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## **Correlation of ways of committing and concealing a crime in the system of investigation of crimes**

**Abstract:** Informational system of crime's mechanism is an element (subsystem) of informational system of investigation of crimes and in turn consists of the elements (subsystems) of a way crime commission, way of crime concealing, behaviour of subject of crime and others.

In doctrine on crime mechanism is used the provisions of criminology, criminal law, criminal process, psychology, psychiatry, forensic medicine, sociology, theory of information and number of other sciences.

Doctrine on crime mechanism has a complex character that is determined with complicated structure of mechanism and, first of all, the fact that a man, his actions or inactions is a core of crime mechanism, from which in some condition depend consequences of crime.

**Keywords:** mechanism of crime; way of committing of crime; way of concealing of crime; regularities of reflection; fully structured way.

Under mechanism of crime is understood a complex dynamic informational system including a subject of crime, his attitude to his actions, their consequences, accomplices, an object of encroachment, way of committing and concealing of crime, criminal result, environment of crime, behaviour and actions of persons happened to be accidental witnesses of an event and other circumstances [2, p. 11].

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Main elements of crime mechanism determining a character of informational system its investigation are way of committing and concealing, and also correlations between them.

Prof. Zuykov G.G. determines a way of commission and concealment of crime as a system of united with single concept of actions of a criminal on preparation, commission and concealment of crime, determined by objective and subjective factors, actions conjugated with usage of appropriate instruments and means [3, p. 92].

Systemic approach to consideration of a crime's way obliges of investigator to distinguish, examine and evaluate from criminalistical positions its significant elements, search of these means, techniques of masking of appearance, methods of search and seizure of values, their packaging, removal, concealing, transport means, actions of sale of stolen and others.

All listed elements engender a certain consequences (traces) entering in mechanism of crime. Elements of a crime's way are initially studied separately, as far as finding and studying of the traces and other consequences of an offence, but systemic approach requires also their aggregate studying. Systemic approach obliges to consider a way of committing and concealing of crime as unity all of its elements, caused by a number of factors. Resolution of this task is provided through designing and checking of the versions on a way of committing and concealing of crime and with other investigatory methods.

Informational system of crime's method, in turn, being an element (subsystem) of more complex system – mechanism of crime, should be examined in mutual connection with these elements – particularities that characterize a subject of crime, environment, an object of encroachment, and others. Prof. R.S. Belkin pointed out that this should take into account the regularities of formation, choice and execution of crime's way, regularities of appearance and development the ties between elements of crime mechanism [1, p. 363]. The most important



regularities, which determine a connection of the way to other subsystem, are the regularities of interaction of elements of crime's mechanism. Subject, who acts with chosen way, impacts on environment, makes changes in it, interacts with victim, witnesses, behaviour of which, in turn, influence on criminal and a way of his actions.

There is also an important the regularities of reflection, for which the actions forming a way of crime are reflected in conscience of participants of crime and on material objects, caused the changes in external environment. However, some (e.g. particles of ground on the clothes and footwear, dust, paint, blood of a victim and others) fragments of this environment are reflected on a subject and instruments of crime. Objective characteristic of a way of crime committing might be given only on a base of studying all set of traces-reflection that established by investigation [4, p. 49].

Regularities of reflection are manifested in every specific case according to character of crime, particularities its mechanism, way of act. In one case it will be the regularities of reflection at mechanic interaction, in other one – traces of chemical interaction (at fire, explosion), and in third – traces of biological interaction (traces of microorganisms on deed body). With considering of this there is formed a judgement on a way of crime, place, time and other circumstances its commission.

Prof. G.G. Zuykov introduced in criminalistics a concept of “fully-structured” and “non fully-structured” ways of crimes. Under “fully-structured” way is understood such way, which includes preparation, commission and concealment of crime. This structure is typical for deliberate crimes. Non fully-structured way is inherent to careless or impulsive crimes as they have no preparatory stage [3, p. 116-117].

Fully-structured way is typical for embezzlement appropriation of other's property, arsons, diversions, some deliberate murders, thefts. Fully-structured way



of crime is a complex act of conscious strong-willed behaviour, in which are combined the elements of typical skills of a subject, “automatic” actions, non-fixed by conscience and actions that necessary, provided with situation, chosen, proceeding from his specific particularities.

Research of a structure of crime way shows that its formation and execution determined with external objective and internal subjective factors. To the first should be attributed all environment, specific conditions, in which human lives. However, such interpretation of external factors is too generalised. Direct impact on choice and execution of crime method should be criterion of limitation of external factors. In that light, to external (objective) factors that determine a crime method should be attributed:

- social situations and negative phenomena that impact on formation, dissemination and repeatability of crime methods. These include:

- social situation (historical background) under influence of which is formed an intention and methods of crime;

- Household and office (productive) situations that characterise interpersonal, most frequently conflict interrelations between members of staff;

- Alcoholism, drug addiction like social phenomena;

- Propaganda of cult of cruelty, violence, erotica;

- Dissemination of literature, video and cinema films, which disclose in details the ways of commission of serious crimes;

- Professional crime like a source of criminal experience.

- To external objective factors that determine crime method are also attributed the factors, which directly associated with preparation, commission and concealment of specific crime. These are:

- An object of encroachment, its particularities;

- Environment that preceding crime, ancillary it and formed after crime. This environment are: place, time, weather conditions, visibility, terrain, availability and



nature of infrastructure, means of communication, vegetation, disposition and kind of construction in place of incident or their remoteness, distinguishing marks of an area;

- Character of an object, on which crime committed, its functional assignment (enterprise, shop, warehouse, base, dwelling, apartment, railway, other kind of transport and other objects);

- Presence (or conversely, absence) at place of occurrence of third persons (strangers, witnesses, accomplices, victims), their attitude to crime [2, p. 52].

Subjective factors include:

- aim and motive of crime. Aim – an ideal of human’s imagination on final results of activity. Motive in psychological aspect is an inducement to activity. Way of preparation to committing and concealing of an act depends on the aim and motive. They determine an excitation of the cerebral cortex that in turn impacts on physiological mechanism of acts, which are reflected in way of crime;

- psychic features of person, from which depend on an evaluation of external factors, making decisions and particularities of their fulfillment. Mental features are manifested in human character – in his attitude to reality, volitional features (strong and weak will), an ability to lead consciencely his activity in achievement of an aim and realization of a motive. Thus, character acts as one of the basis of human behaviour.

In character, from view of point of a way of crime commission, it is necessary to distinguish:

- a will, i.e. an ability to choice of activity’s goal and internal conditions to carry out this goal. Main in volitional act is concluded in understanding of value their results for a subject (or society) of purposeful actions;

- temperament, i.e. characteristics of person from side of dynamic particularities of mental activity – temp, rhythm, intensivity, emotionality;



- emotions, i.e. subjective reaction of human on impact of internal and external irritants that is manifested in form of satisfaction, displeasure, joy, fear etc. Emotions are also reflected in a crime's way. For example, under influence of fear a man destroy traces of crime; experiencing satisfaction on victim's torment he/she continues torture etc.

Among the subjective factors a great role in crime's method play the signs of education, upbringing, i.e. bringing to automatization the elements of activity, for example, skills of writing, driving a car, performance other labour operations. Skills are individual, relatively stable during long time, variable under influence of situations, can be fixed through criminalistical means and methods or in result of criminal's acts are mapped in environment. Traces of these acts have the signs of skills and accordingly information on a man who possesses with these skill.

With skills closely tied habits, which make free out of conscience control not only a technique of actions' performance, but also the fact of actions. Like skills the habits are an involuntary and individual. This gives a special importance to traces, in which habits are reflected. Under influence of the habits might be determined a distribution of the functions in criminal group, time, place of crime, applied professionally used instruments. Addiction to alcohol or drugs is also reflected in a method of crime [2, p. 66].

- mental abnormalities, i.e. painful mental deviations that do not exclude sanity and liability for what he/she did (psychopathy, intellectual underdevelopment, cruelty, sadism, masochism, exhibitionism, sexual fetishism), often prejudice a way of crime. Psychopaths' actions are distinguished with impertinence, sometimes with absence of visible motivation; particular cruelty; inconsistency, approximately equal frequency and other signs;

- sex, age, somatic features of a person – height, weight, physical strength, body construction, development of body's parts;

- health status, particularities of developmental effects;



- particularities of human profession;
- education and level of intellectual development, erudition, circle of interests, their depth and versatility, other subjective features of man, his/her individual characteristic [5, p. 76].

There is existed coherent interconnection between objective and subjective factors, which determine a way of crime. It would be mistake to overestimate a role only objective or only subjective factors.

### **References**

1. Belkin R.S. Kurs kriminalistiki [Course of criminalistics]. Moscow, 1997 - v. I - 404 p.; v. II - 463 p.; v. III - 478 p.
2. Veliyev F.F., Hajiyeva H.G., Suleymanov J.I. Shiraliyeva S.J. Mekhanizm prestupleniya [Mechanism of crime]. Uchebnoe posobie [Training manual]. Baku, 1998, 88 p.
3. Zuykov G.G. Kriminalisticheskoe uchenie o sposobe soversheniya prestupleniya [Criminalistical doctrine on a way of crime committing]. Dis. dokt. yurid.nauk [Diss. Of Doctor of Law]. Moscow, 1970, 421 p.
4. Zuykov G.G. Metodologicheskoe znachenie izucheniya sposobov soversheniya prestupleniya [Methodological significance of studying of crime committing ways]. Kriminalistika [Criminalistics] Moscow, 1969, pp. 48-61.
5. Luzgin I.M. Rekonstruktsiya kak odin iz metodov ustanovleniya sposoba soversheniya prestupleniyi [Reconstruction like one of the methods to establish a way of crime committing] // Materialy 2 nauchno-teoreticheskoy konferentsii [Materials of 2 Sci.-Pract. Conf.]. Riga, 1972, pp.76-77.