

umovah protidii rozsliduvannju. East european scientific journal (Wschodnioeuropejskie Czasopismo Naukowe), (59). 60-64. [in Ukrainian].

Grishko Yulia,

Postgraduate Department of
Criminalistics and Domestic training
Dnipropetrovsk State University of
Internal Affairs

Supervisor:

Chaplinsky Konstantin,

Doctor of Law, Professor,
Head of the Department of
Criminalistics and Domestic Training
Dnipropetrovsk State University of
Internal Affairs

FEATURES OF THE VICTIM AS AN ELEMENT FORENSIC CHARACTERISTICS DOMESTIC VIOLENCE

Violence in the family is an urgent problem of the present and a negative manifestation of social life that threatens the security of both family and society as a whole. All this is associated with such phenomena as an increase in the number of divorces, neglect and homelessness of children, the formation of a violent mentality of the nation, begging, to lower universal values and mutual understanding.

According to the Law of Ukraine "On Prevention and Counteraction of Domestic Violence", adopted in 2017, an article Article was introduced into the Criminal Code of Ukraine. 126-1 of the Criminal Code of Ukraine on domestic violence. This article establishes criminal liability for deliberate systematic commission of physical, psychological or economic violence [1; p.58].

The victim of domestic violence is a family member who suffered from physical, sexual, psychological or economic violence by another family member. The victim of violence is any member of the family, whom the actions of another member of this family are caused by material or intangible harm, that is, its constitutional rights and freedoms are violated. According to the statistics of internal affairs bodies, about 90% of victims of domestic violence are women.

There are many examples of why women who suffer from married violence do not break marriage with the offender:

- lack (or confidence in the absence) of alternatives in the field of employment and sources of finance receipt (often all cash receipts controls the man). This problem is especially meaningful for women with children;
- lack of housing or other apartment, where the woman could move and pick up their children;

- social, cultural and family traditions that declare marriage with the highest value and call for the preservation of the family at any price;

- the presence of people who are convinced by a woman (or supporting her confidence) that she alone is guilty of violence and that could stop him by fully submitting his partner requirements;

- Immobilization as a result of psychological and / or physical injury (injuries often can not mobilize their own resources necessary to terminate destructive marriage relations and the beginning of a new life for themselves and their children, especially immediately after injury). [2; P.36].

I.A.Petin highlighted that the victim's behavior is determined by the self-penetration system that is guided by the subconscious. The main element of self-destruction in this case is a sense of guilt. Perception of victims of criminal violence as a formation of inevitability of punishment for behavior in general has an exceptionally important criminological and criminal significance to prevent violent crime [3, p. 267].

A very important and criminologically significant factor is the nature of relations between victims and criminals, their social and domestic ties at the time of crime. In addition, it is established that the closer communication (by the degree of kinship, the intensity of development, duration, etc.) between the victim and the offender, the higher the likelihood of becoming a victim of violence. [4, p 137].

Among the essential forensic characteristics of the person of the victim of the victim, scientists distinguish two groups of information:

1. Information about its own qualities, inherent in the victim as a personality, which is endowed with a set of physical and socio-psychological rice;

2. Information on the peculiarities of behavior, connections and relationships of the victim with the offender and other persons, its place in the system of the nearest social environment, which may lead to the specifics of the commission of a crime (method, time, place, tools and means, other circumstances of its commission) [5, p. 52].

V.Y. Shopito notes that the study of the victim's person should include:

1. Information of the questionnaire (gender, age, place of birth, work or training, experience, profession (profession), marital status, availability of relatives);

2. Socio-psychological data (type of temperament, character traits, emotional manifestations, peculiarities of interaction (communication) in the collective);

3. Features of behavior - to a criminal event, at the time of committing a crime, after its commission;

4. Independent characteristics (at a place of work or training, at the place of residence, according to the indications of relatives, close or closest surroundings);

5. Social ties (circle of communication, the closest familiar, features of conducting free time, availability or lack of joint business, commercial activity, specificity of group behavior, desire to enter certain micro groups);

6. Data on socially useful activity, its features;

7. Financial position (property of property, including real estate, cash deposits, source of enrichment, availability or absence of debt obligations, obtaining loans and the possibility of their repayment);

8. Criminal experience (the presence or essence of convictions, communication with criminal groups, friendly relations with persons who were prosecuted);

9. Causes of victim behavior (performance of certain professional functions; social deformation of personality), etc. [6, p. 164-165].

Domestic violence occurs in all sectors of society, regardless of religion, race, sexual preferences, professional and educational level. Persons who commit violence try to gain power and control over close partners. To know the genesis of any criminal insolation, especially domestic violence, it is not enough to limit yourself to studying the identity of only the offender, since in some cases it largely depends on the behavior of the victim. In this regard, only taking into account the identity and behavior of the victim, a number of issues can be solved, in particular: the most complete to find out the elements of criminal behavior, to reveal the forms of conflicting behavior of the victim and the offender.

Список використаних джерел:

1. Іщенко Т.В. Особа злочинця як елемент криміналістичної характеристики домашнього насильства. *Науковий вісник Національної академії внутрішніх справ*. 2019. № 3(112)

2. Насильство в сім'ї та діяльність органів внутрішніх справ щодо його подолання: навчально-методичний посібник для курсантів вищих навчальних закладів МВС України / Укладачі: Запорожцев А.В., Лабунь А.В., Заброта Д.Г., Басиста І.В., Дроздова І.В., Брижик В.О., Мусієнко О.М. Київ, 2012. 246с.

3. Петин И. А. Механизм преступного насилия. Санкт-Петербург, 2004. 349 с.

4. Кузнецов М. Г. Віктимологічний портрет жертви домашнього насильства, що є небезпечним для життя. *Вісник пенітенціарної асоціації України*. 2019 / № 1(7).

5. Сокол Е. В. Особенности личности несовершеннолетнего, вовлеченного в совершение преступления. *Вестник Краснодарского университета МВД России*. 2009. № 4. С. 50–55.

6. Шепітько В. Ю. Особа потерпілого в системі криміналістичної характеристики злочинів. *Проблеми законності : республік. між від. наук. зб. / відп. ред. В. Я. Тацій. Х. : Нац. юрид. акад.. України, 2008. Вип. 93. С. 168–174.*