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Summary

The article deals with consideration of actual problem questions of examination at pretrial investigation carrying out. The author has considered the scientific approaches to definition of concept and essence of examination.

Keywords: *examination, tactics, tactical supply, investigatory actions*

Oleksandr Chipets

postgraduate

(The Dnipropetrovsk State University of Internal Affairs)

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OPERATIONAL-SEARCH CHARACTERISTIC OF PERSON WHO CARRIES OUT THE ILLEGAL HAULING OF FIREARMNS

Чіпець О. ОПЕРАТИВНО-РОЗШУКОВА ХАРАКТЕРИСТИКА ОСОБИ ЗЛОЧИНЦЯ, ЯКА ЗДІЙСНЮЄ НЕЗАКОННЕ ПЕРЕМІЩЕННЯ ВОГНЕПАЛЬНОЇ ЗБРОЇ. У статті здійснено оперативно-розшуковий аналіз особи злочинця, що вчинює незаконне переміщення вогнепальної зброї. Сучасна судово-слідча практика дає можливість стверджувати, що злочинність у сфері незаконного обігу вогнепальної зброї набуває окремих, індивідуальних характеристик осіб, котрі вчинюють конкретні злочинні діяння, зокрема незаконне переміщення вогнепальної зброї. Висновком в результаті розгляду зазначеної проблематики в межах даної наукової праці є вибіркова характеристика особи злочинця, що займається незаконним переміщенням вогнепальної зброї, яка сформульована на підставі вивчення судово-слідчої практики, аналітичних матеріалів діяльності оперативних підрозділів Національної поліції України та наукових праць.

Ключові слова: *вогнепальна зброя, криміналістична характеристика, незаконне переміщення, особа злочинця.*

Formulation of the problem. The criminogenic situation prevailing in the country today is characterized by qualitatively new forms of crimes that constitute an increased social danger. Numerous cases of illegal movement of firearms from the territory of Ukraine, the territory of the country or the territory of the state create conditions for its full use by organized groups, criminal organizations and separate criminal elements in the commission of crimes that are mainly harmful to people's lives or health. Indicators of the state of counteraction to the illegal movement of firearms by organs and units of the National Police of Ukraine are evident in the relevance of the selected subjects.

Separate analytical materials provide an opportunity to observe an aggravation of the level of criminalization of the population in this area. Thus, only in 2017, 547 firearms were withdrawn from the illegal circulation on the territory of Dnipropetrovsk region, including: 62 grenade launchers, 3 machine guns, 93 machine guns, 16 rifle carbines, 125 pistols, 12 creeps,

136 homemade firearms weapons.

The increase in the level of activity of the criminal spheres in society regarding the illicit trafficking of firearms is due to a number of factors, one of which is the lack of forensic analysis of those who carry it illegally. These circumstances determine the necessity and timeliness of research in this area.

Analysis of the latest publications that initiated the solution to this problem. The following scientists of the Ukrainian scientists engaged in the study of issues related to the problem of counteracting the illegal movement of firearms at the dissertation level: O. M. Bokiy (2010), A.V. Kofanov (2000), M. M. Maystrenko (2010), V.P. Mezhyuva (2006), J.V. Novak (2007), A.S. Novosad (2009), S.P. Paranitsa (2009), M.G. Pinchuk (2007), V. I. Rybachuk (2001), O. M. Sarnavsky (2009), T. V. Tyutyunnik (2008), V. S. Shapovalov (2015), etc. Among the scholars who studied these issues at a dissertation level in other countries, a great deal of attention was paid to such scholars as I. I. Bikeev (2000), G. O. Boiko (2003), O. F. Burlevich (2005), V.V Voinov (2001), A.V. Vthurin (1999), O.O. Dolgoplov (1999), V. V. Efimenko (2002), I. V. Kapustina (1999), R. R. Kardanov (2007), V. D. Korma (2001), V. V. Kubanok (2006), A.V. Kuznetsov (2008), M.V. Lukashin (2008), O. A. Mokrinsky (2004), O.O. Nikitina (2002), S. G. Pavlikov (2000), M. H. , Rustambaev (1983), V. Samorok (2004), O. F. Sokolov (2002), E. S. Tenchov (1975), E. V. Tierentyeva (2005), E.S. Teslenko (2011), M.P. Tyulkin (2005), E. M. Khastinov (2009), M.V. Shchegoleva (2001), etc., which in their writings They studied the problem of counteracting illicit trafficking in firearms, ammunition, explosive devices and propellers. However, there was no separate study on the illicit movement of firearms, which in turn determines the need to provide forensic analysis of this type of criminal person.

The purpose of this article is the author's attempt to provide forensic analysis of the identity of the offender committing the illegal movement of firearms.

Presentation of the main research material. General theoretical knowledge of the identity of the offender, starting with scientific research Cesare Lombroso gave the opportunity to form the classification system of this element of forensic characteristics. In particular, the noted scientist identified such categories as: congenital criminals; criminals as a result of insanity; psychopaths and other persons with mental anomalies; criminals of passion; common criminals

The author of the scientific category "Forensic Characteristics of Crimes" O.N. Kolesnichenko noted that the offender's person is a broad concept, covering a complex set of characteristics that characterize him, including his moral and spiritual world, interaction with social and individual life conditions that are certain to a degree influenced the commission of a crime [1]. P. S. Dagel understanding of this scientific-theoretical category defined it as the identity of the offender and gave the following notion of this set of socio-political, psychological and physical characteristics of the person who committed a crime that has criminal-legal significance [2, p. 15]. Continuing the study of this component of forensic characteristics through the prism of its understanding as the identity of the offender, I.M. Danshin identified the latter as a set of significant and sustained social features and socially predetermined biopsychological features of the individual, who, objectively realizing in a particular crime committed under the decisive influence of negative external circumstances environments that add to the committed act the nature of social danger, and the fault person (this individual) - the properties of social danger, in connection with as it is involved in the responsibility foreseen by the criminal law [3, p. 117-126].

Some scientific achievements make it possible to consider this element of the criminalistic characteristics of the crime in terms of the difference in understanding of concepts such as "person" and "personality". Yes, some scientists point out that these concepts do not exclude each other. However, they differ in content, differing in number of features. The notion of "personality" is wider, encompassing, besides the social essence, the role of the individual in society, the many facets of human individuality, the inner world (spiritual component). The term carries a psychological color, prompting the establishment of internal needs, motives, beliefs, installation of a particular person. It is expedient to use it in specific cases, when drawing up portraits of criminals [4, p. 11].

Other scholars focus on the fact that in developing the forensic characteristics of the offender's personality, it is rather difficult to distinguish information of a purely forensic significance, since the person is a single integral phenomenon, all sides of which are interrelated and interdependent [8, p. 76]. This explains the inter-scientific relationship of the legal sciences,

since criminology draws data on the identity of the offender, mainly from criminology, criminal law, psychology, physiology, and in the opposite manner supplies his related scientific advice to related branches of knowledge, reflecting the specifics of some aspects of the person of the offender in the mechanism of committing a crime, a method for tracking.

It should be noted that in the structure of the forensic characterization of crimes, which is aimed at systematization of information relevant for a particular group of crimes obtained on the basis of the analysis of criminal cases, the data on the identity of the offender are not only forensic. Lawyers use this knowledge to solve the issues of qualification of crimes, criminologists - to solve the problems of their prevention, and criminologists - to organize the process of disclosure and investigation of crimes.

Modern authors, when investigating the identity of the offender committing certain types of crime, come mainly from age, socio-demographic, moral-psychological and other similar characteristics that characterize one or another person. In addition, V.Y. Shepitko points out that the offender has certain demographic data, some moral qualities and psychological peculiarities [6, p. 258]. At the same time, in the context of the investigated problem the person of the offender should be considered according to the following criteria: dominant instincts; conditions of socialization (especially early); temperament; intelligence; volitional qualities; motivation of a crime (including the degree of remoteness from the conditional psychological norm of the driving forces of the conflict, which found its solution in the murder); the subjective amount of effort applied to achieve a criminal result (physical, intellectual, psychological burden on overcoming psychological barriers); the degree of preparedness of the murder.

A detailed analysis of the work of the scientists (O. O. Eksarkhopulo, N. T. Vedernikov, O. N. Kolesnichenko, O. V. Luskatov, T. O. Sedov) allowed to generalize the scientific views regarding the definition of common features of the person of the offender. It is advisable to divide all information about it into an individualized one (biographical data, data on the material condition, state of health, psychological characteristics) and characterizing the person (in the social, industrial, social, political, social and everyday aspects). Based on the foregoing, we believe that the data on the person who committed the illegal movement of firearms consist of the following properties: physical; socio-demographic; moral; psychological

The study of scientific literature makes it possible to conclude that the movement of firearms is considered by scientists as a component of illicit trafficking, in particular wear, in connection with which the offender's identity was determined by scientists by distinguishing the typical features of a wide range of elements inherent in criminal elements, as evidenced by scientific sources both domestic and foreign authors. Let us mention the thoughts of some of them.

Thus, A.I. Derevyanko notes that certain types of illicit arms circulation are criminalized. These include: the illegal acquisition, transfer, sale, storage, transportation, carriage, as well as the manufacture of weapons and their main parts. According to the author, wearing and transporting weapons is carried out through the preservation and movement of his person directly to himself in the objects of clothing, in related items, or the storage and movement of vehicles with him [7, p. 147]. Considering the forensic description of the illicit trafficking of weapons, one should distinguish between the three main types of persons who conduct the investigated acts: "casual" type, "situational" and "vicious". The type of "casual" offender describes the absence of anti-social orientation of their actions, committing crimes, usually under the influence of accidentally arising and independent of him factors, for example, due to ignorance of legal norms, due to the coincidence of severe life circumstances. The type of "situational" offender is understood as an intermediate between the first and the type of "malicious" offender. The main features of this type: in the presence of certain factors (for example, proposals to manufacture, transport, etc., criminal items for reward, leave the combat post, etc.) the person committed the corresponding crime. Representatives of the type of "malicious" criminal. As a rule, there is a conscious and purposeful commission of crimes for the purpose of direct or indirect receipt of criminal proceeds in the course of the illicit trafficking of weapons, ammunition, explosives and explosive devices. Often these persons are members of organized criminal formations, the basis of their criminal activity is the said crimes [86, p. 67]. M. M. Maystrenko examining the criminological characteristics of persons committing crimes against public safety, whose objects are weapons, weapons and explosives, reveals the identity of the offender through the criterion of its social orientation, based on the ratio of negative and positive orientation. Persons committing crimes against public safety whose objects are weapons, weapons and explosives are endowed with certain characteristics that are explained by the

specifics of skills, abilities, complex of interests and other essential and rather stable properties that were formed under the influence of negative elements of the social environment [4, p. 11].

The most wide-ranging elaboration of illegal actions on the circulation of firearms was proposed by V. A. Samoroka, who considered it necessary to formulate even the definition of the notion of "illicit firearms" as intentional actions of a person in the production, sale, transfer, acquisition, possession, collection, exhibition, storage, wearing, transportation, transportation, use, disposal, import of firearms into and out of the territory of the state, committed in violation of the rules of firearms and aimed at the public danger [9]. The aforementioned technology for the study of the person of the offender who commits crimes in the field of illicit trafficking of firearms is widely used in educational and methodological literature.

At the same time, the examples of the research carried out do not deprive us of the opportunity to support the views of modern scholars who state that the information regarding the typical features of a person of the offender, which constitute the content of the relevant element of forensic characteristics, is formed on the basis of studying and generalizing materials of investigative and judicial practice. Modern forensic practice makes it possible to argue that crime in the field of illicit trafficking in firearms acquires separate, individual characteristics of persons committing specific criminal acts, including the illegal movement of firearms.

Conclusions. As a result of the consideration of this problem within this scientific work, there is a selective description of the person of the criminal engaged in the illegal movement of firearms, which is formulated on the basis of the study of forensic practice, analytical materials of the operational units of the National Police of Ukraine and scientific works. It should be noted that the peculiarity of the commission of the illegal movement of firearms influences the formation of the motive of criminal acts in a certain category of citizens. These should include: 1) previously convicted persons for crimes related to illicit trafficking in firearms, combat supplies, explosive devices or substances; 2) persons engaged in volunteering activities (or those for whom this activity is a mask ("cover")); 3) persons living in border areas and having the opportunity to have an exclusive state border crossing; 4) persons authorized to cross the zone of ATO for personal needs; 5) persons transporting goods across the border or zone of the ATO. This category of people is divided into those who are deliberately involved in the illegal movement of firearms and those crossing the state border without knowing the contents of the cargo; 6) servicemen and members of volunteer battalions who have passed or are in service in the zone of the ATO (or those who are masked under them); 7) persons with disabilities and other persons enjoying privileges in connection with their health or age category; 8) persons working on annual or marine vessels "seafarers"; 9) minors from the age of 14 to 16 years, who are not subject to criminal liability for the commission of the said crimes, etc. Age category of persons committing the illegal movement of firearms 14-70 years. At the time of the crime, the perpetrators, as a rule, never worked or studied at all.

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Summary

The article offers forensic analysis of offender committing the illegal movement of firearms.

Modern investigative and judicial practice allows to say that the crime in the sphere of illicit trafficking in firearms becoming separate, individual characteristics of the perpetrators of specific criminal acts, in particular the illegal movement of firearms. For the perpetrators of these crimes are characterized by the following forensically important characteristics: 1) physical; 2) socio-demographic; 3) moral; and 4) psychological.

Conclusion as a result of consideration of this problem in the framework of this research work is selective characteristics of offender involved in the illegal movement of firearms, which is formulated on the basis of judicial and investigative practice, analyses the activities of the operating units of the National police of Ukraine and scientific works. Thus, it should be noted that the peculiarity of committing the illegal movement of firearms affects the formation of the motive of criminal acts among certain categories of citizens. These include: 1) previously convicted individuals for crimes related to illicit trafficking in firearms, ammunition, explosive devices or substances; 2) persons who are engaged in volunteer activities (or those for whom this activity is a disguise («cover»); 3) persons residing in the border areas and have the ability to exceptional crossing of the state border; 4) persons who are permitted to cross the zone of the ATO from the personal needs; 5) persons who transport goods across the border or in the ATO area. This category is divided into those that knowingly engaged in the illegal movement of firearms and those who cross the state border without knowing the contents of the cargo; 6) personnel and members of volunteer battalions, which have been or are serving in the ATO area (or those masquerading as them); 7) persons with disabilities and other persons receiving benefits in connection with dignity health or age category; 8) persons employed on ships or vessels «mariners»; 9) minors aged 14 to 16 years, are not subject to criminal liability for committing these crimes and Age category of the persons who commit the illegal movement of firearms 14-70 years. At the time of the crime, the criminals usually never worked or studied.

Keywords: *firearms, criminalistics characterization, the illegal movement, criminal.*