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Summary

The author has enlightened modern ways of committing a pimping. It is determined that the method of committing a pimping is a central element of the forensic description of the crime. Among the most common ways to prepare for pimping, the following are the most common: looking for premises where sex services will be provided or members of a criminal group and prostitutes will be gathered; search for people who hold places of depravity; searching for women who will be prostituted; establishing a system of communication between accomplices; drawing up of "schedules" of work; selection of clients. Among the typical ways of concealing pimping and involving a person into prostitution, the most common are: the organization of firms in the form of engaging in legal business (restaurant, hotel or other services); a statement during the detention (especially from the side of the pimp) that he is not familiar with the prostitutes, sees them for the first time; destruction of "rough" accounting, used condoms; influence on conscientious participants in the process; use of corrupt connections in government and government.

Keywords: *forensic characteristic, way of committing a crime, pimping, prostitution.*

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CRIMINALISTIC CHARACTERISTICS OF THE PERSON WHO INVOLVES THE CHAIR OF OBJECTS OF THE CITIZEN'S REAL ESTATE

Птушкін Д. ОСОБА ЗЛОЧИНЦЯ ЯК ОБ'ЄКТ КРИМІНАЛІСТИЧНОГО ДОСЛІДЖЕННЯ (ЗА МАТЕРІАЛАМИ КРИМІНАЛЬНИХ ПРОВАДЖЕНЬ ПРО ШАХРАЙСТВА У СФЕРІ НЕРУХОМОГО МАЙНА ГРОМАДЯН). Досліджено криміналістично-значущі особливості особи, що вчиняє шахрайства щодо об'єктів нерухомого майна. Розглянуто криміналістичний портрет злочинця на підставі соціально-демографічних, морально-психологічних, біологічних особливостей особи. Проводиться класифікація осіб, які вчиняють злочини щодо об'єктів нерухомого майна, на дві групи. Акцентовано, що здебільшого шахрайства, спрямовані на заволодіння нерухомим майном громадян, вчиняються у групі, із задіянням корумпованих державних службовців, ріелторів, адвокатів та осіб, які виконують управлінські функції в комерційних організаціях, нотаріусів. Відзначається поширеність участі у вчиненні даного злочину жінок, осіб із вищою освітою, обізнаних і грамотних, осіб, які є володіють прийомами спілкування, тактикою впливу на людей.

Ключові слова: *шахрайство, нерухомість, житло, особа злочинця, що вчиняє шахрайство щодо об'єктів нерухомого майна громадян.*

Problem statement and its connection with important scientific and practical tasks.

Any crime, as a socially dangerous act, can be characterized from different sides, including from the standpoint of studying the factors that influence the level of criminal behavior of the subject who acts unlawfully. The success of the investigation, in the first place, is ensured by timely detection of those involved in the crime of persons and the gathering of evidence that would prove their guilt. However, without the knowledge of law enforcement authorities about the main characteristics of persons who commit certain categories of crimes, it is not always possible to guarantee this success, since the investigation under such conditions is carried out in conditions of information deficiency.

The analysis of recent researches and publications, in which the solution of this problem started, indicates that the person of the offender is the object of attention of a number

of sciences (criminology, criminalistics, legal psychology, etc.) and studied by such scientists: M.Y. Antonian, I.O. Antonov, R. S. Belkin, P.D. Bilenchuk, M.M. Bukaev, I.O. Vozgrin, V.I. Gaenko, V.A. Zhuravel, V.O. Konovalova, O.M. Kolisnichenko, V.O. Obraztsov, M.O. Selivanov, V.V. Tishchenko, V.Y. Shepitko, A.F. Volobuev and other researchers. However, on the part of scientists, the issue of fraud committed in relation to real estate of citizens, due attention was not paid within the framework of modern Ukrainian legislation. This indicates the need to improve law enforcement activities from the point of view of the information about the identity of the scam, which determines the relevance of this article.

The purpose of the article. The purpose of the article is to analyze the approaches presented in the legal literature to the treatment of the perpetrator's personality and the definition of its structural elements, as well as the characteristics of persons who commit fraud against real estate objects of citizens.

Main content. As already noted, the person of the offender is studied in a number of sciences: criminology, criminal law, legal psychology, criminal process, etc. Meanwhile, each science allocates individual aspects and properties of the offender from the standpoint of specific methods of study. In connection with the changes taking place in our society, the dynamics of crime, including the housing market, there is a significant increase in fraudulent encroachment. At the same time, the professionalism and education of persons committing crimes in this area are constantly increasing as they adapt to new conditions. A person of a rogue is a special interest in connection with the peculiarities of the mechanism of committing this type of crime.

Establishing a person is a constant and most difficult criminalistic task that arises in the process of disclosure and investigation of crimes. This is a complex activity in which, with the use of forensic methods and means, the detection, fixation and study of informative properties and characteristics of a person are important for the disclosure and investigation of a crime. This activity involves, on the basis of collected and investigated information, the construction of the model of the wanted person and the organization of operational activities, investigative actions, conducting forensic examinations to establish a person [1, p. 29]. From this it follows that the criminalistic aspect of studying the person of the offender involves the establishment of such data about him, which are directly relevant to the choice of the direction of the investigation, the decision on the need for the conduct of investigatory (search) actions and operational-search activities and the selection of their tactics, taking into account the specificity of the investigated crime

Speaking about the constituent elements (typical features) of the perpetrators, it should be said that in various sources the question of the weighty components of the perpetrator is considered differently. Thus, Y.V. Furman proposes to distinguish the following data, describing the identity of the offender: social (social status, education, nationality, family status, profession, etc.), psychological (worldview, beliefs, knowledge, habits, skills, temperament), biological (gender, age, physical data, strength, height, weight, special attributes) [2, p. 368].

According to V.O. Obraztsova, the person of the offender is characterized by a variety of features, which are divided into: direct immutability of biological origin; socially – conditioned signs that may change. At the same time, changes may be related to the influence on the subject externally (injuries, injuries), and may also come from him (changing the appearance), and against his desire, under the influence of the social sphere and other conditions [3, p. 41].

K.O. Chaplinskyi points out that the characteristics of a person of a criminal, including members of criminal groups, may consist of a set of data on: socio-demographic, moral and psychological and criminal characteristics; regularities of connections of personality traits of the offender and his activity with other elements of the crime.

The scientist notes that the personality of the offender has an important forensic significance and allows to narrow the range of persons among which there may be criminals, put forward versions regarding the motives, goals and methods of the commission and concealment of crimes, and define the tactics of investigative actions during the investigation of crimes, especially those committed by criminal gangs. In his opinion, characterizing the subject of a crime, it is important to take into account his social, physical and mental characteristics, as well as the place in the hierarchy of the group and the role function in it [4, p. 42].

Analyzing the views of scholars, it should be noted that most of them, speaking of forensic study of the person of the offender, offer the allocation of social, demographic, moral, psychological and biological properties of these individuals [5; 6]. Of course, these characteristics determine not only the very possibility of a criminal encroachment, but also the behavior of

fraudsters during pre-trial investigation. In order to more fully describe the identity of the offender, as a structural element of the forensic character of the fraud committed against the objects of real estate of citizens, it is necessary to agree with the above-mentioned approach of scientists. At the same time, it is expedient to combine social and demographic features into one group, while moral and psychological ones into another group, thus forming three groups of signs of a person who is engaged in fraud in relation to objects of real estate of citizens: socio-demographic; moral and psychological; biological signs. At the same time, one should not ignore the criminal-legal aspects of these individuals, since it is the very existence of guilt, motive and direction of intent, etc., that determine the crime of actions of the person and promote the disclosure of the guilty person. After all, by analyzing the peculiarities of the forensic character of a fraudulent person, it is necessary to indicate a number of circumstances that motivate his behavior.

As observe V.O. Konovalova and O.M. Kolisnichenko, a complex of features of a criminal person, as an element of forensic characteristics, includes all the features that can serve to determine the effective ways and methods for the establishment, investigation and disclosure of guilty [6, p. 112]. According to V.V. Lysenko, the structure and content of the element of the offender's person depends on the type of crime and its practical orientation. For each specific type of socially dangerous acts content is determined by specific data. They are due to the nature of the crime committed and the necessary information that promotes their effective detection, disclosure and investigation [7, p. 60].

Regarding the identity of the perpetrator of fraud in relation to real estate of citizens, it should be said that fraudulent schemes in this area require criminals with special knowledge related to the regulation of relations in the given segment. The study of statistical data, analysis of the study of materials of criminal proceedings and the results of the survey of law enforcement officers who have experience in disclosing and investigating this category of crimes, show that the structure of the person of the offender, who encroaches on the legal relationship in the field of real estate, significantly differs from the forensic characteristics of persons who commit other useful crimes.

In order to make a forensic description of the person of the perpetrator of crimes in the field of real estate, in the framework of socio-demographic features, one should investigate the place of residence of a person, profession, the presence of criminal record in the past, social status, marital status, educational level, etc.; in the framework of moral and psychological – value orientations, interests, characteristics in everyday life and at work, psychological and psychological properties of a person, etc. Biological signs include sex, age, physical condition. In addition, information on the severity of the crime and its nature is important (the person acted either by the group itself, organized crime group, the period of criminal activity, the degree of participation in the group, etc.).

Regarding the socio-demographic features of a person who is committing fraud in relation to objects of real estate of citizens, one should say that the majority of people are residents of large cities (Kiev, Dnipro, Kharkiv, Odessa, etc.), 98% - citizens of Ukraine. 50% of them have an educational level above average. Only in 10% of cases convicts had incomplete secondary education, who mostly performed secondary roles within the group.

Real estate fraud is often committed by persons who work in organizations that search for housing for sale, lease (real estate companies), execute and accompany transactions related to the implementation of transactions in relation to real estate. Often criminals are the founders of real estate agencies and other companies, organizations that carry out functions for the maintenance of real estate transactions. Basically, crooks have a family and children, and often they do not hide and support some of the facts of criminal activity from their relatives. This indicates the high level of intellectual and education of individuals who had direct or indirect links to fraudulent activities in relation to real estate.

Speaking about the conviction, one should agree with N.V. Pavlova, who observes that the conviction, in the direct sense of the word, is not a sign or property of a person, but this legal concept often reflects the existence of an individual's anti-social views and thereby defines the social features of man. We can say that the commission of fraud in the area of housing, a person who has a criminal record – rather an exception [8, p. 62].

The specificity is that for the most part, real estate fraud is committed in a group. In most cases it is a question of committing several episodes. The motive for committing a crime is mainly possession of or the right to housing or material enrichment at the expense of fraudulent actions with the injured party and the realization of transactions with immovable property

of citizens in contravention of legal requirements.

The forensic investigation of a person who deals with fraud in the real estate business requires consideration of biological properties and attributes such as gender, age, physical properties, etc. So, most often these crimes are committed by individuals aged 35 to 50, which is logical, since it is at this age that most people are able to work, have sufficient life experience. Most of them are men.

The specificity of the crime of this category is the fact that in its commission minors do not participate in the majority, and if they appear in the case, they perform minor roles. In our opinion, this fact is explained by the complexity of actions aimed at taking ownership of real estate by fraudulent citizens, and the need for legal action that is necessarily carried out by legal citizens. In assessing the moral and psychological characteristics of a criminal who is committing fraud in the real estate circulation, one should pay attention to the fact that in the majority of cases such persons cynically transgress the norms of morality, they do not have sympathy with the socially unprotected strata of the population who are mostly victims.

However, according to O.V. Blagarenko, in some types of criminal schemes in the sphere of real estate circulation, for example, in the assignment of dwellings to dead or missing persons who do not have heirs, or in the theft of budgetary funds allocated for improving living conditions, there is a phenomenon such as dehumanization, that is, in committing a crime, the offender does not encounter directly with the victim, but performs deceptive acts beyond his or her attention. As a result, the effectiveness of internal restraining mechanisms is reduced [9].

As a rule, fraudsters have certain psychological stability, self-esteem and self-control, acute mind, developed imagination and fantasy, ability to interest and attract people. In order to commit a crime, they always come in contact with the alleged victim to create a favorable impression of themselves. As R. Chaldini points out, sometimes there is enough business suit for this thief, which gives a person an official appearance and allows him to enjoy the respect of others and to exert influence on them [10, p. 207].

Fraudsters can influence the consciousness of a potential victim in such a way that the latter begins to perceive the proposed instructions as their own thoughts. And such confidence allows a swindler to fulfill his criminal intentions in full. In order to make a positive impression about themselves, crooks often show a connection with influential people, show involvement in well-known firms, organizations [11, p. 44].

It should be noted that the overwhelming majority of citizens who commit fraud in the sphere of housing turnover, in general, are characterized positively or neutrally. Only 13.1% of the total number had negative characteristics. It is rarely possible to find involvement in committing such crimes of persons who abuse alcohol or drugs. They are usually accomplices to the crime and never act as organizers of such fraud. A small part of this category is made up of persons suffering from certain mental disorders. Consequently, if we consider the structure of the persons of criminals who commit fraud in the field of real estate turnover, there is a rather positive portrait of a successful enough person in a society with a positive characteristic, is family, with a higher education and relatively satisfied with the material condition.

Meanwhile, it should be emphasized that such a feature only applies to criminals who commit fraudulent conduct and abuse of trust only to achieve a criminal purpose. However, the desire to obtain material benefits and to meet their needs is often accompanied by violent acts to facilitate the process of taking possession of real estate (preparation for the illegal seizure of real estate of citizens) or in order to eliminate the owners of this property and witnesses (concealing the crime).

In connection with this, those who commit crimes against immovable property can be grouped into two groups: The first one can be attributed to persons who, in order to achieve the intent to take possession by deceit and abuse of trust in citizens property and rights on her, at the stage of preparation, carry out various kinds of violence, physical and psychological threats and other attacks on the person. The second group should include those who use only deception or abuse of trust in resorting to psychological methods of influence on a person, distortion of real information, hypocrisy, offers of obtaining certain benefits (exchange of housing, obtaining a pledge for non-existing housing, etc.) in order to achieve the ultimate goal. These individuals mostly forge documents necessary for real estate transactions, seals and stamps of organizations related to such transactions. Often, such fraudsters enter into a conspiracy with persons who either provide information about real estate objects of citizens and individuals who are their owners or facilitate the illegal registration of real estate of citizens (law enforcement agencies, employees of housing associations, condominiums, representatives of the mi-

gration service, registration services, notaries etc).

Conclusions. Characteristics of a person who commits crimes against objects of real property of citizens is significantly different from the characteristics of the person committing other crimes of selfishness. The characteristics of such a person should be understood as the totality of socio-demographic, moral, psychological and biological qualities of a person who was acquired by him during the course of socialization, and which constitute a public danger and facilitate the commission of fraud in relation to objects of real estate of citizens. Persons committing crimes against immovable property can be grouped into two groups: criminals who, at the stage of preparation, commit various kinds of violence in order to attain the intent to take possession by deception and abuse of trust in the real estate of citizens and its rights, physical and mental threats and other attacks on the person; persons who use only deception or abuse of trust to reach the ultimate goal, resorting to psychological methods of influencing a person, distorting real information, hypocrisy, offering a certain benefit, etc

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Summary

The article deals with the study of forensic-significant features of the person who is committing fraud in relation to objects of immovable property.

Forensic portrait of the offender is considered on the basis of socio-demographic, moral and psychological, biological characteristics of the person. These characteristics determine not only the possibility of a criminal offense, but also the behavior of fraudsters during pre-trial investigation. Classification of persons who commit crimes against real estate objects can be divided into two groups: 1) criminals who commit violent acts, including murder in order to achieve the goal in the form of taking possession of the immovable property of citizens or the right to it; 2) the seizure of immovable property or the right to it is committed by a criminal without violence, but only by deception or abuse of trust.

In the main, fraud aimed at capturing immovable property of citizens, committed in a group, with the involvement of corrupt civil servants. Particular weight among those who become complicit in such crimes are realtors, lawyers and persons performing administrative functions in commercial organizations, notaries. Often, associates of fraud are medical and social workers, prosecutors and police officers. It is noted the prevalence of participation in committing this crime women, people with higher education, knowledgeable and literate, people who have methods of communication, tactics of influence on people. As a rule, fraudsters have certain psychological stability, self-esteem and self-control, acute mind, developed imagination and fantasy, ability to interest and attract people. In order to commit a crime, they always come in contact with the alleged victim to create a favorable impression of themselves.

Keywords: *fraud, real estate, housing, person of the offender, who is committing fraud in relation to objects of citizens' real estate.*