

VANDALISM ON OBJECTS OF CULTURAL HERITAGE

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Problem statement. One of the cultural policy priorities for all countries in the world is the protection of cultural heritage.

At present, Ukraine has not diminished the impact of negative social phenomena such as destruction or damage of monuments, unauthorized prospecting for archaeological sites (so-called «black archeology»), damaging religious buildings, the harboring of illegal cult buildings, desecration or destruction of religious saints, and grave abuse. The severity level causes harm to morality, rights and lawful interests of citizens, society and the state, exacerbated inter-ethnic, inter-religious conflicts, the level of anti-Semitism, xenophobia, hatred and mistrust in our country.

Although vandalism widely reported by media rarely brings criminals, many of whom are teenagers, to justice, little attention is paid to the prevention of crime at the cultural heritage objects.

Review of literature. In this work, the perspective of Ukrainian scholars such as V. Maksimov [9, p. 8] O. Melnychuk [11, p. 6] A. Radziwill [16, p. 123], G. Andres [5, p. 12] O. Manaev [10, p. 106] for the definition of the meaning of cultural heritage, protection of monuments, crime prevention at the sites of cultural heritage.

Hghlighting importance of current research. In this paper, the importance of understanding the value of cultural heritage, protection, concept, motivations and the components of vandalism, teenagers participated in acts of vandalism are encouraged to pay more attention to prevention of crimes against cultural heritage.

Purpose of the article. The aim of this work is to determine the nature of existing legislation and scientific developments, content and legal principles of protection of cultural heritage, to develop evidence-based proposals to fight vandalism, effective efforts to protect cultural heritage, and the prevention of crimes in this sphere.

Monuments of cultural heritage are an integral part of the history of Ukraine. They contribute to the knowledge of folk art and traditions of the people, they

allow people to «touch» history and can be seen as a bridge between the past and present of our nation.

With the formation of democratic attitudes towards cultural heritage, a priority of the state policy is the implementation of complex measures on account of cultural heritage sites, providing their scientific study, classification and state registration. Certification of Cultural Heritage will increase the amount of data and implement an electronic form of storage of information on cultural heritage.

Active state funding targeted programs for the conservation of Monuments. Recently, the amount of work done for the restoration and repair of monuments increased significantly by attracting sponsorship in support of attractions. Targeted programs broadcast the amount of work required and clearly delineate the tasks that must be done first and tasks put off by the wayside.

One of the primary tasks is the certification of cultural heritage, including monuments dedicated to the events of the Great Patriotic War of 1941-1945. This comprises of searching, accounting, constructing, ensuring the preservation and maintenance of war graves of victims of war and political repression, with help from community organizations and concerned people, both students and pupils. However, the accounting system needs further improvement for the continued use, conservation and restoration of cultural heritage sites, as well as for monitoring the implementation of the owners, authorized bodies, or obligators regarding the maintenance of monuments in good condition.

The cultural heritage of Ukraine is an integral part of world cultural heritage. Its preservation is governed by the Constitution of Ukraine, the Law of Ukraine «On Protection of Cultural Heritage» and other legal acts.

Active certification, repair and restoration of monuments in places of burial of soldiers who died during the Great Patriotic War of 1941-1945, which are in the public account as monuments of cultural heritage created memorial complexes dedicated to the Great Patriotic War of 1941 -1945. The efforts of the executive authorities, local governments, businesses, organizations and the public in the task of finding, keeping, construction, repair, restoration, preservation, arrangement and maintenance of war graves of victims of war and political repression.

Nowadays, in Ukraine, there are over 130 thousand state-registered monuments, including 57206 – archeological sites (including 418 – National Importance), 51364 – historical monuments (including the 142 – National Importance), 5926 – a monument monumental art (including 44 – national Importance), 16293 – monuments of architecture, urban planning, landscape art and landscape (including 3541 – national Importance), operates 61 historical and Cultural reserve, 13 of them given the status of national reserves.

In addition, in 2013 the celebration of the 1025th anniversary of the Baptism of Rus gave considerable impetus to conduct repair– restoration works on the monuments of architecture related to the history of Christianity.

But with such a vast work of the state, public and religious associations, charities, sponsors, caring people – monuments of cultural heritage are still under threat. It is impossible to ascertain the lack of funding, the inertia of administration, and the lack of information and intelligent technology.

For centuries, the cultural heritage of Ukraine had been destroyed by enemies, suffered from fires, changed during the reconstructions. Today, destruction is hooliganism and vandalism; desecration and indifference in this country have reached their peak.

Since ancient times, punishment was legally fixed for violation of saints, gravesites and dead bodies. In such important documents as Ruska Pravda, Vladimir Charter of ecclesiastical courts, Sachsenspiegel, Lithuanian Statute of 1588, Laws of the Russian Empire «Rights, which are used in the court by malorussian people» 1743, the Penal Code penal and correctional 1845, Charter of the penalties imposed by magistrates in 1864, the Criminal Law in 1903, the Ukrainian SSR Criminal Codes, the present Criminal Code of Ukraine, clearly states that actions aimed at committing a desecration, or burial place for the dead, recognized as a crime. The punishment was severe in all the above documents. In addition, these crimes were considered a sin.

The Criminal Code of Ukraine has no special rule that would provide for liability for vandalism, but the most common crimes against cultural heritage sites is destruction, destruction or damage of attractions – cultural heritage sites and unauthorized search works for archaeological monument, damage to religious structures or religious buildings (Article 178), illegal keeping, destruction or desecration of religious sites (Article 179), desecration of graves, burial or other place of the deceased (Article 297). These crimes are called vandalism because they are cynically designed to break of the peace and to cause outrage of the society.

Paragraph 4 of the International Charter for the Protection and Restoration of Monuments and Sites (the Venice Charter) emphasizes that the primary requirement of the historical monuments protection is ongoing care for them. A problem exists in our country – starting the repair or restoration of the monuments, customers often pay more attention to using modern materials, lowering the cost, and minimizing the time of work, without thinking about whether the work will be perfectly executed, will not damage the historic object, and, possibly, will help to keep it for many years. Thus, paragraph 5 of the abovementioned Charter states that utilization of the historical monuments contributes to their protection, such use is desired, but without altering the architectural structure and decoration of buildings. The changes, required by the evolution of customs and way of life, may be permitted only within these limits.

The term «vandalism» is derived from the name of an ancient German tribe of vandals. As early as 455 the Vandals sacked Rome and damaged and destroyed many ancient monuments of antique and Christian culture. Previously statistics indicated that vandalism is more characteristic to males, it is by far the number of females who took part in acts of vandalism strikes. Unfortunately, this trend applies to the whole world, not just Ukraine.

Typically, crimes against cultural heritage sites have several simultaneous reasons for being vandalized:

– Hooligan motives: the destruction of property often occurs impulsively, with almost always under the influence of alcoholic beverages or drugs. If the offense is committed by teenagers, they are not prepared in advance, and simply

exposed to the influence of associates, believing desecration or destruction as entertainment. Bottles of alcoholic beverages are often used to destroy tombstones and fence elements. It appears the desire to assert themselves, to show superiority over society, or a game protest desire to feel «adrenaline».

– Selfish motive: if the offense stolen items which have cultural or material value. In this case, the vandals can prepare in advance ax, hammer, etc.

– Emotional and personal motive appears in desecrating and brings jealousy or revenge on deceased members of his family. This motif is quite rare.

– National motive: people united to promote nationalist ideology («skinheads» and other nationalists).

– Racial motive.

– Religious motives.

– Sexual motive (necrophilia).

Studies and detailed systematization of the existing problems allowed to distinguish the following categories of offenders:

– A group of minors,

– Adults who commit crimes with profit, revenge or other reasons,

– Persons with mental abnormalities,

– People with no fixed abode.

– A group of persons on the grounds of racial hatred or ethnic hatred.

Conclusions and results.

This paper is based on current legislation and scientific developments, content and legal basis of security and protection of cultural heritage, proposals to fight vandalism, effective activity for the protection and preservation of cultural heritage, and the prevention of crime in this sphere.

Unfortunately, often crimes against cultural heritage sites are left without adequate response of law enforcement bodies. Criminal cases against them are not opened for various reasons. For example, no message reached the law enforcement agencies, relevant officials show no appreciable activity, witnesses are afraid to turn to law enforcement bodies.

To reduce vandalism and preserve of the cultural heritage, the state should actively pursue measures such as reducing high unemployment, government support for persons released from prisons, assistance in training and employment of young people, the revitalization of civil society organizations in the prevention of crime in general and group offenses as well.

An essential factor is also a practical implementation of the principle of inevitability of punishment for the crime, the fight against impunity and permissiveness stereotype. It is compulsory to activate the local governments for improvement of well-being and protection of cultural heritage, which usually positively contributes to the reduction of crime in this sphere.

In conclusion, it is necessary to emphasize on the problems that should be addressed immediately. Further delays could lead to the loss of irreplaceable cultural heritage sites, the loss of our national history and memory, and, as a consequence – the loss of spirituality and universal moral values.

1) Deliver information about the importance, the value and the uniqueness of archaeological heritage, as well as about administrative and criminal penalties for violations of the law to all segments of the population and especially the officials.

2) Emphasize the uniqueness of the place in the areas where historical monuments are located.

3) Adopt a number of legal acts that would have extended the Laws of Ukraine «On Protection of Cultural Heritage» and «On the Protection of the Archaeological Heritage» in accordance with international regulations on the protection of cultural heritage and the Land Code of Ukraine.

4) Establish agencies for the protection of cultural heritage independent from the local authorities.

5) Establish a special unit in the Ministry of Internal Affairs of Ukraine to monitor compliance of the cultural heritage protection laws.

6) Only professionals with appropriate education should be allowed to work in cultural heritage protection bodies.

It is very important that Ukraine became a member of UNESCO, ICOMOS, and other international organizations that deal with cultural heritage protection. Ukraine is supported by these organizations and can use their in developing instruments for cultural heritage protection.

To break the trend of losing archaeological and historical sites, which is observed these days, all abovementioned problems must be resolved, and public authorities should pay sufficient attention to the field of cultural heritage protection.

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Aleksandrenko O.V., Veselovska N.O. Vandalism on objects of cultural heritage

The nature, content and legal bases of protection and preservation of cultural heritage investigated based on current legislation and scientific research. Scientifically justified proposals to prevent and fight vandalism were developed. These recommendations can help to effectively protect and preserve cultural heritage and prevent crimes in this area.

Keywords: *cultural heritage, vandalism, abuse, motives of vandalism, hooliganism, monuments protection.*

Александренко О.В., Веселовська Н.О. Прояви вандалізму на об'єктах культурної спадщини

У статті досліджено сутність, зміст та правові засади охорони та захисту культурної спадщини на основі чинного законодавства та наукових розробок. Розроблено науково обґрунтовані пропозиції щодо боротьби з вандалізмом. Дані рекомендації щодо ефективної діяльності щодо захисту та охорони культурної спадщини та попередженню злочинів у цій сфері.

Ключові слова: *культурна спадщина, вандалізм, наруга, мотиви вандалізму, хуліганство, збереження пам'яток.*

Александренко Е.В., Веселовская Н.А. Проявления вандализма на объектах культурного наследия

В статье исследована сущность, содержание и правовые основы охраны и защиты культурного наследия на основе действующего законодательства и научных разработок. Разработаны научно обоснованные предложения по борьбе с вандализмом. Даны рекомендации по эффективной деятельности по защите и охране культурного наследия и предупреждению преступлений в этой сфере.

Ключевые слова: культурное наследие, вандализм, надругательство, мотивы вандализма, хулиганство, сохранения памятников.

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