

CHARACTERISTICS OF THE PERSON WHO COMMITS BURGLARS COMBINED WITH PENETRATION INTO A DWELLING, OTHER PREMISES OR STORAGE

Oleksii Palamarchuk

Adjunct, National Academy of Internal Affairs, Ukraine

e-mail: Kristina-palamarchuk@ukr.net, orcid.org/0000-0001-9783-3313

Summary

This article examines the issue of criminological characteristics of offenders who commit robberies combined with breaking into homes, other premises or storage facilities, and also analyzes the current criminological situation in the field of committing robberies combined with breaking into the above-mentioned facilities. Separate features of persons who commit robberies are also highlighted, in particular, their average age, social roles, moral and psychological characteristics and criminal-legal characteristics. Attention is drawn to the negative attitude of offenders to generally recognized social values, approved rules of conduct and duties that must be observed in society. In addition, a developed system of measures designed to increase the effectiveness of prevention of these types of criminal offenses is presented. The author identified the factors that are related to the formation of the personality of criminal offenders, as well as differentiated the main reasons and conditions that affect the increase in the number of robberies, provided for in Part 3 of Art. 187 of the Criminal Code of Ukraine.

Keywords: criminological characteristics, the offender, characteristics of the offender, robbery, preventive measures, socio-demographic characteristics, criminal-legal factors.

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1. Introduction

The history of the development of Ukraine and Ukrainian society shows that the level of crime increases precisely when the state is in a crisis situation or during the period of reforming various spheres. Currently, our country is going through a series of reformation upheavals and a war, accordingly, a complex of negative consequences is being created, among which one of the leading places is the relentless growth of crime, which threatens the safety of people, society, the state, property, etc.

Special attention is drawn to the sharp increase in self-interested and violent criminal offenses. Robbery is one of the most widespread and actively progressing criminal offenses belonging to the block of self-interested violent encroachments. Its growth trend indicates the «popularization» of robberies in general, including those combined with breaking into a home, other premises or storage. This type of criminal offense becomes the most optimal and attractive way to get rich quickly.

A detailed analysis of scientific publications indicates that the personality of criminal offenders was considered as a structural element of the criminological characteristics of robberies in the works of such scientists as Bandurky, O.M., Yemelyanova, V.P., Kryvochenka, L.M., Krigera, G.L., Kund, V.G. usa, Kutsa, V.M., Litvynova, O.M., Melnyka, M.I., Mykhailova, M.P., Panova, M.I., Trubnikova, V.M., Borzenkova, H.M., Vladimirova, V.O., Hauhman, H.M., Gelfera, M.A., Dolgovoi, A.I., Isayeva, M.M., Luneeva, V.V., Lyapunova, Yu.I., Tishkevich, I.S. and other scientists.

The purpose of this article is the criminological characterization of an offender (persons of offenders) who commits robberies combined with breaking into a dwelling, other premises or storage, establishing the real modern criminological situation that has developed in the field of committing robberies, as well as highlighting measures that increase the effectiveness of the prevention of the specified types of criminal offenses.

2. The doctrine of the identity of the offender

The study of the person of the offender has several meanings: scientific and cognitive, practical. They specify in themselves the problems of determining robberies combined with breaking into a home, other premises or storage and fighting them. Successful prevention of these criminal offenses is possible if attention is focused on the personality of the offender because it is the main reason for their commission. It can be argued that this personality is the main and most important link of the entire mechanism of illegal behavior. Its features that give rise to such behavior should be the direct object of preventive influence. Therefore, the problem of the personality of the offender is the main and at the same time the most difficult problem of criminology (*Hryshchuk, V.K., 1998*).

Providing a generalized description of offenders, it is necessary to keep in mind that this contingent consists of persons who differ significantly in age, social status, development and stability of deformity, antisocial orientation and readiness to choose criminal behavior. Based on these differences, in the criminological literature, according to the nature of the criminal offenses committed, such types of persons are distinguished as: violent-aggressive, self-serving, self-serving-violent, maladaptive. At the same time, according to the depth of antisocial orientation, four types of offenders are distinguished: accidental, situational, unstable, malicious (*Danshyn, I.M., Holina, V.V., Kelman, O.H., Lysodied, O.V., 2003*).

In the theory of legal science, there are various approaches to the structuring of forensically significant information about the person of the offender, in particular R.L. Akhmedshin developed the structure of the criminalistic characteristics of the offender's personality, in which the following elements are highlighted: 1) the personal level of the offender's values (which is of interest to a person in the outside world); 2) the personal level of the offender's relationship (what drives a person to achieve his interest); 3) the personal level of harassment of the offender (how the person realizes his interest) (*Akhmedshyn, R.L., 2006*).

3. Personal features of criminals who commit robberies

Along with this, Prokhorova, M.I. revealed the features of persons who commit robberies: 1) a significant increase in the level of offenders previously convicted of selfish and violent criminal offenses; 2) more than half of the offenders did not have a permanent source of income; 3) the number of minors prone to an antisocial lifestyle has increased among offenders; 4) the indicated contingent of offenders has become younger, most of the robberies are committed by men aged 21 to 25; 5) the majority of offenders began to be people who do not have families.

The age of offenders can be classified according to certain age groups that have the greatest criminogenic activity. In particular, more than half of such criminal offenses are committed by individuals aged 21 to 29. Compared with the commission of robberies provided for in Part 1 of Art. 187 of the Criminal Code of Ukraine (hereinafter the Criminal Code of Ukraine), this

age limit is slightly increased, because criminal offenses are provided for in Part 3 of Art. 187 of the Criminal Code of Ukraine require much greater audacity and preparedness. But the most criminogenic group of the population are individuals who have reached the age of 30 to 49: their share in the overall structure of crime is approximately 47%. They commit 36% of particularly serious and 35% of serious criminal offenses (*Kelman, O.H., 2005*).

As for socio-demographic characteristics, robberies combined with breaking into a home, other premises or a storage room are overwhelmingly committed by men. If we take it as an example, then in the total population of robberies, the specific weight of women is 6,5%, and among robberies committed with penetration – 0,8%. The dominance of the male factor, based on the analysis of criminal proceedings, is caused by the fact that the commission of robberies with penetration into a dwelling, other premises or storage is connected with the use of physical force, which, according to physiological capabilities, is not inherent to a woman (*Seletskiy, S.I., 2008*).

The analysis of investigative practice proves that in 62,4% of cases, the offenders committed a robbery based on a prior conspiracy by a group of people. The quantitative composition of such groups counts from two to four subjects of criminal offenses. It is worth noting that about 44,1% of people previously committed selfish and selfish-violent criminal offenses. The following pattern can also be observed - the more convictions a person has for criminal offenses provided for by Articles 186 and 187 of the Criminal Code of Ukraine, the more often his illegal activity in the future occurs as part of a group.

According to Kozhuharov, N.M., the specific features of individuals who commit robbery in a group are embodied in the following main features: they are mostly men (96%), healthy mentally and physically (84%), but 11% of them had a physical or mental illness, and 2% were the disabled; the age of every second convicted of robbery is from 18 to 25 years, as well as criminally active age groups from 26 to 29 years (18%) and minors (16%); criminal offenders have a low educational level (54%), are prone to a marginal lifestyle, are not married (84%), by the time of robbery or robbery in a group, offenders already have criminal experience (69%).

According to the statistical data of the Office of the General Prosecutor of Ukraine, in recent years the circle of individuals prone to committing robberies in a group has significantly expanded. Members of a group of robbers or robbers are not always marginalized, as was previously accepted in scientific circles. They have a permanent source of income in 29% of cases.

Scientific research proves that the majority of people who have committed criminal offenses provided for in Part 3 of Art. 187 Criminal Codes of Ukraine have an average level of general education and humanitarian knowledge, a narrow worldview, and a desire to compensate for low material opportunities by committing criminal offenses.

Regarding other socio-role characteristics: profession, presence or absence of a permanent place of work, level of financial situation, we note the following. The level of education of people found guilty of criminal offenses provided for in Part 3 of Art. 187 of the Criminal Code of Ukraine, this is incomplete secondary education – 2,6%, secondary – 78,7%, professional and technical – 9%, higher – 9,7% (*Klochko, A.M., Myslyvyi, V.A., 2014*).

Information about the social status and occupation of people who committed robberies, combined with breaking into a dwelling, other premises or storage, show that 50% of offenders were not married or were divorced before committing the criminal offense. In general, the study of criminal proceedings shows that among people who commit property crimes with the use of violence, the specific weight of people who have never been married or whose families have broken up is high. That is, it can be argued that the latter is connected with the anti-social way of life led by individuals who commit robberies (*Matyshevskiy, P.S., 1996*).

4. Signs of the offender's identity

Modern criminologists identify the following characteristics of the offender:

- a) socio-demographic;
- b) moral and psychological;
- c) criminal-legal.

Socio-demographic characteristics of an offender are an important factor in the formation of psychological, including moral, qualities of a person. It should be noted that the subjects of robberies combined with breaking into a dwelling, other premises or a storage room differ in their negative attitude towards the observance and fulfillment of their social duties and legal norms, as well as the conscious choice of illegal means of satisfying their own needs and desires, etc.

In general, people who commit robberies combined with breaking into a home, other premises or a storage room are characterized by such general ethical and psychological characteristics as a one-sided, primitive consumer orientation, constant denial of generally accepted human values, an exaggerated idea of the value of material goods, a one-sided negative attitude to the interests of society and its citizens.

Individuals who commit the specified type of criminal offenses treat ethical values and other social norms with disrespect. Psychologically and in terms of identifying personal characteristics, they are the closest to persons who commit violent criminal offenses. We believe that this is explained by the fact that robberies combined with breaking into a home, other premises or storage are always characterized by violence, which is applied not only to property owners, but also to anyone who prevents or may prevent the offender from realizing his plan and achieve your goal. Such robberies are very often associated with the infliction of serious bodily injuries or the killing of the victims. Such severe consequences testify to the psychological readiness of criminal offenders to use any type or degree of violence, if it is required to achieve the set goal - taking possession of someone else's property.

Willpower of a criminal offender include the ability to consciously regulate his behavior, the ability to make and implement decisions necessary to achieve the goal. It is worth noting that the vast majority of criminal offenders are characterized by strong willed qualities, which are aimed at satisfying the anti-social needs of a specific person or group of people. Therefore, others of them, who are characterized by weak will, susceptibility, inability to resist this influence, get involved in common illegal activities (*Douglas, John E., Burgess, Ann W., Burgess, Allen G., Ressler, Robert K., 2015*).

Combating criminal offenses cannot focus only on the individuality of each offender, it must take into account the so-called heterogeneous contingent. Committing criminal offenses of this group is one of the main, and often the only, sources of income for 60% of offenders.

A significant number of offenders who commit robberies combined with breaking into a dwelling, other premises or storage are people who do not have a permanent job, but have certain financial obligations. Another category is criminal offenders who have been released from prison and cannot find legal employment. Their approximate number is 79% (*Teliichuk, V.H., Nykyforchuk, D.I., 2007*).

In view of this, a comprehensive study of the identity of a criminal offender should not be limited to the establishment of individual characteristics, which quite often give only a superficial characteristic of the person, but a comprehensive study of all characteristics in their in-depth interaction should be conducted. This approach is a guarantee of a more complete identification of the factors of the genesis of the criminal offender's personality in order to apply appropriate measures to counter the commission of new criminal offenses.

5. Conclusion

Summarizing the results of our research, we can formulate some conclusions. Factors related to the formation of the personality of criminal offenders who commit robberies (provided for by Part 1 of Article 187 of the Criminal Code of Ukraine) are in many respects similar to the factors that form the personality of criminal offenders who commit robberies combined with home invasion, other premises or storage (Part 3 of Article 187 of the Criminal Code of Ukraine). Therefore, the set of preventive measures for the prevention of these criminal offenses can be based on the set of measures for the prevention of all selfish and violent criminal offenses. At the same time, attention should be paid to organizational and technical measures, as well as to improving the interaction of law enforcement agencies and individual citizens.

The main reasons and conditions affecting the increase in the number of robberies combined with breaking into a home, other premises or a storage room are a temporary difficult financial situation; high level of unemployment; lack of material means of subsistence; negative impact of the microenvironment; installation for enrichment by any means and methods, etc.

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