek transparency of the state, business and other important social and economic sectors;
- to improve legal acts regulating the dismissal of public servants from their public service position when public servants have done damage to the state interests by their illegitimate actions and when there are reasonable doubts as for their reliability and loyalty to the state because of their corruption and criminal relations.

It is noteworthy that some wordings of these tasks contain the programmed unsuccessful implementation of the tasks, since the implementation results of these tasks are difficult to be estimated. *For example*, the task wordings that it is necessary to strengthen the resistance of the law enforcement institutions to corruption and to involve the public in the struggle with corruption are too abstract, reminding general and matter-of-course goals rather than specific tasks, the implementation thereof could be assessed.

The basic legal act of the Republic of Lithuania regulating corruption prevention is the Republic of Lithuania Law on Prevention of Corruption (2002), which is sufficiently exhaustive or even meticulous. Article 3 of the Law envisages that the prevention of corruption shall be targeted at minimizing as much as possible its crippling effect on the development of economy, democracy, promoting social welfare, consolidating national security and improving the quality of provision of public services.

The tasks targeted at the prevention of corruption shall be disclosure and elimination of the causes of and conditions for corruption; deterrence of persons from the commission of crimes of corruption; setting of an adequate and effective mechanism of organization, implementation, oversight and control of corruption prevention through legal, institutional, economic and social measures; involvement of the public and public organizations in the prevention of corruption; promotion of transparency and openness in the provision of public services.

Ensuring a workable and efficient legal regulation in the prevention of corruption is also foreseen as a task for the prevention of corruption, even though this task is considered to be excessive and subject to elimination.

Article 5 indicates the corruption prevention measures, simultaneously making reference that such list is not final. Anti-corruption programs are pointed out among the most important.

It is assumptive, however, that such listing is erroneous since an anti-corruption program is not an anti-corruption measure but rather a legal instrument wherein such measures are foreseen. Article 7 of the Law regulates that anti-corruption programs may be of the national, sectoral, departmental or of other scope. In 2015, upon the approval of the new and, possibly, effective result-raising national anti-corruption program, it is presumptive

that closer attention should be devoted to the drafting of sectoral programs. According to Article 12 of the Law, the corruption prevention shall be implemented by the Government, the Chief Institutional Ethics Commission, the Special Investigation Service, other state and municipal and non-governmental agencies. The functions of the Government shall be to ensure that the corruption prevention measures are implemented by the ministries and other subordinate agencies, to foresee the funds for their implementation, to develop the National Anti-Corruption Program and submit it for approval to the Seimas as well as to make proposals to the Seimas on the creation and improvement of the legal base (Article 13).

It is noteworthy that, presumably, one of the key functions of the Government – to ensure the coordination and cooperation of institutions involved in the anti-corruption activities – has not been reinforced in this article. The competence of the Chief Institutional Ethics Commission embraces analysis of ethical problems confronted by the public servants, submission of proposals concerning adoption and improvement of anti-corruption legislation, implementation of prevention measures together with other state or municipal agencies (Article 14). The functions of the Special Investigation Service (further the SIS) encompasses participation in drafting the National Anti-Corruption Program, submission of proposals as to the introduction and improvement of legislation; implementation of corruption prevention measures, participation in the Government's discharge of its functions of coordination and supervision of the activities of state or municipal institutions in the field of corruption prevention (Article 15).

It is notable that the latter function has not been indicated in the Law as the function delegated to the Government.

Secondly, in defining the SIS functions, it is not emphasized that this institution also conducts pre-trial investigation of corruption-related criminal acts; therefore, it performs negative prevention as well. The SIS activities is also regulated in the special law (Republic of Lithuania Law on the Special Investigation Service 2000), where this institution is defined as a state law enforcement agency functioning on the statutory basis, accountable to the President of the Republic and the Seimas, which detects and investigates corruption-related crimes, develops and implements corruption prevention measures (Article 2). Article 7 of the Law indicates the SIS tasks that are quite abstract: to guard and protect society and the State from corruption, to conduct prevention and detection of corruption.

These tasks are given in more detail in Article 8 of the Law regulating thereof that the SIS is involved in carrying out criminal intelligence, conducting pre-trial investigation, cooperating with other law enforcement institutions, storing and analyzing the information about corruption and on this basis implementing corruption prevention and other measures, reporting, at least twice a year, and submitting proposals to the President and the Chairman of the Seimas.

Coming back to the Law on Prevention of Corruption, the provisions of Article 16 thereof regulating the rights of other state and municipal institutions and non-governmental agencies are not articulate even more. *For example, inter alia* it is indicated that these agencies shall be entitled to promptly eliminate breaches of the provisions of legal acts on corruption prevention and not, by act or omission, create conditions contributing to corruption-related criminal acts. Thus, in this case the *duties* of agencies are unreasonably named as the *rights*.

The Council of Europe's Group of States against *Corruption* (further the GRECO) in its evaluation report on Lithuania (2014) has claimed that the main problem of poor results in the fight against corruption is not the legal framework but poor coordination of the activities of responsible institutions. The report emphasizes that "the authorities should not aim at adopting new legal acts or amending the existing legal acts but aim at ensuring that the existing ones are well understood and implemented." The report also specifies that the activities of the law enforcement institutions is perceived as a closed institution and there is mistrust of residents. It is also highlighted that not enough efforts in Lithuania are given to implementing legal acts; therefore, "anti-corruption rules are often considered just as additional bureaucracy that must be followed giving their purpose a second thought or as rules which can simply be circumvented."

Lithuania also lacks smoothly operating mechanisms to ensure transparency and independence of some institutions, for instance, of courts. The GRECO key recommendation for improving corruption-related situation in Lithuania is to strengthen and develop the institutional cooperation.

In the summer of 2015, a big step, indeed, was taken as regards the improvement of the situation – the Republic of Lithuania National Anti-corruption Program for 2015–2025 was adopted and the Inter-institutional Action Plan for 2015–2019 was approved.

This exhaustive and comprehensive instrument indicates the key goal: to ensure the long-term, efficient and targeted corruption prevention and control system; it is geared towards the reduction and elimination of corruption conditions and risks, as well as corruption risk management and assuming of liability for corruption-related offences.

In the program *inter alia* the corruption relations with a too big scope of bureaucracy and regulation, absence of discretion of decisions and accountability balance are emphasized.

The program sets out priority areas where the prevalence of corruption risk is greatest, namely:

- political activities and legislation;
- activities of judicial and law enforcement authorities;
- public procurement;
- health care and social protection;
- spatial planning, public construction supervision and waste management;
- supervision of the activities of economic entities; public administration, civil service and asset management.

It is notable that the drafting of the program has been greatly influenced by a survey conducted in 2014 “The Lithuanian Map of Corruption 2014” (Special Investigation Service) permitting the opportunity to identify the shortcomings and advantages of Lithuanian anti-corruption policy, to find out Lithuanian citizens’ attitudes to corruption, its forms, scope and efficiency of prevention measures.

The program also provides a detailed analysis of most frequent corruption manifestations in different sectors and evaluates their causality. An important gap in legal acts has been also emphasized that offences possessing the signs of a corruption-related criminal act, committed in the private sector, are not criminalized; therefore, it is expedient “to identify the criminalization adjustment of corruption in the public and private sector with the international and European Union obligations relating to corruption in the public and private sectors, undertaken by Lithuania, and to prepare the requisite draft legal acts and recommendations on practical application of norms” (Resolution No. 648 of the Government of the Republic of Lithuania of 17 June 2015).

It is also important to consider that the survey performed by the Law Institute of Lithuania “Corruption in the Private Sector” (Special Investigation Service) has indicated that the generalizing normative concept of corruption in the private sector as well as the direct official statistics on this phenomena does not exist, and nobody accumulates systematized data thereof.

It is assumptive that corruption in the private sector correlates with corruption manifestations in the public sector. The program also indicates its strategic goal – to reduce a scope of corruption and to increase transparency and openness in the public and private sectors. Reference to the specific indicators to be achieved is to be assessed as very positive.¹

¹ For example, the following targets are indicated that Lithuania’s Corruption Perceptions Index in 2025 should be not less than 70 points (Index in 2014: 58 points); in 2025, the Lithuanian respondents (general population, businessmen and civil servants) stating that a bribe is part of a solution should be less than 33 percent (in 2014, it was 55 percent, out of which 69 percent were general population, 43 percent company managers and 54 percent civil servants); and, in 2025, the Lithuanian respondents (general population, company managers and civil servants) saying that they have given a bribe over the last 5 years should be less than 10 percent (in 2014, it was 31 percent, out of which 45 percent were general population, 14 percent company managers and 35 percent civil servants).

Tasks are also properly detailed; they embrace specifically defined problem areas and overcoming of certain problems. A separate chapter is dedicated to ensuring the program implementation, whereof it is noted that the program implementation is organized and controlled by the Government, with the participation of the SIS (the latter also fixes and evaluates the effectiveness of the program results).

The program shall be implemented by the ministries, the Special Investigation Service, the Prosecutor's General Office of the Republic of Lithuania, the Public Procurement Agency, the Chief Institutional Ethics Commission, the Central Electoral Commission of the Republic of Lithuania, other state and municipal institutions and agencies within their respective powers.

Non-government organizations, the public groups concerned, and private sector subjects may contribute with their actions to the program implementation, achievement of its goals and tasks. The process of monitoring and assessing the program results has also been regulated specifically.

In summary it should be said that upon assessment of the residents' survey data and other statistical indicators, the conclusion is to be made that a problem of corruption has been acute in Lithuania. Even though in the national law of Lithuania corruption control and prevention is regulated comparatively meticulously, the GRECO in its evaluation report on Lithuania has claimed that Lithuania faces the problems of not adjustment of institutional activities, a low level of cooperation, and not intensive societal involvement. In the summer of 2015, a big step, indeed, was taken as regards the improvement of the situation – the Republic of Lithuania National Anti-Corruption Program for 2015–2025 was adopted and the inter-institutional action plan for 2015–2019 was approved. These documents give the detailed evaluation of factors affecting corruption in different sectors; the opportunities of their overcoming are discussed, and a detailed and complex statistical data analysis is performed.

The tasks of the program are also properly detailed, cover the specifically defined problem areas and the overcoming opportunities thereof; explicit and specific indicators of result evaluation are identified, and the program effectiveness monitoring procedure is regulated.

It should be assumptive that the new National Anti-Corruption Program of the Republic of Lithuania will help greatly to improve the corruption control and prevention results.

It should be also emphasized that one of the most important proposals formulated in the program is to criminalize corruption in the private sector.

4. Prevention of trafficking in human beings

The National Program for Crime Prevention and Control (2003) defines human trafficking as “a form of organized crime of international character perceived by the world community as a form of slavery and considered one of the major violations of human rights.”

It is noteworthy that trafficking in human beings most often happens between fellow countries or conditionally close to home countries (Global Report on Trafficking in Persons, 2016).

Due to the geopolitical position of Lithuania, human trafficking is also a relevant problem (especially as a transit country of human trafficking), given the opportunity exists by the Schengen area to cross-border the countries without restriction. Therefore, 61 percent of human trafficking victims in Europe originate from the Balkans and the former Soviet Union states, *inter alia* Lithuania (The Globalization of Crime, 2010).

As highlighted in the Public Security Development Program for 2015–2025, this multidimensional phenomenon requires coordinated national and international multisectoral and multiagency measures, their effectiveness to be ensured by the coordination mechanism in the fight against human trafficking, especially focusing on

risk groups (e.g., children's home inmates, residents in the localities with a high level of unemployment, etc.) (Republic of Lithuania Seimas Resolution No. XII-1682, 2015).

As R. Sirgedienė (2014) noted in her doctoral dissertation, “the fight against human trafficking of such multidimensional origin requires efforts of multiagency actors of public governance (administration), private and third, or NGOs, sectors (related to elimination of poverty and social protection, education and science, employment, gender equality, protection of human rights and employees rights, migration, fight against organized crime and corruption, etc.)”.

According to R. Sirgedienė (2014), the administrative legal regulation methods, most often used in the field of coordination of the fight against trafficking in human beings, are an order, injunction and discretion, with the complementary methods also used at times – motivation and recommendations.

Focus should be placed on the fact that in the coordination of the fight against human trafficking not only the imperative method but also the dispositive method, making it possible to select the alternative behavior variants, may be applied.

In addition, the modernization of the fight against human trafficking shall induce signing of administrative agreements, thus developing both vertical and horizontal relations in the field of public administration.

Since institutions responsible for the fight against human trafficking are numerous, successful prevention of this criminal process is greatly impacted by the proper coordination of institutional activities. Alike in other spheres, the lacking institutional cooperation skills, the problem of reticence, and the conditionally weak NGO sector are faced here.

To tackle this comprehensive problem of human trafficking in a proper manner, assistance to victims and their protection measures shall be integrated and complement each other, not limiting to the criminalization of an act and determination of the strict criminal liability. Of special importance is to sign cooperation agreements, to develop strategies, programs and plans, whereby national coordinators would be appointed, coordination groups and commissions formed (Sirgedienė 2014).

These measures and their importance are regulated in the recommendations by the specialists from the International Centre for Migration Policy Development (Sirgedienė 2012). In the countries where coordinators are appointed for the fight against human trafficking, they commonly are “high-ranked civil servants with sufficient power to effectively popularize national strategies in the fight against human trafficking and to coordinate efforts in the fight against human trafficking who could devote their entire working time for this activity” (Sirgedienė 2014). Special institutions may be also established to coordinate the fight against human trafficking.

As an example could serve the multiagency group, organized by the Austrian Federal Government in 2004, its key functions being to develop a national plan for the fight against trafficking in human beings, to perform monitoring of its implementation and to make reporting. Analogous commissions operate not only in Western Europe, but also in East European countries, *for example*, in Bulgaria, where in 2004 a national commission for the fight against human trafficking was set up. (Sirgedienė 2014).

In Latvia, programs for the prevention of human trafficking are also drafted with an aim of situational research analysis, development of the legal acts in the fight against human trafficking, and implementation prevention measures. The Ministry of the Interior is responsible for implementing the major part of tasks. A national multiagency coordination group for implementing the human trafficking prevention program was set up by Decree No. 77 of the Prime Minister of 3 March 2010, its competence including the coordination of the activities of institutions and organizations and information exchange (Sirgedienė 2014). The Cabinet of Ministers of the Republic of Latvia on 14 January 2014 approved the National Strategy for Prevention of Trafficking in Human Beings 2014–2020, drafted by the Ministry of the Interior, envisaging 39 measures for ensuring the efficient fight against human trafficking, in-

cluding among others information campaigns, education and qualification improvement and assistance to victims. *Meanwhile, it is worth of mentioning* that in Lithuania the system of coordinating the prevention of trafficking in human beings has not been foreseen in any legal act and the procedure of how this system should be organized is not identified; therefore, this process remains fragmentary and focused on the consequences rather than causality (Sirgedienė 2014).

In summary, upon surveying Lithuania's situation and experience of other countries, one has arrived at a conclusion that it is expedient to enforce the regulation of the fight against trafficking in human beings in a special legal act regulating thereof exhaustively institutions and positions of those in charge of coordination. Likewise, on the example of Latvia, it is expedient to draft programs or strategies, covering a specific period, which by their type and quality would be comparable to the National Anti-Corruption Program, discussed in the previous sub-topic.

5. Prevention of domestic violence

In 2011, upon the adoption of the Law on Protection against Domestic Violence (2011) whereby the objective was set – to protect persons effectively against domestic violence, which, due to damage caused to society, is attributable to the acts of public importance, to promptly react to arising threats, to undertake prevention measures, to apply protection measures and to provide appropriate assistance – control over domestic violence has been strengthened effectively. Article 3 of this Law regulates that protection against domestic violence shall be implemented in compliance with the following principles: cooperation, participation, comprehensiveness, accessibility and quality, solidarity, appropriateness, coordination, legality, protection of human rights and freedoms, proportionality, humanity, justice, efficiency, impartiality and effectiveness.

In accordance with Article 4 of the Law, prevention measures shall be implemented in accordance with the programs developed by the Government and the institutions authorized by it. Prevention measures carried out by the state and municipal institutions, agencies and non-governmental organizations have also been specified. Article 5 contains enforced measures for ensuring the protection of a victim of violence (*inter alia* moving out of the perpetrator of violence and the obligation for the perpetrator of violence not to approach the victim of violence, not to communicate and not to seek contact therewith), which may be applied in a pre-trial investigation as well. Article 6 regulates application of measures ensuring the protection of a victim of violence, obligating police officers to take immediate measures and to react to an incident of domestic violence.

Moreover, the Law regulates functions and duties of police officers when preventing domestic violence; the system of management and organization of assistance is enforced.

Hence, it is possible to claim that the appropriate legal framework currently exists in Lithuania, of the three models for regulation of domestic violence – equal protection, general regulation in the criminal code and better protection (Vaiga 2013) – the latter was chosen.

Such protection is substantiated by the fact that “violence exists in the family which should create the conditions for integrity and safety protection” (...) by the provision that family violence is an especially harmful act which makes an attempt on such legal good as life, safety, property, family honor; hence, under such conditions, under which the individual has a special right to expect protection against infringement on these goods” (Michailovič 2012). Moreover, of special importance was an amendment to the Criminal Code of the Republic of Lithuania when, according to Article 140 Part 2, a person shall be held liable irrespective of the will of the victim.

Previously, however, due to minor health impairments, irrespective whether they resulted from domestic violence, pre-trial investigation has been initiated only upon receipt of the victimized person's complaint. This made it difficult to hold the perpetrator liable (if the victim took back his/her application, an investigation was terminated), as well as predetermined a negative and negligent approach of police officers to victims of domestic violence which called the police with an intention to frighten and warn him rather than actually to hold him liable. Such specificity and problem of domestic violence was more than once emphasized in mass media

(Respublika.lt. Perpetrators of Violence ...).

In the present legal regulation this gap has been remedied; therefore, officers must start an investigation irrespective of the will of the victim. Even though such change should be estimated as very positive in consideration of the Public Security Development Program for 2015–2025, implementation of the Law on Protection against Domestic Violence of the Republic of Lithuania revealed an especially high latency of domestic violence. In 2013, the police recorded 21615 notices on the possible domestic violence (by 18 percent more than in 2012) and initiated 10015 pre-trial investigations (by 32 percent more than in 2012). Such and other² data show that the problem of domestic violence in Lithuania has been yet very acute.

It is assumptive that domestic violence control could be strengthened not only by the comprehensive assistance to victims and perpetrators but also by the additional training of police officers.

In summary it should be said that in 2011, upon the adoption of the Law on Protection against Domestic Violence with an aim at protecting persons against domestic violence, which, due to damage caused to society, is attributable to the acts of public importance, promptly responding to arising threats, undertaking prevention measures, applying protection measures and providing appropriate assistance, control over domestic violence has been strengthened effectively.

This Law regulates in detail the system of protection against domestic violence based on the following principles: *cooperation, participation, comprehensiveness, accessibility and quality, solidarity, appropriateness, coordination, legality, protection of human rights and freedoms, proportionality, humanity, justice, efficiency, impartiality and effectiveness*; the Criminal Code has been changed accordingly upon enforcement of the provision to be positively estimated that the perpetrator shall be held liable irrespective of the will of the victim.

After the adoption of the Law on Protection against Domestic Violence, a regulatory model of better protection against domestic violence was embedded in the national law. Nonetheless, latency of domestic violence has remained yet comparatively high.

For this reason, adequate attention should be devoted not only to the comprehensive assistance to the victims of violence but also to the qualification improvement of law enforcement officers, focusing on psychological aspects in the work with the victims of domestic violence.

Conclusions

Creating new crime prevention and control models consists of *separate stages*. *The first stage* consists of problem identification and formulation. The problem is to be formulated precisely and specifically, its scope and problematic phenomenon stability described, thus avoiding the effect of “diffusion” of prevention measures and their impact. *The second stage* identifies the program objectives and tasks; the implementation thereof would be possible to measure. *The third stage* is the selection of prevention measures. Prevention activity participants should be given opportunity to apply more prevention measures, simultaneously raising the qualification of prevention subjects. *The fourth stage* is the identification of the structure of program execution and management.

The efficiency of the prevention program is to be assessed by examination and formulation of the problem, choice of targets and tasks, analysis of negative consequences, study of alternative problem-solving ways; analysis of factors; choice of prevention measures, choice of result assessment indicators, formulation of the expected results; efficiency control measures, appraisal and description of the results obtained.

² According to Eurostat data, in 2011, the number of homicide per 100 000 residents was 6.6, the EU average was 1.2. According to the Eurobarometer data, 48 percent residents indicated that they personally know at least one woman who experienced any type of violence, this indicator by almost twice exceeding the EU indicator (25 percent). According to the poll of 2013, 45 percent indicated that the most important problem of public security is violent crimes.

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