

Criminological characteristics of offender commits a crime in the area of performance and professional activities related to the provision of public services: the experience of Ukraine

Abstract: It is formed criminological characteristics of offender commits a crime in the area of performance and professional activities related to the provision of public services. Analysis criminological indicators based on relevant statistics Ukrainian Interior Ministry and the Prosecutor General of Ukraine for 2009-2013, and other legal acts of Ukraine.

As a result of studying of the socio-demographic, criminal and moral-psychological characteristics, it is determined criminological significant signs of criminological portrait officials who committed crimes in the field of performance and professional activities related to the provision of public services.

Keywords: criminological characteristics; an offender; crime in an area of performance management and professional activities; public services.

Ukraine currently is going through a difficult period of history of formation of new socio-economic and political relations. Corruption in Ukraine today has features that distinguish it from corruption in developed countries. Without identifying these features can not be put in place adequate measures to counter it. Corruption in Ukraine has the peculiarity that it is - corruption crisis type. Along with this crime as a social phenomenon is a manifestation of human activity, is expressed in anti-social behavior of individuals or groups. Establish the causes of such behavior, to find effective interventions to these individuals, the ways and means of preventing crime, it is possible only when a detailed study of all that characterizes the offender as a social individual, as a person. [3, p. 528]. One prerequisite for the prevention of crime

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in the area of performance management and professional activities related to the provision of public services in terms of their research on a par with the determination of the causes and conditions of that crime stands and criminological characteristics of offender, his most characteristic features and properties.

The urgency of the problem of crime affected performance in numerous studies, both domestic and foreign scholars. But criminological research in the science of persons who commit crimes in the field of performance, based on general theoretical and methodological basis for understanding how the individual in general, and the actual identity of the offender. At the same time, pay attention to the fact that the identity of the perpetrator is the subject of study, not only the various legal (criminology, criminal law, criminology, etc.), but also the social sciences (philosophy, psychology, sociology, etc.) requires consideration of all relevant aspects of criminological formation and functioning of the individual offender but the question of the characteristics and properties of the individual offender, which must be investigated in the framework of criminal characteristic of crimes in the area of performance and professional activities related to the provision of public services remains open.

The aim of the article is to conduct criminological characteristics of offender commits a crime in the area of performance and professional activities related to the provision of public services. To do this, perform the analysis kriminalogichnih indicators, based on the analysis of relevant statistics Ukrainian Interior Ministry and the Prosecutor General of Ukraine for the years 2009-2013 [10] and other regulatory legal acts of Ukraine.

Let's start with the fact that, of particular interest to the study of the person committing the crime in the area of performance management and professional activities related to the provision of public services is due to a kind of official status of such a person, which distinguishes it significantly compared with the general characteristic of the individual offender. Besides, is not without its own specificity and identity of those persons offering or giving undue advantage to the official, who should be seen in connection with a system as complex as the object of a criminal

assault lawful activity and authority of public authorities, enterprises, institutions and organizations. It should be noted that the allocation and scientific justification of specific traits and personality traits of the offender in a high level of latency crime crimes in the area of performance and professional activities related to the provision of public services will facilitate their timely detection aimed at They appropriate response, neutralizing or mitigating the specific criminogenic factors and, in the end, prevent the commission of crimes in the area of performance.

Pay attention to the components (blocks) of the structure of offender that usually stand out: the socio-demographic; social-role; moral, psychological and criminal legal characteristics and personality traits.

Regarding the socio-demographic substructure of offender principled stands that establish its attributes separately from other elements of the structure of personality can not characterize it as a criminal. Socio-demographic features of the face, taken in a statistically sufficient, are the most likely only for those who commit crimes in the field of performance and professional activities related to the provision of public services, taking into account that allows you to properly coordinate the priorities of preventing this type of crime. Note that depending on the approach to the definition of the structure of the person committing the crime in the area of performance management and professional activities related to the provision of public services in the socio-demographic substructure include various features, among which are the key: gender; age; education; marital status; citizenship; place of residence; seniority etc.

The structure and nature of all crime in the area of performance and professional activities related to the provision of public services is determined by gender, age, educational level, as well as other features of the face.

As observed by Justice Statistics data, found guilty and sentenced for crimes in the field of performance management and professional activities related to the provision of public services in the period from 01.01.2009 to 01.07.2013 years - 11 789 people.

These judicial statistics for the period from 01.01.2009 to 01.07.2013 years, persons found guilty and convicted of crimes in the area of performance and professional activities related to the provision of public services (indicators of gender, age, employment status, educational level)

Table 1

Year	Total number of convicted persons	Women	specific weight %	The group	Specific weight %	Age from 30 to 50	Specific weight %	Public servants	Specific weight %	Others employees	Specific weight %	Complete higher education	Specific weight %
2009	2701	696	25,7	377	13,9	1346	49,8	621	22,9	1732	64,12	1644	60,8
2010	3115	819	26,29	465	14,9	1625	52,1	806	25,8	1983	63,6	1887	60,5
2011	2745	662	24,1	416	15,15	1444	52,6	890	32,4	1529	55,7	1809	65,9
2012	2273	430	18,9	399	17,5	1170	51,47	889	39,1	1060	46,6	1585	69,7
2013 (6 months.)	955	205	21,4	184	19,26	507	53,08	371	38,8	504	52,7	719	75,2

In addition, the proportion of previous convictions for offenses committed in the performance of activities and professional activities related to the provision of public services does not exceed 3.4% of the total number of convicts for this type of crime, and the share of this category of crimes in the area of performance management, committed by organized groups and criminal organizations in the overall structure of this type of crime generally less than 2%.

Sufficiently representative and is marked by I.M. Danishin, V.V. Golin, M.Y. Valuiskaya and others [4, p. 288] feature official crime, namely that the

overwhelming proportion (95%) of officers to criminal liability, are representatives of the middle and lower management. In this case, the higher the above is due to several factors:

- Firstly, a higher level of legal consciousness and culture, professionalism and experience among members of senior management;
- Secondly, the relatively smaller number of top-level managers;
- Thirdly, a higher degree of latency, improve the criminal mechanism, the possibility of preventing the presence of law enforcement, etc.

Beyond this, it seems logical and that crime in the area of performance and professional activities related to the provision of public services are performed mainly older persons, in particular scientists, the typical age of 30 to 50 years. In this case, the specified age, in general, is typical for other economic crimes, more than 75% of subjects who are persons older than 30 years, while less than half of the general criminal offenses committed in the direction specified age.

Thus, we can conclude that this feature is due to the need to acquire a certain seniority, special skills and experience (and often a certain special rank, grade, class, etc.). So it is not relatively high percentage of crimes in the area of performance and professional activities related to the provision of public services by persons aged 50-65 years and older caused by existing restrictions for service by age. For example, according to p. 7 h. 1, Article 37 of the Law of Ukraine of 17.11.2011 № 4050-VI [9, p. 115] ground for termination of public service is to achieve a public servant age of sixty.

Moreover, the nature of performance, specific duties performed directly linked to the need to obtain the corresponding face of education and skill level, and often there is generally a requirement for the position in a given power-management structure. By the way, the need to acquire the educational level of a person can also consideration as a factor that causes these age characteristics of the person committing the crime in the area of performance management.

Of course, given the age and educational characteristics relate exclusively officials as the perpetrator in performance management and professional activities

related to the provision of public services, and do not apply to entities offering or giving undue advantage and abuse of official influence (Article. st. 368-3, 369 of the Criminal Code) [5, p. 920].

We can assume that in a high latency can not exclude the sequence of committing several crimes in the area of performance, although signs of systemic criminal activity characterize not all but only the most socially dangerous type of offender. At the same time, the essential feature of criminal acts in the absence of previous convictions of perpetrators of crimes in the field of performance and professional activities related to the provision of public services.

Said acts consequence of the application in respect of such persons as additional punishment such as the deprivation of the right to occupy certain positions or engage in certain activities. In many cases, this makes it impossible to relapse official crimes and given noticed S.A. Shalgunovoy [11, p. 203] non-correction of individuals after punishment and aggravation criminogenic properties of their personality.

Social-role identity of the offender signs reflect the nature and direction of social relations, social positions, roles and functions, as well as the general situation of the individual in society, as well as in the system of social relations.

And for those crimes in the area of performance and professional activities related to the provision of public services, committed by officials, especially important is their belonging to a common social group of employees with all its values and interests from a position where there is their interaction with other people.

Note that the perpetrators of crimes in the field of performance and professional activities related to the provision of public services, according to their socio-role characteristics significantly different from the general characteristics of offender - her low social level. Indeed, for a “white-collar” crime is usually a typical high social status of the offender, his belonging to social groups with high social value. Likewise, those who commit crimes in the field of performance and professional activities related to the provision of public services, tend to occupy a relatively high social level, operate fairly prestigious social roles associated with the use of power against others.

In particular it is through the phenomenon of power, the presence of which the objective or subjective presents official in the social hierarchy, and due to the potential danger of the crime of the whole social group of officials in both the public and private sectors. Moreover, as for the officials and other persons who commit crimes in the area of performance and professional activities related to the provision of public services in general characteristic overestimation of their own interests, with limited possibilities of their implementation, as well as conflict-occupied social positions and roles. Officials present a conflict of interest lies at the root of the misuse of power or position contrary to interests of the service and that is why his warning determines the direction of crime prevention in the area of performance management and professional activities related to the provision of public services.

Criminal legal description of offender reflects those of its features, the establishment of which may affect the decision on the imposition of criminal liability, and determine the type of punishment. However, these signs are important and criminological significance, revealing the basic objective and subjective features of persons committing crimes in the area of performance and professional activities in an area of public services linked with the provision of public services.

Among these criminal legal characteristics of offender criminologists [1, p. 295] is the direct object of attacks, the extent and nature of its social danger, methods criminal purpose, motivation, individual or group nature of criminal activity, a form of complicity, the intensity of the criminal activity or criminal record.

Given the variety of crimes, analyzed the offender may differ significantly in the degree of social danger that due to the specific mechanism of encroachment on the legitimate operation of the relevant authority and power-management structures.

Another subsystem of offender constitute its moral and psychological features that characterize the internal state of man, his ideological and moral qualities, attitudes, opinions, values, intelligence, interests, needs, attitudes towards the rule of law and morality, etc. Thus, the study of the psychological qualities of the person, as noted by B.S. Volkov, right permits “to establish a change in mental processes and personality traits” [6, p. 187]. We emphasize that criminal behavior as a kind of

social human response, in general, and depends on the characteristics of his psyche, personality orientation, motivational sphere, the ratio of persons to social reality.

Typically, the criminals on a personal level reflect both positive and negative attitudes inherent in public and group consciousness. In accordance with this position is seen grounded [3, p. 528] that the antisocial orientation of offender, in the end, displays the properties and quality of the society.

For example, the social and psychological conditions of approval mismanagement, the recognition of their social reality as the norm among officials, and throughout the community and have a direct impact on the moral and psychological qualities of a particular individual.

Anyway, with respect to persons who commit crimes in the field of performance and professional activities related to the provision of public services, it is necessary to designate the following most typical symptoms of antisocial personality as their focus: neglect of social values and attitudes, selfish motivation, willingness to withdraw from the law and morals for personal gain, conviction acceptability and feasibility of illicit funds to meet their own interests, irresponsible attitude to their duties, ignoring the interests of the service.

Note that according to the degree of depth antisocial personality orientation criminals they can be differentiated on such as:

- Situational (the offense under the influence of certain life circumstances);
- Malignant (the offense of criminal acts as fishing).

Moral and psychological qualities and properties of the perpetrators of crimes in the field of performance management and professional activities related to the provision of public services, namely, lack of principle, careerism, emotional and moral instability, lack of discipline, selfishness, greed, avarice, envy, etc. The characteristics of these individuals complement its intellectual, emotional and volitional qualities. So, if the perpetrators of violent crimes, characterized by a low level of knowledge and narrow worldview, then, for those who commit crimes in the field of performance management and professional activities related to the provision of public services, on the contrary it is the inherent high level of mental development

and scope of knowledge, a broad outlook and range of interests, professional or life experience.

Note that such intellectual property of the individual offender is a direct expression of his criminal conduct, and therefore it would be wrong to consider the intellectualization of the population as a means of crime prevention, at least in the area of performance management.

Volitional and emotional quality of the perpetrators of crimes in the field of performance and professional activities related to the provision of public services occupy an ambiguous place in the determination of individual criminal behavior. In particular, on the one hand, such as the ability to balance, consistency, persistence, perseverance, ability to make decisions necessary for the legitimate exercise of official authority in the relevant interests of the service.

At the same time, on the other hand, the same as an officer in the presence of his antisocial orientation on the contrary may facilitate the perpetration of crimes in the area of performance management, as well as induce other persons to them, such as bribery of a legal entity of private law, regardless of the legal form of bribery or provocation [5, p. 920].

Note that the above hand the moral and psychological subsystems person committing the crime in the area of performance, find their expression in the motivation of criminal behavior, which acts as “all kinds of motives: motives, needs, interests, aspirations, goals, desire, motivation installation or dispositions, ideals, etc.” [2, p. 156]. Consequently, the motif reflects the key features of the individual offender and at the level of the psyche plays an important role in the internal determination of individual criminal behavior.

Note that the motivational sphere, like mental states and processes, needs, attitudes and interests of the person, directly determines the social human reaction that can occur, including committing crimes office. At the same time, the needs, interests and motivations of perpetrators of crimes in the field of performance and professional activities related to the provision of public services, it is necessary to

consider union, since the motive of activity, in fact, is a material or ideal object needs, objectified in the interests of such persons.

In the aspect of the questions feel for the proper allocation of such generalized criminological significant motives of perpetrators of official crimes, namely the satisfaction of their own needs absolute or relative; acquisition of certain material or social status; acquisition of new powers and influence on social development; self-assertion; opposition to society, etc.

Thus, we can envisage that the study of motivational sphere perpetrators of crimes, will allow more detail to find out their needs and interests, a driving force of committing crimes appropriate office, identify their relationship with existing social tensions, prevent the emergence and development of social causes deformation of the individual.

Note that the motivation of criminal behavior covers not only social role and socio-psychological aspects of offender, but also its penal response, the content of which also form the data on the composition of the crime, its direction, the intensity of criminal activity, the extent and nature of the social danger of the crime, role participation in the crime, the ways criminal purpose, the existence of previous convictions, to consequences, and the like.

One of the features of criminal law characteristics of offender must mention the fact that they are not only in the crime, but also in other forms of criminal behavior. [7, p. 91-101] Thus, according to V.D. Malkov [3, p. 528], namely the criminal-legal characteristic of offender reflect the actual degree of social strain identity, its special properties, and also allows you to emphasize the essential features of the perpetrators of crimes, including corruption character.

For persons who commit crimes in the field of performance management and professional activities related to the provision of public services is inherent in the existence of mercenary or other personal interest that not only is the criterion of recognizing the wrongful conduct criminal, but also allows you to define intentional crimes in question. This, in turn, indicates the sign of the will of the person, her dedication to the occurrence of criminal acts understandable and desirable socially

dangerous consequences. Thus, the person committing the crime in the area of performance, showing contempt for the law and deliberately go on violation of the established order in the state, hoping to avoid criminal liability.

Thus, based on the crimes in the sphere of service activities exercised by police, A.S. Novakov [8 p. 19] identifies the following types of motives as departmental and corporate, selfish crime, morally-warped and situational. It can be assumed that the above classification of motives in full and can be extrapolated to the entire general overhead crime, though with the inclusion of a par with moral and even deformed and thoughtlessly irresponsible motive, which is the most characteristic for negligence (art. 367 of the Criminal Code of Ukraine). Although it should be noted that, in general, any classification of motives is rather conditional and is not able to take into account absolutely all the features, properties and quality of the individual offender.

Based on the foregoing, we can summarize that the identity of the offender in the area of performance and professional activities related to the provision of public services - a combination of the most significant social, subjective symptoms that characterize a person guilty of a crime in the area of performance and professional activity, related to the provision of public services with other, objective (external) conditions and circumstances affecting its criminal behavior. And also as a result of a careful study of the socio-demographic, criminal and moral-psychological characteristics, it was determined criminological significant signs of criminological portrait officials who committed crimes in the field of performance and professional activities related to the provision of public services.

In general, all of the material analyzed criminological characteristics of offender commits a crime in the area of performance and professional activities related to the provision of public services, state that, in the majority - it has not previously tried a male person over the age of 30 years with higher education in leadership positions in government, enterprises, institutions, organizations regardless of ownership. It is characterized by a low level of legal and moral consciousness, awareness of the wrongfulness of his actions, the presence of mercenary or other personal motives, the sole character of individual criminal behavior.

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