

**COMBATING CRIME: CRIMINAL,
CRIMINOLOGICAL, CRIMINAL PRECEDURAL,
FORENSIC, ORGANIZATION AND TECHNICAL ASPECTS**

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**CRIMINAL IDENTITY AS AN ELEMENT OF FORENSIC
DESCRIPTION OF CRIMINAL OFFENSES**

Юлія Чаплинська. ОСОБА ЗЛОЧИНЦЯ ЯК ЕЛЕМЕНТ КРИМІНАЛІСТИЧНОЇ ХАРАКТЕРИСТИКИ КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ. Стаття присвячена висвітленню деяких аспектів розслідування кримінальних правопорушень. Розглядається особа злочинця як елемент криміналістичної характеристики. Вивчення особи злочинця надає працівникам слідчих підрозділів Національної поліції України низку додаткових можливостей. Особа злочинця як елемент криміналістичної характеристики – це сукупність соціально значущих ознак і відносин, які характеризують винну в порушенні кримінального закону людину, в поєднанні з іншими умовами та обставинами, що впливають на її злочинну поведінку. Зокрема, відомості про неї дають змогу виокремити ті дані, що необхідні для організації найбільш ефективного розшуку особи, яка вчинила кримінальне правопорушення, а в подальшому – її викриття, забезпечують усунення причин та умов вчинення кримінальних правопорушень та їх рецидивів. А під час проведення окремих слідчих (розшукових) дій та інших процесуальних дій – можливість ефективного встановлення психологічного контакту, застосування відповідних тактичних прийомів, комбінацій та окремих тактичних операцій.

Дослідження особи злочинця як елемента криміналістичної характеристики кримінальних правопорушень, надає змогу слідчому акумулювати в «портрет» ймовірного злочинця його характерні суттєві ознаки. Створення криміналістичного «портрету» особи злочинця є досить важливим для всього процесу досудового розслідування. У будь-якому випадку він надає змогу вчасно висунути певні слідчі версії та здійснювати розшук особи, що зникла з місця події, за «гарячими» слідами, а також можливості якісного проведення подальших слідчих (розшукових) дій та інших процесуальних дій.

Ключові слова: злочин, криміналістична характеристика, особа злочинця, мотив, слідчі (розшукові) дії.

Problem statement. In the course of criminal proceedings, much of the activity of law enforcement officials and the court is directed at identifying the person who committed the socially dangerous act, as well as communicating and conducting a number of investigative (investigative) and procedural actions, respectively, with the suspect, accused, defendant. Therefore, it is clear that the offender has a significant place in the system of any characteristic of the crime: criminal, criminological and, of course, criminalistic.

From a forensic point of view, the study of the offender's identity provides the investigation with a number of additional possibilities. In particular, information about it allows to separate the data necessary for the organization of the most effective search of the person who committed the crime, and in the future – its disclosure, provide elimination of the causes and conditions of committing criminal offenses and their recidivism. And during the conduct of investigative (search) actions – the possibility of effective establishment of psychological contact, the use of appropriate tactical techniques.

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Analysis of publications that started solving this problem. The identity of the perpetrator was considered in their writings by such scientists as V.P. Bahin, R.S. Belkin, A.F. Volobuyev, A.V. Ishchenko, V.K. Lisichenko, V.H. Lukashevich, M.I. Porubov, M.V. Saltevskiy, K.O. Chaplynskiy, V.Yu. Shepitko, M.P. Yablokov and others. It should be noted that our study is a comprehensive approach to the study of this category through the lens of studying different opinions of scientists and empirical material.

The article's objective is to investigate the offender's identity as an element of the criminalistics characterization of the crime.

Basic content. A number of forensic scientists consider it necessary to study the identity of the offender. Some of them determine the objective necessity of using information about this category not only in forensic tactics, but also in the methodology of investigation of crimes [12, p. 53-54]. Others consider the need to investigate the perpetrator's identity only to solve problems that arise in the face of forensic tactics [6, p. 7]. In any case, there is no doubt that the study of this issue as a forensic category is an important aspect for the investigation of each individual criminal offense.

Therefore, the identity of the offender needs in-depth research. After all, the identity of the perpetrator, as appropriate notes A.F. Zelinskiy is a cornerstone of criminal psychology, because the person who violated the criminal law is the author of the crime, and his "case" turns the citizen into a criminal who is rejected by the public consciousness [4, p. 9]. The development of ideas about defining the notion of the offender's identity, as well as its content, has changed over several centuries. Until the twentieth century views on the identity of the perpetrator, as pertinently emphasized by S.A. Shalgunova were diverse. In the early stages of society, the researchers explained the reasons for committing criminal acts by influencing the person of something divine or devilish, the influence of mental deviations and society [16, p. 163]. There are also different definitions of this category now.

In particular, some authors regard this notion as a set of socially significant features, relationships and relationships that characterize a person guilty of violating the rules of criminal law [8, p.72]. In turn, I.M. Danshin defines the identity of the perpetrator as a set of essential and stable social properties and characteristics, socially significant biopsychological characteristics of the individual, which, objectively realized in a specific crime, give the act the character of social danger, and guilty of that person in the properties of public danger, with what it is held accountable under the criminal law [7, p. 65]. V.G. Lukashevich and M.V. Saltevskiy identified it as a socio-biological system whose properties (physical, biological and social) are reflected in the material environment and used for crime investigations [13, p. 112]. And already M.M. Demidov, through the lens of forensic characteristics, defines it as a stable forensically significant set of psychophysical properties and qualities, motivational attitudes, emotional and rational spheres of human consciousness, which were reflected in the traces of crime in the process of preparation, commission and concealment of the crime [3, p. 16].

In agreement with the above concepts, we will state that the identity of the offender as an element of forensic characteristics – a set of socially significant features and attitudes that characterize a person guilty of violating the criminal law, in combination with other conditions and circumstances that affect his criminal behavior.

For the forensic doctrine of the offender's identity, determining his or her structure is important. F.V. Glazirin suggests attributing to it socio-demographic characteristics; psychological qualities; biological features of the person [2, p. 6]. Other authors define their content in their own way: demographic data; data describing the public place of the accused; information on the living conditions of the accused; information about the health of the accused; character and temperament [5, p. 16]. However, in our opinion, most clearly is defined the personality structure of the criminal by V.Yu. Shepitko: demographic data, moral qualities and psychological features [17, p. 258]. To summarize, it should be noted that information about the perpetrator of the crime will be considered in relation to the following structure: 1) socio-demographic; 2) moral qualities; 3) psychological properties.

Socio-demographic characteristics are peculiar to any person. In our view, those of forensic significance are as follows: information on gender, age, education, marital status, occupation, place of residence, previous criminal record, belonging to a particular social group, and other demographic information. According to these characteristics, our study was conducted.

The attitude of the place of residence to the place of committing the criminal offense is important for law enforcement officials in various aspects. In particular, to promote the version of the location of the attacker, further investigative (search) actions, etc.

Summarizing the socio-demographic characteristics, it should be noted that they provide essential information about the identity of the offender. It can be used both in science and in practical activities, in particular in the development and implementation of measures for the prevention of criminal offenses, development of versions, preparation and direct conduct of investigative (investigative) actions. Human behavior depends largely on its status in society, so social manifestations are necessary to study the identity of the offender. Therefore, socio-demographic features contain information without which a complete forensic characteristic of the person is impossible.

The second group we will consider is the moral qualities of the offender. Like any human person, the person of the perpetrator, according to A.B. Sakharov, includes a certain system of moral properties – views and beliefs, needs and interests, life goals and expectations, intellectual, emotional and volitional features [14, p. 89]. In accordance with the moral qualities of man E. Ferry distinguished the following types of criminals: 1) born; 2) "criminals due to insanity" – psychopaths and persons suffering from mental anomalies; 3) criminals through passion; 4) random; 5) habitual [15, p. 31].

Morality and psychology of personality shapes the needs, interests and, finally, the motivation that gives rise to criminal behavior [11, p. 104]. Among the moral properties of the perpetrator's personality are the following: legal, labor, family, interpersonal, self-esteem ("self-awareness"). Defects of legal properties are expressed in criminal behavior and attitude towards the committed, to legal values – law, law enforcement, etc. Due to the specificity of the object of the assault, it is difficult to outline a single moral and psychological portrait of the perpetrator.

First, the moral traits of criminals are characterized by neglect of the normal physiological and moral development of the child, as well as the generally accepted rules of behavior. Secondly, the overwhelming fact of selfish motive. Thirdly, the ideals of such individuals are either low or absent.

The second group we will consider is the psychological qualities of the offender. In the personality structure of the perpetrator G.A. Avanesov distinguishes the psychological (personality) component. According to the author, it is built on the levels where the biologically conditioned natural properties and features belong to the lower, and the highest level forms the orientation of the individual. In turn, in the general structure of the individual can only be conditionally distinguished criminological level, where attention should be focused on the antisocial orientation of the person and the personal identification of the offender. With this approach, notes G.A. Avanesov, criminologists in the structure of the perpetrator's personality distinguish three main groups of features: a) general characteristics of the person; b) 3-4 special features of the offender; 3) the characteristics of the person of the particular subject who committed the crime, who individualize him as the person of the perpetrator [9, p. 264-265]. It is worth considering the classification of personalities, proposed by the psychologist A.F. Lazurynskyi, but specifically perverted lower-level personality types. To them the scientist attributed the following: 1) a passive type, which acts in the form of two varieties: a) apathetic, characterized by indifferently-lingering attitude to all others, lack of clearly expressed interests and needs; b) unintentionally timid, easily persuaded, with a predominance of depressed mood. According to the scientist, people of this type, although not related to the criminal type, can be a source of replenishment of the criminal world; 2) the type of prudent selfish. People of this type are smart and cunning, callous and vicious; in the first place, they care about their benefits and interests, mostly material; this type is very close to criminal; 3) affectively perverted type. Its representatives – a disorderly fun, light-hearted people. By their social manifestations – drunkards, brawlers, petty thieves; 4) active-perverted type (rapist). There are two subtypes: a) a disorderly rapist characterized by determination and energy. Does not like to work, prone to fights; b) concentrated-cruel, which does not stop even before the murder [10, p. 64]. In general, the psychological characteristics of the perpetrator's personality, as noted by V.L. Vasilyev, is a system of several features: motives of behavior, general structure and individual traits of character, ability, emotional-volitional sphere, individual features of intellectual activity, memory and other cognitive processes [1, p. 330]. For criminals who commit their acts deliberately, the characteristic psychological features will be egocentrism, cruelty, aggression, cynicism, predisposition to associative forms, etc.

Conclusion. To summarize the consideration of the identity of the offender as an element of forensic characteristics, from the above data we will try to accumulate in the "portrait" of the likely offender who commits the criminal acts. The identity of the offender as an element

of forensic characteristics is a set of socially significant features and attitudes that characterize a person guilty of violating the criminal law, in combination with other conditions and circumstances affecting his criminal behavior. Creating a forensic "portrait" is important enough for the whole investigation process. In any case, it allows you to put forward certain versions and search the person who disappeared from the scene, as well as the possibility of qualitative further investigative (search) actions.

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Summary

The scientific article deals with some aspects of crime investigation. The identity of the offender is considered as an element of forensic characteristics. Investigating the identity of the offender provides the investigation with a number of additional features. The identity of the offender as an element of forensic characteristics is a set of socially significant features and attitudes that characterize a person guilty of violating the criminal law, in combination with other conditions and circumstances affecting his criminal behavior. In particular, the information about it allows to distinguish the data necessary for the organization of the most effective search of the person who committed the crime, and subsequently – its exposition, provide elimination of the causes and conditions of committing criminal offenses and their recidivism. And during the conduct of investigative (search) actions – the possibility of effective establishment of psychological contact, the use of appropriate tactical techniques.

Investigation of the identity of the offender as an element of forensic characteristics, allows to accumulate in the «portrait» of the likely offender his characteristic features. Creating a forensic «portrait» is important enough for the whole investigation process. In any case, it allows putting forward certain versions and searching for the person who disappeared from the place of the incident, as well as the possibility of qualitative conduct of further investigative (search) actions.

Keywords: *crime, criminalistics characteristics, identity of the offender, motive, investigative (search) actions.*

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WAYS OF COMMITTING FRAUD IN TOURIST SERVICES: FORENSIC ANALYSIS

Костянтин Чаплинський, Тетяна Калюга. СПОСОБИ УЧИНЕННЯ ШАХРАЙСТВА У СФЕРІ НАДАННЯ ТУРИСТИЧНИХ ПОСЛУГ: КРИМІНАЛІСТИЧНИЙ АНАЛІЗ. Стаття присвячена дослідженню криміналістично-значущих особливостей способів шахрайства у сфері надання туристичних послуг. Увага приділяється описанню способів, з'ясуванню їх особливостей, визначенню факторів, які впливають на їх формування, на підставі чого здійснено їх систематизацію.

Дослідженню способу вчинення злочину у криміналістичній літературі приділяється велика увага. Діапазон думок вчених з цього питання дуже широкий і точки зору щодо визначення

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