

11. Теорія і практика протидії вимогамням оперативними підрозділами органів внутрішніх справ України: монографія / І.О. Крепаков, М.В. Стащак, В.В. Шендрік та ін. Львів: Галицька видавнича спілка, 2012. 246 с.
12. Голіна В.В. Спеціально-кримінологічне попередження злочинів (теорія і практика): автореф. дис. ... д-ра юрид. наук: 12.00.08. Харків, 1994. 44 с.
13. Кримінальний кодекс України: Закон України від 05.04.2001 № 2341-III. URL: <http://zakon4.rada.gov.ua/laws/show/2341-14>.
14. Про затвердження настанови про діяльність органів і підрозділів внутрішніх справ України з попередження злочинів: наказ МВС України від 25.06. 2001 № 507.
15. Тлумачний словник української мови. URL: <http://eslovyk.com/%D0%B%D1%80%D0%BE%D1%86%D0%B5%D1%81>.
16. Толковый словарь русского языка. URL: <http://www.vedu.ru/expdic/93803>.
17. Словник української мови: в 11 т. / за ред. І.К. Білодіда. Київ: Наукова думка, 1980. Т. 8. 905 с.
18. Шендрік В.В. Закордонний досвід превенції злочинів. *Вісник Запорізького юридичного інституту Дніпропетровського державного університету внутр. справ*. 2011. № 4. С. 601-608.
19. Новейший англо-русский (русско-английский) словарь. Харьков: Промінь, 2006. 960 с.

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### Summary

The article explores the state of scientific and applied development of the content of the concept of «operatively-investigative crime prevention by units of the criminal police». For this purpose, interpretations of terms close in content and tasks («prevention», «warning», «prevention» and «termination»), which have long been included in the terminological treatment of scientists and practitioners.

It has been established that mainly the scientists in the prevention content lay down the activity or the system of measures taken by the authorized units in order to identify the conditions and reasons that prompt people to commit a crime, and some of them also add to the identification of persons from whom it is possible to expect the commission of a crime.

It is argued that the main tasks of preventing and suppressing crimes are preventing the realization of criminal intent, causing harm to the object of encroachment, as well as preventing the onset of socially dangerous consequences. At the same time, it is noted that the prevention of crime occurs at such a stage of the crime as preparation for it (Article 14 of the Criminal Code of Ukraine), and the termination of the crime is carried out at such a stage of the crime as an attempt on a crime (Article 15 of the Criminal Code of Ukraine). The need for a rethinking of the position of scientists in the field of the RDD on including prevention and suppression of the crimes of the stages of operational search is grounded, since these actions, according to the current Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine, should already be investigated as an unfinished crime, not brought to completion for reasons not depending on the will of the guilty, but not to be documented as part of the operative-search prevention in the course of the operational-search process.

**Keywords:** *operational-search prevention, crime, criminal police units, prevention.*

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## MODERN WAYS OF ILLEGAL TAKING POSSESSION OF A CAR COMMITTED WITH OVERCOMING PROTECTION SYSTEMS

**Цибенко О. СПОСОБИ НЕЗАКОННОГО ЗАВОЛОДІННЯ ТРАНСПОРТНИМ ЗАСОБОМ, ВЧИНЕНОГО З ПОДОЛАННЯМ СИСТЕМ ЗАХИСТУ.** Досліджено особливості способів незаконного заволодіння автомобілем, учиненого з подоланням систем захисту.

В результаті аналізу наукової літератури, узагальнення правозастосовної діяльності слідчих та оперативних підрозділів МВС України, автор приходить до висновку, що незаконні заволодіння автомобілями, які вчинюються з подоланням систем захисту, характеризується повноструктурним складом з елементами підготовки й приховування злочину. Визначено особливості підготовки до учинення кримінального правопорушення. Доведено, що встановлення способу заволодіння автомобілем дозволяє слідчому вирішити низку завдань, що мають значення для провадження, зокрема: визначити слідову картину злочину; встановити особу злочинця;

висунути правильні оперативно-розшукові та слідчі версії; вчасно провести необхідні розшукові заходи; прийняти обґрунтоване рішення про вибір подальшого напрямку розслідування; встановити негативні обставини злочину. Зосереджено увагу на способах приховання злочину.

**Ключові слова:** криміналістична характеристика злочину, незаконне заволодіння автомобілем, система захисту, спосіб вчинення злочину.

**Formulation of the problem.** The method of committing a crime is a very important element of the forensic character of the illegal possession of vehicles. According to the CPC of Ukraine, one of the circumstances of the subject of proof in criminal proceedings of this category is the way of assuming ownership of the vehicles. Establishing a method of taking possession of vehicles will allow the investigator to solve a number of tasks of relevance to the proceeding, in particular: to determine the "trail picture" of the crime; establish the perpetrator's personality or draw up a psychological portrait of the alleged offender and take measures for its rapid detention; To nominate the correct operative-search and investigative versions; to carry out the necessary OSA in a timely manner; to make a reasoned decision to choose the further direction of the investigation; establish the negative circumstances of the crime, etc. These circumstances are clearly aimed at ensuring the comprehensive and complete pre-trial investigation. Modern automakers constantly improve and refine the function of car security systems, which provide possible ways to steal a car and can to some extent prevent them. Alongside with this, criminals are constantly improving ways of committing illegal possession of cars, developing, updating and purchasing new technical devices capable of overcoming the automobile security system, including technical locking systems and logic systems for the protection of the onboard computer, as well as alarms and systems of satellite control (supervision). In this regard, the study of modern methods of unlawful seizure of a car committed to overcoming security systems today is necessary and timely, which determines the relevance of the chosen topic.

An analysis of the latest publications that initiated the solution to this problem. The research of the question of ways to commit a crime was given to such scholars as V.P. Bahin, R.S. Belkin, O.M. Bryzkovskaya, AI Wienberg, V.O. Gapchich, I.S. Jordania, V.I. Zhulev, S.M. Zavialov, G.G. Zuykov, L.L. Kanevskiy, V.M. Kovbasa, O.M. Kolesnichenko, V.S. Kornelyuk, E.D. Kuranov, O. L. Mishutokkin, B.F. Mitsak, O.O. Moroz, G.M. Mudyugin, M.I. Panov, D.A. Patrelyuk, N.O. Popova, O. P. Rezvan, V. I. Sirotkin, S. M. Skibin, E. V. Skripa and many others. However, the analysis of these works shows that there are not sufficient theoretical developments of modern methods of committing an illegal takeover of a car made to overcome protection systems, which requires modern researchers to cover this problem, to develop scientifically substantiated proposals and recommendations for the needs of normative and law enforcement activities.

The purpose of this article is to analyze the current methods of unlawful seizure of a car committed to overcoming protection systems.

Presentation of the main research material. The method of committing a crime is one of the main elements of the forensic characterization of crimes. The study of this issue, as well as the theoretical and practical properties of the method of committing a crime, were given to such scholars as G.G. Zuykov, I.S. Jordania, M.I. Panov, V.P. Bahin, R.S. Belkin and others. Without going into the discussion about the structure of the forensic character of the crimes, one can state that all criminologists unanimously advocate a position according to which the method of committing a crime is an obligatory element of the forensic characterization of crimes. Analysis of ways of committing illegal possession of cars by committed allows to plan and implement measures for their rapid prevention of detection and termination, to arrange for the allocation of forces and means, to implement measures for the organization of pre-trial investigation. Every year the ways of committing this type of crime become more diverse. Their development and improvement are directly dependent on the actions taken by the owner of vehicles, aimed at preventing its unlawful seizure.

The first theoretical studies of the method of committing a crime were carried out by A.I. Winberg and B.M. Chaver. They considered the way of committing a crime as a component of the subject of criminology, pointed to the possibility of using knowledge about him to find traces of crimes, the establishment of criminals and the disclosure of crimes committed by them. Of great importance was the knowledge of the typical methods of committing certain types of crimes and the development on this basis of techniques for investigating specific types of crimes. Depending on the criminal-law qualification of crimes, scholars formulated several definitions of the way to commit an intentional crime.

In the main methods of committing a crime, scientists considered as "actions aimed directly at achieving the criminal result", and included in the content of this notion of action to penetrate the offender to the place of commission of the crime, techniques used by the offender, the peculiarities of the object of the attack, the place, time and tools of the crime [1, p. 37].

G.M. Mudyugin shared the criminological notions of "way of committing" and "a method of concealing a crime", defining a method of committing as a target aimed at achieving a criminal goal a complex of actions committed by a criminal in a certain sequence, a method of concealment - as a set of actions aimed at concealing a crime against around them, and first of all, from the investigative bodies, in order to evade responsibility for the committed act [2, p. 65-66]. O. M. Kolesnichenko claims that the method of committing a crime is a way of the perpetrator's actions, which is expressed in a certain sequence, the combination of separate movements, methods used by the subject. According to the scientist, one should distinguish between "the method of preparation for committing a crime, the way of committing itself, as well as concealing a crime" [3]. Disagreeing with the above statement, G. G. Zuykov notes that the acts of preparing, committing and concealing a crime form the only way to commit it, since they are aimed at achieving a single goal for them, although each individually has its own independent purpose [4, p. 32]. The scientist determines the method of committing a crime as a system of actions for the preparation, commission and concealment of crimes, deterministic conditions of the environment and psychophysical qualities of persons associated with the selective use of appropriate means and conditions of place and time [4, p. 33]. Famous scientist S.M. Zavialov argues that the method of committing a crime is not simply a sum or a set of behavioral acts, but an integral structure of behavior that is a certain system. Like any system having a certain structure, the method of committing a crime is formed from interrelated elements, acts of conduct aimed at preparing, committing and concealing a crime [5, p. 7]. Thus, most scientists, revealing the content of this concept, determines the way of committing a socially dangerous act as a system of actions for its preparation, commission and concealment [6].

Taking into account the developments of scientists in this issue, it can be said that the way of unlawful seizure of a car, including those committed to overcoming protection systems, should be considered as a system of actions for the preparation, commission and concealment of criminal acts that are united by a single intention and conditioned by the form of the commission of a crime: secret attack; open, combined with violence or threats to its application; open, not connected with violence or threats; by deception or abuse of trust.

To conclude, it should be noted that under the method of committing an illegal takeover by a car committed to overcoming protection systems should be understood as a system of actions for the preparation, commission and concealment of a crime that is conditioned by the environment, the object of the criminal encroachment and the psychophysical properties of the person, technical capabilities and the skills of criminals and others.

Forensic scientists considered separate questions about choosing a way to commit ownership of vehicles, but the study of ways to commit these crimes (under Article 289 of the Criminal Code of Ukraine) has not been given enough attention today.

Thus, B. P. Psyarov notes that the actions of criminals in preparation for an attack on TK drivers are: to develop a crime plan - 87%; defining the object of the attack - 54%; preparation of crime weapons - 47%; finding accomplices of a crime - 42%; TP preparation - 30%; Observation of object of encroachment 38%; collecting information about the object of the attack - 15%; the preparation of masking means of appearance - 12% [7, p. 47].

Summarizing the data of criminal proceedings made it possible to conclude that the current methods of unlawful seizure of a car committed to overcoming protection systems include the following actions: the choice of place and method of unlawful seizure of a car; choice of time for committing an illegal takeover by a car; preparation of a place for hiding a car; selection of object of encroachment (car); development of a capture plan; selection of accomplices and distribution of roles; collecting and monitoring the object of the criminal offense; study of systems of protection, blocking and signaling by car; the acquisition or manufacture of tools for committing a crime; preliminary arrangement with concrete persons about sale (storage) of the car; elaborating a certain line of conduct and developing measures to counteract law enforcement in case of revealing criminal intentions or actions or "hot" detention.

When organizing the ISA in order to combat such crimes, it is necessary to take into account the places of their hiding. The most commonly used criminals are: territories located at a short distance from the place occupied by a car; territories located in other regions, sometimes

in neighboring settlements; garage co-ops booths leased in advance, including private (closed) type; often the storage of direct performers does not occur due to the fact that the car is immediately sold; abandoned warehouses, buildings, territories of enterprises of institutions and organizations; own garages, yards of the private sector of residence, etc.

It should be noted that criminals, while preparing for the car cover, sometimes try to plant from others, and first of all, from investigative bodies, in order to evade responsibility for a committed act [2, p. 65-66]. O. M. Kolesnichenko claims that the method of committing a crime is a way of the perpetrator's actions, which is expressed in a certain sequence, the combination of separate movements, methods used by the subject. According to the scientist, one should distinguish between "the method of preparation for committing a crime, the way of committing itself, as well as concealing a crime" [3]. Disagreeing with the above statement, G. G. Zuykov notes that the acts of preparing, committing and concealing a crime form the only way to commit it, since they are aimed at achieving a single goal for them, although each individually has its own independent purpose [4, p. 32].

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Taking into account the developments of scientists in this matter, we can say that the way of illegal possession of a car, including the done with the overcoming of protection systems, should be considered as a system of actions for the preparation, commission and concealment of criminal acts, which are united by a single intent and conditioned by the form of the commission of a crime: a secret encroachment; open, combined with violence or threats to its application; open, not connected with violence or threats; by deception or abuse of trust.

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When organizing the ISA in order to combat such crimes, it is necessary to take into account the places of their hiding. The most commonly used criminals are: territories located at a short distance from the place occupied by a car; territories located in other regions, sometimes in neighboring settlements; garage co-ops booths leased in advance, including private (closed) type; often the storage of direct performers does not occur due to the fact that the car is immediately sold; abandoned warehouses, buildings, territories of enterprises of institutions and or-

ganizations; own garages, yards of the private sector of residence, etc.

It should be noted that criminals, preparing for the car cover, sometimes try to seize the authentic documents, on the basis of which subsequently counterfeit power of attorney for the right to use.

The legislative approach to forming an idea of how to commit an unlawful takeover of TK is mainly based on the criterion of the gravity of a crime, namely the use of violent acts or the absence of such actions.

In this regard, D.A. Patrelyuk claims that, despite the fact that the legislator in the disposition of Part 1 of Art. 289 of the Criminal Code of Ukraine did not distinguish between methods of committing a crime, studying materials of criminal proceedings of the investigated category showed that they differ depending on the circumstances of the attack, the person victim and offender, other circumstances of the case. In this regard, the author believes that the direct commission of a crime may be carried out by: 1) secret seizure; 2) open capture, not connected with violence or threats of its application; 3) open capture, combined with violence or threats to its application (Part 2 of Article 289 of the Criminal Code of Ukraine); 4) deception or abuse of trust of the owner or user [8, p. 41].

It should be noted that such a delimitation, in our opinion, is not completely understandable, since the author proposes a distinction between two methods, such as: 1) open capture, not connected with violence or threats of its application; 2) open capture, combined with violence or threats of its use. We consider such a gradation to be too conventional, since the ownership of V through the threat of violence, in the vast majority of cases (in the case of a V driver's resistance), becomes a "stage" of active action, that is, causing physical harm.

Some authors (O. M. Bryzkovskaya, V. O. Gapchin, R. V. Kolesnikov) maintain the position that the methods of committing these crimes include: 1) secret; 2) open; 3) plotting the theft of the insured V [9; 10].

Should agree with O.L. Christov, that the staging of the abduction of the insured V is not a way of taking possession of the V, even though in the absence of the evidence base for the staging, such pre-trial investigations with qualifications under art. 289 of the Criminal Code of Ukraine [11], since responsibility for such acts is stipulated in Art. 383. Criminal Code of Ukraine "Knowingly false report on the commission of a crime".

In this regard, S.M. Skibin notes: the generalization of the practice of investigating the theft of motor vehicles and other vehicles showed that the content of the steps to verify the claims of the victims include actions aimed primarily at the establishment of an event that took place (illegal possession or its staging in order to obtain insurance). With this in mind, the following investigative versions are put forward: 1 Assignment of the vehicle. 2 Ownership of the V was not, the applicant is either mistaken, or stays offense for various reasons [12].

Summarizing the opinions of scientists about the methods of direct committing the illegal seizure of a car, we note that in our opinion, those that are committed to overcoming security systems include:

1. To overcome access (systems of protection) to the subject of the attack, which are determined by the circumstances of the crime - time, place of parking and storage conditions. Most often, the places of committing the illegal possession of cars committed to overcoming security systems are the streets, parking lots near shops (places of residence, cinemas, etc.), parking, (travel parts). In such situations, we are talking about standard security conditions, which include the presence of locks, sound alarms or anti-theft devices on the car.

Persons trying to take possession of a car, if possible, use this method, because it involves less difficulty in realizing a criminal intention. D.A. Patrelyuk notes that 23% of cases of penetration into the garage was carried out by a criminal through free access (insecurely closed doors that were tied up with wire, rope or even not secured); 10% - selection of the key from the garage; 29% - breaking the lock or bending the lower corner of the garage door; 26% - knocking out the hole in the back wall or the ceiling; 2% - copying of the brackets of the castle [8, p. 43]. Such ways of overcoming access (security systems) to the subject of the attack are inherent to "ordinary" or unskilled criminals.

However, skilled criminals use more diverse ways of penetrating a garage or other storage facility. An analysis of criminal proceedings revealed that criminals use the following methods of penetration: 1) culling of loops and parentheses of locks; 2) selection of keys to the castle; 3) picking up the garage; 4) breakage of the lock with the help of locksmiths or improvised tools; 5) expansion or extrusion of hinges, shut-off systems by pneumatic means; 6) breaking the lock or doors with the help of V; 7) bending or cutting of metal parts by weld-

ing equipment; 8) break the wall or overlay the garage; 9) overcoming the alarm system of the room; 10) other [6].

2. Overcoming the alarm systems of the car for penetration into the interior and engine start and the unlocking of other systems under covert control vary: a) break or spin the doors of the car; b) glass breakdown; c) spinning the glass; d) selection of the key; e) penetration into the open car; e) selection of signal anti-theft system; (e) Use of standard connectors for trailers, such as the port of access to an on-board computer of the car; g) the use of technical devices that remotely read the car key code and restore it, etc.

It should be noted that automobiles, which at the time of the crime were equipped with anti-theft devices, namely: equipped with electronic devices in 21% of cases, and mechanical - 36%. Combined use of electronic and mechanical anti-aircraft tools was 3%. Other ways of protecting vehicles were 5% [11].

The code of the radio add-on criminals, as a rule, is selected (scanned) manually or with the help of a computer in the case if there is no anti-scanner in the system. To intercept the code, the radio-feeder uses codrograbbers, receives the receiver and writes them to the computer, and then plays on air to remove the car from the guard.

It is deciphered, that is, recorded from the ether, disassembled in it, using the known coding rule, provide the following. If the car is equipped with an anti-theft system with a dual dynamic code, where the code change rule is strictly individual for each keychain, that is, an unknown signal to a radio transmitter is often drowned by a broadband oscillator tucked to the car. Typically, such devices are used to capture a foreign-made car for sale, disassembly, return to the owner for remuneration, for personal use (repair of their own car) or a car of domestic production or other countries for further use in the commission of other crimes.

At the same time, the use of foreign objects or the selection of keys becomes possible due to the illegal seizure of a car of domestic production or other countries, which is not very difficult due to the cost of design features of their locks. As a rule, criminals commit an unlawful takeover of such a vehicle for the purpose of their further use for committing other crimes or for the purpose of disassembly and sale by spare parts [6]. Looking at ways of concealing a crime, it should be noted that they consist of the following main stages: 1) masking the traces of a crime; 2) hiding (storing) a car; 3) re-equipment, change (interlocking) of the number of nodes and aggregates; 4) realization of the car. Car storage is most often carried out in: a) closed storage facilities (personal or rented garage, abandoned enterprises, farms, other premises or closed territories of different organizations and institutions); b) open storage (at the entrance where other cars, forest strips, separate sections of ring roads, etc.); c) other places (for example, destruction by fire, drowning in a reservoir). In some cases, the concealment of this crime occurred without the storage of V [13]. Smuggling traces of the crime "should be noted, provides: a) disassembly of V; b) change of identification numbers, parts, units and aggregates, repainting of the body; c) falsification of documents; d) destruction of evidence (records from video surveillance cameras); e) bribery (intimidation) of witnesses, etc. Implementation of a car may include the following: a) the return of the car to the owner for a fee; b) sale of the car to the customer (other criminal representatives); c) disassembly of a car for sale to spare parts or sale as a scrap. The generalization of operative-investigative practice proves that it is impossible to take possession of a car without leaving at the same or the other traces.

Consequently, any method of committing a crime is characterized by rather significant display properties. It is these reflections that contain the largest amount of information on how the crime was prepared, how the object of the attack was selected and the tools of the crime were made, what measures were taken to conceal the stolen vehicle.

**Conclusion.** As a result of the analysis of scientific literature, the generalization of law enforcement activities of investigators and operational units, we came to the conclusion that illegal possession of cars committed with overcoming protection systems is characterized by a full-structured composition with elements of preparation and concealment of a crime. Summarizing the opinions of scientists about the methods of direct committing the illegal seizure of a car, we note that in our opinion, those that are committed to overcoming security systems include: 1. Overcoming access (security systems) to the subject of the attack. 2. To overcome car alarm systems to enter the interior and start the engine and unlock other security systems.

#### *References*

1. Ермолович В.Ф. Криминалистическая характеристика преступлений. Мн: Алмафея, 2001. 241 с.

2. Мудюгин Г.Н. Версии об объективной стороне преступления. *Планирование расследования преступлений*. М., 1957. С. 65-66.
3. Колесниченко А.Н. Содержание и значение криминалистической характеристики преступлений. *Актуальные проблемы советской криминалистики*. М., 1980. С. 81-83.
4. Зуйков Г.Г. Криминалистическое учение о способе совершения преступления: автореф. дисс. ... д-ра юрид. наук: 12.00.09. М., 1970. 34 с.
5. Зав'ялов С.М. Спосіб вчинення злочину: сучасні проблеми вивчення та використання у боротьбі зі злочинністю: автореф. дис. ... канд. юрид. наук: 12.00.09. Київ, 2005. 21 с.
6. Лютий В.В. Спосіб учинення злочину як елемент криміналістичної характеристики незаконних заволодінь транспортними засобами, вчинених організованими групами. *Науковий вісник Дніпропетровського державного університету внутрішніх справ*. 2015. № 4. С. 305-313.
7. Псарева Б.В. Расследование корыстно-насильственных преступлений в отношении водителей автотранспорта, пассажиров и перевозимых грузов: дис. ... канд. юрид. наук: спец. 12.00.09, 2003. 236 с.
8. Патрелюк Д.А. Розслідування незаконних заволодінь транспортними засобами, що вчиняються неповнолітніми: дис. ... канд. юрид. наук: 12.00.09. Донецьк, 2014. 250 с.
9. Брисковська О. М. Віктимологічна профілактика незаконного заволодіння автотранспортними засобами. URL: [http://www.nbuv.gov.ua/old\\_jn/Soc\\_Gum/Juftp/2011\\_1/brusk.htm](http://www.nbuv.gov.ua/old_jn/Soc_Gum/Juftp/2011_1/brusk.htm).
10. Колесников Р.В. Основные способы совершения угонов и хищений транспортных средств и меры по их предупреждению. *Вестник ТГУ*. 2011. Выпуск 7 (99), 2011. С. 239-244.
11. Христов О.Л. Протидія незаконним заволодінням транспортними засобами: криміналістичний аспект: монографія. Дніпро: Дніпроп. держ. ун-т внутр. справ, 2017. 148 с.
12. Скибин С.Н. Особенности расследования угонов и краж автомобилей или иных транспортных средств: автореф. дис. ... канд. юрид. наук: 12.00.08. Ростов/н/Д, 2007. 28 с.

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### **Summary**

In the article the features of ways of illegal taking over of a car made with overcoming of protection systems are investigated.

As a result of the analysis of scientific literature, the generalization of law enforcement activities of investigators and operational units of the Ministry of Internal Affairs of Ukraine, the author comes to the conclusion that illegal possession of cars committed with overcoming protection systems is characterized by a full-structured composition with elements of preparation and concealment of a crime. The peculiarities of preparation for the commission of a criminal offense are determined. It is proved that the establishment of the method of taking possession of a car allows the investigator to solve a number of problems that are important for the conduct, in particular: to determine the trace of the crime; establish the identity of the offender; To nominate the correct operative-search and investigative versions; to conduct the necessary investigative measures in a timely manner; to make a reasoned decision to choose the further direction of the investigation; establish the negative circumstances of the crime. Focused attention is paid to ways of concealing a crime.

**Keywords:** *forensic characteristic of a crime, illegal possession of a car, system of protection, way of committing a crime.*