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Psychological and physiological characteristics of criminals and victims of crimes of personal freedom based on Russian criminal cases

Психолого-физиологические характеристики преступников и жертв преступлений против личной свободы на основе российских уголовных дел

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Abstract

A person's personality is a carrier of individual, unique signs and traits that depend on its nature and are formed during life experience, including during the commission of crimes. We studied 320 criminal cases of violations of personal freedom (kidnapping, human trafficking, the use of their slave labor, etc.), as well as an analysis of the scientific literature that made it possible to substantiate the characteristics of criminals and their victims. As a result of the study, criminals and their victims were classified into groups. The features of these groups were characterized. The study of the personal properties of criminals and victims is necessary for all crimes of personal freedom, regardless of the commission country, and allows you to properly organize an investigation, put forward standard versions, build work to find traces and means of crime, thereby exposing the criminal.

Key words: investigation, personal freedom, criminal, victims, personality, causes of encroachment on freedom, criminal's classification.

Аннотация

Личность человека является носителем индивидуальных, уникальных признаков и черт, которые зависят от его характера и формируются в процессе жизненного опыта, в том числе и при совершении преступлений. Мы изучили 320 уголовных дел о нарушениях личной свободы (похищение людей, торговля людьми, использование их рабского труда и др.), а также анализ научной литературы, позволивший обосновать характеристики преступников и их жертв. В результате проведенного исследования преступники и их жертвы были разделены на группы. Были охарактеризованы особенности этих групп. Изучение личных свойств преступников и потерпевших необходимо для всех преступлений личной свободы, независимо от страны совершения, и позволяет правильно организовать расследование, выдвигать типовые версии, строить работу по поиску следов и средств преступления, тем самым разоблачая преступника.

Ключевые слова: следствие, личная свобода, преступник, потерпевшие, личность, причины посягательства на свободу, классификация преступника.

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Introduction

It is believed that the essence of the personality consists in expressing individuality through the way of being and entering into social relations, personifying it in society. Individual consciousness, focus and specificity of activities depend not only on the position in society, but also on the internal attitude to their place in it which is determined by interests, value guides, ideals, employment, goals of social activity (Schimmenti et al. 2014).

A person is individual not only by the features of his face, physique, gait, manner of behavior but also by the originality of his inner world — personality traits that determine a peculiar attitude to certain aspects of reality, preference of some values over others. This behavior is due to psychological properties, their complex selective implementation in practice (Alison et al. 2002). This is most evident in the commission of crimes. Each crime is an exceptional unlawful act depending on the preparation, the mode of commission, the dynamics of the mechanism, the localization of traces, the direction of intent, concealment techniques, the subject's readiness to resist the investigation. The nature, severity, voluminosity, direction listed above are interdependent with the type of unlawful act and personality characteristics of the subject of the crime (Tsyriak et al. 2020). They determine the impossibility or possibility of establishing the fact of the crime committed.

At the same time, analysis of the practice of crime investigation and numerous studies by criminologists and forensic scientists indicate that the method of preparing and committing a crime aimed at individual freedom depends on the behavior of the victim (the victim of the crime) and his lifestyle.

Victims with their inattentive, neglectful, defiant, and sometimes immoral behavior, in some cases suggest the idea of committing a crime, in others they provoke criminals to commit it.

The behavior of the victims, contrary to morality: the unjustified waste of large sums of money, regular visits to expensive restaurants, frequent trips abroad, the purchase of expensive cars, the frank preference for unusual intimate relationships, the idealization of money, expensive jewelry, the willingness to commit rash actions for them - provokes the guilty intent on committing crimes against such persons, suggesting methods of preparation and the mechanism for their commission, facilitating the

achievement of unlawful goals th (Mudrak, 2019).

Materials and methods

The methodological basis of the study is based on the dialectical method of cognition of social and legal realities, the unity of their social content and legal form, which provides a scientific, comprehensive, organizational, functional and active approach to the study of "criminals encroaching on the freedom of the individual and their victims" and allowing to consider their components personality traits as interrelated and constantly evolving signs.

In the process of the study, the authors used legal, sociological and other methods of scientific knowledge: logical, comparison and statistical, system analysis and modeling, as well as expert assessment methods. These methods allowed us to systematically study the personal properties of criminals encroaching on the freedom of the individual and their victims, as well as to identify and justify the personal properties inherent in them.

The reliability of the results is based on the analysis of 320 criminal cases encroaching on personal freedom (kidnapping, illegal detention, the use of slave labor, human trafficking, illegal placement in a psychiatric hospital), investigated in the period from 1998 to 2018 in Russia.

The authors relied on the achievements of the science of philosophy, criminology, psychology, criminal procedure, criminal law and others. In the scientific comprehension of the material obtained and the content of the study, the fundamental scientific research work of scientists in this field was used.

The conclusions and proposals made are based on the provisions of normative legal acts, decisions of courts of general jurisdiction and the Supreme Court of the Russian Federation, considering crimes that infringe on individual freedom, as well as the works of scientists, taking into account the historical experience of current trends and prospects for the development of modern science.

Theoretical basis of the research

Analysis of the materials of criminal cases allows us to conclude that the crimes in question are committed by persons with specific personal

characteristics that distinguish them from the subjects of other crimes. They are characterized by cruelty, extreme selfishness, neglect of others, heartlessness, the ability to inflict bodily harm, the use of sophisticated methods of crime, the lack of compassion and positive social orientations (Hanson & Bussiere, 1998).

The study of criminal cases, conversations with investigators allow us to say that persons who have committed crimes that violate personal freedom have mixed personality traits that are characteristic, on the one hand, for a mercenary criminal (Yegorov, 2010) and, on the other hand, for violent ones (Smirnov, 2010), which distinguishes them from subjects of economic, tax, environmental crimes.

Of great importance for the investigation of crimes against personal freedom are the information about the victims: their about the lifestyle, moral and ethical qualities of the victims, their attitude to public opinion, the chosen manner of behavior in unusual situations and in dealing with previously unfamiliar people. The materials of the studied criminal cases indicate situations where the victims easily believed strangers, could not recognize the criminality of their actions, did not foresee the danger of the consequences.

It should be said that there were victims with selfish motivation who were characterized by greed, selfishness, neglect of others' needs, seeking to solve their problems at the expense of third parties, easily amenable to other people's influence, not foreseeing danger to themselves (Cunningham, 2017).

The set of these personality traits, their interdependencies (internal correlations) make it possible to establish specific circumstances that serve as a guideline in determining the direction of investigation, extension and version control, searching for traces and means of committing crimes, accomplices in illegal activities, and prevention of these crimes too (Hakkanen et al. 2004). In turn, this affects the choice of tactics for executing investigative actions, force the subject of the investigation to think over the arsenal and time for implementation.

Studying the investigative practice, we have come to the conclusion that the criminals who encroach on the public relations ensuring the inviolability of personal (physical) freedom belong to two main groups depending on the legal status and personality traits.

Based on this, the first group will consist of persons who are not special subjects and who are not authorized by law to ensure the protection of human and civil rights and freedoms in the Russian Federation. This group is the most numerous, it was made up 92.8% of the subjects of crime.

The second group will consist of persons with the status of a special subject, they are authorized to comply with the legislation in the field of ensuring personal freedom including in the field of protecting the rights and interests of children by parents. It includes 7.2% of persons prosecuted.

This percentage is due to a number of reasons: 1) the overwhelming majority of crimes involving responsibility for abduction and illegal confinement (94.8%); 2) the specifics of the socio-economic situation in Russia, indicating a relatively high level of unemployment determining the jobless population to solve material problems in a criminal way (Gurnitskiy, 2014); 3) the increase of legal nihilism among the population (Venediktov, 2014).

In turn, we also classified the victims into two groups.

The first group of victims consists of people who were intended for physical exploitation in order to extract material benefits: the use of slave labor, forced prostitution, and others.

The second group of victims consists of persons whose abduction did not imply their physical exploitation, and the perpetrators of intent were aimed at obtaining a ransom for their release, acquisition of the victim's property, and other purposes.

Results and discussion

The first group of criminals

More than half (60.1%) of the subjects of the first group crimes did not have a permanent source of income and a stable place of work. Let's pay attention to the fact that in 2018 in Russia there was a decrease (by 5.4%) of the criminal activity of persons who do not have a regular income. 601252 people from the named subgroup took part in illegal activities. The number of unemployed people who committed crimes increased by 8.7% (4775 people). The shares of workers and employees who committed crimes, encroaching on public relations ensuring the inviolability of personal (physical) freedom were

distributed approximately equal and amounted to 19.5% and 14.5%.

The number of pupils and students who have committed unlawful encroachment provided by the Chapter 17 of the Criminal Code was 5.1%. It should be noted that in 2018 the number of pupils and students who committed crimes in the Russian Federation decreased by 2.1% (in 2017 45,504 such subjects were identified, in 2018 - 44,430).

Most of the perpetrators of the crimes in question did not have a family (67.7%); they were not married. Experts who have studied this problem in relation to the certain elements of the crimes included in the Chapter 17 of the Criminal Code of the Russian Federation have come to the following conclusion: "The fact that a typical criminal in this category does not work anywhere and is not married indicates a negative attitude to useful social work and to family values. In turn, it suggests that he has an antisocial attitude" (Karaseva, 2007).

As well as any crimes, encroachments on the personal freedom are determined by the motives of their commission. The motive of the crimes that are the subject of our research, as well as the others, is made up of the criminal's attitude to the real goal (the desired result) and acts as an incentive for the realization of the plan (Navia & Ossa 2003). Among them prevailed: self-interest - 80%; sexual attraction, the desire to start a family, have a woman - 9.1%; vengeance, personal hostile relations - 5.9%; others - 5%.

The predominance of self-interest when committing crimes under the Chapter 17 of the Criminal Code of the Russian Federation is due to the desire focused on a thoughtful way to commit illegally causing physical and moral suffering to the victim and often to his inner circle, to gain material benefits relatively quickly and also to receive money (they is the most often figured as the demand of criminals), property or right of ownership, use and disposal of the property (Selten, 1988).

It should be noted that often the demand for ransom for the release of the victim is also used to resolve economic issues (disputes) including the inducement of the co-owner to active implementation of the assigned business development responsibilities and the debtor to performance its obligations arising from the conditions of the loan agreement, other contracts and also from non-contractual obligations (Volkov, 2002).

So, N. and V. conducted joint business activities related to the operation of the beach on the reservoir. When discussing further actions to develop business and obtain a differentiated income, disagreements arose between them which later grew into hard aversions which could not be resolved. In order to exclude V. from business, N. decided to exert physical influence on him. For this, together with G., they stoled by deception V., tied him up, put him in the luggage compartment of the car, took him to the forest and after rejecting the ultimatum put forward by N., they committed the murder of V. (Criminal Case, 2013).

Selfish motives can also be traced in attacks aimed at the labor and sexual exploitation of victims (Kursayev, 2017).

The report of the Director of the UN Office on Drugs and Crime, Antonio Maria Costa, noted that human trafficking remains a significant problem for more than 15 years in a row. It was noted that the main suppliers were the Baltic countries and the former Soviet Union. They accounted for 32% and 19% of all victims in the sex industry in Europe. 79% of the victims of human trafficking worldwide were victims of sexual exploitation, 20% of whom were children (Dzhordan, 2005).

By virtue of their specificity (mechanism of illegal activity), 64.7% of considered crimes cases are committed by a group of persons, 4.3% of which are organized criminal groups, in 31% - by alone criminal. The presence of the group nature of such attacks is indicated by many authors (Sidorov & Baleev (2019).

It should be noted that in 2018 an increase in crimes committed by organized groups and criminal associations (criminal organizations) was registered by 17.9%, with a high increase of 140% for abductions.

A significant level of the group nature of crimes aimed at personal freedom is explained by a number of different reasons, including the difficulty of committing such crimes alone, for example, kidnapping (except for children) (Vannini et al. 2019).

As already mentioned, the level of preparation, the search for the appropriate situation, the choice of methods of committing attacks on personal freedom, concealment techniques, and countering the investigation depend on the personal characteristics of the subjects. Here a considerable role belongs to the level of

education of the criminal, prior criminal experience.

The persons studied are characterized by the following educational level: 21.2% had a higher education, 66.7% had a secondary vocational or secondary general, and only 12.1% of criminals who committed an encroachment on public relations that ensure the inviolability of personal (physical) human freedom had the main general or primary education. 22.2% were previously convicted for various crimes. It should be noted that the previous experience of committing unlawful acts, staying in places of deprivation of liberty added not only the experience of committing crimes, but also had an impact on the methods of committing the studied crimes, the selection of accomplices and the means of committing. The given facts corrected also properties of the person, adding cruelty, callousness, soullessness to acts.

The vast majority (92.3%) of crimes that infringe upon personal freedom are committed by males. This indicator is traditional; the proportion of women who committed crimes in the Russian Federation in 2018 was 15.6 thousands. This is 2.6% more than in 2017. A large number of male criminals is explained by the need to use physical violence, overcoming the resistance of victims, according to such acts as abduction, unlawful imprisonment.

A small number of women belonging to the subjects of the first group is explained by the anatomical and physiological features of the body, psyche, sensual, volitional, emotional spheres, psychological perception of the environment (Shevchenko, 2016).

The role of women in these crimes, as a rule, is reduced to complicity, at least - to co-execution (Beauregard et al. 2008). So, V., together with M., getting acquainted with low-income and socially unprotected girls on the Internet, in the course of correspondence and telephone conversations offered the latter to come to Moscow for prostitution. Further, they intended to sell them into sexual slavery to wealthy clients (Criminal Case, 2016).

The analyzed crimes are committed mainly by persons of two age groups: 18-29 years old - 47.5%, 30-49 years old - 43.1%. This pattern can be explained by a number of non-complex factors, including: an active and productive period of human activity; possessing sufficient physical strength; the ability to use the most of intellectual abilities; the presence of certain

professional skills (driving, ability to handle weapons, communications, video surveillance).

The second group of criminals

The second group of persons encroaching on public relations, ensuring the inviolability of personal (physical) freedom are special subjects. As already mentioned, they are authorized to ensure the rights and freedoms of a person and a citizen in accordance with generally accepted principles and norms of international law and in accordance with the Constitution of the Russian Federation (Kuz'min, 2014). Such special subjects were doctors (medical personnel) of maternity hospitals, psychiatric hospitals (the psychiatrist determines the indications for emergency hospitalization, and, if necessary, organizes it in accordance with the legislation of the Russian Federation), parents of newborns or young children (de Boer-Buquicchio, 2019), law enforcement officers (Folami & Naylor, 2017) (according to our data, they amounted to a total of 7.2%).

The subjects of this group are characterized by the presence of a clear goal, the connection of the powers that they perform with the realization of the right to personal freedom, a streamlined system of actions, discipline and secrecy. The great organization and thorough concealment of the group of crimes under consideration are due to the peculiarity of the professional activity (Pshiva & Suarez, 2010). They are empowered to make certain decisions, to accompany them with the preparation of relevant "objective" documents that restrict the freedom of the victim, as well as the actual enjoyment of the freedom of other people (children, offenders).

A significant number of the subjects of this group are men - 65.2%, but their number is lower than the criminals of the previously represented group. As a rule, men of this group commit encroachments related to the abduction of people and the unlawful deprivation of their liberty being law enforcement officers (Criminal Case, 2017; Criminal Case, 2010 et al.).

34.8% of subjects are women. Their illegal activities are related to the abduction and sale of children, less often the illegal placement of the victim in a psychiatric hospital (Criminal case, 2011; Criminal case, 2018 et al.).

Self-interest motivation is also characteristic of these subjects (Desai & Goel, 2018) (56.5% according to our research). In other cases, the desire to help the women who have no

opportunity to give birth the child themselves thereby strengthening family relations is dominated in 30.4% of cases (Horner, 2017).

As a motive, there are also falsely understood service interests - 13.1% (to raise the performance indicators, to discover or solve a crime not committed by a specific person, all this is accompanied by unlawful deprivation) (Karaseva, 2017). So, K., M. and Y. being police officers, knew that Z. was involved in the distribution of narcotic drugs and psychotropic substances, they drove up to Z.'s house and deceptively called fraudulently the latter outside. They showed IDs of police officers, then they applied a few punches to his head, handcuffed him, shoved him into a car and took him to the police station No. 32 of the Nevsky District of St. Petersburg where they illegally held him demanding to name the drug dealers (Criminal case, 2014).

Among the represented subjects 65.2% had a higher education. The age ranged from 20 to 30 years - 21.7%, from 30 to 40 years - 43.5%, 40-50 years - 26.1%. 52.2% were married, of which 21.7% were in civilian life.

First group of victims

The first group of victims consists of persons who were intended for physical exploitation in order to derive material benefits. These are victims of crimes in the position of a slave who are victims of the crimes provided for in Article 127.1 of the Criminal Code of the Russian Federation "Trafficking in Persons" and Article 127.2 of the Criminal Code of the Russian Federation "Use of Slave Labor". The objectives of their operation were:

- a) providing sexual services to clients;
- b) maintenance work;
- c) the implementation of various instructions related to the cleaning of territories, premises, washing clothes, minor household repairs;
- d) harvesting, processing vegetables and fruits;
- e) construction work;
- f) care for livestock, poultry, procurement of pet food;
- g) begging.

This group is 83.3% female. Most of them were sex slaves involved in the sex industry, both in Russia and abroad. The vast majority of women in this category of cases are persons aged 21 to 25 years, mainly with a secondary level of

education, not working, mainly from dysfunctional families.

A small part of the female victims performed other types of work, conducted housekeeping and were beggars. 16.7% of the victims were young men and men used in hard physical labor in construction, agriculture, repair work, or in the sex industry (Ioannou, Hammond & Machin, 2017).

The victims of this group in 100% of cases were young people from 18 to 45 years old. Of these, from 18 to 25 years old - 75%, from 25 to 35 years old - 8.4%, 16.7% of persons aged 36 to 45 years. The oldest were citizens with no fixed abode who were not interested in their place of residence; they preferred cigarettes, spirits, clothes, shoes, and a warm climate (Orth, 2002). In the process of studying criminal cases, there were no cases in which victims older than 46 years old were present. This is explained by a number of reasons: certain life experiences, rules of conduct, not committing rash acts, stable social security, having a family. As a rule, they control themselves, exercise caution in communicating with other citizens, especially strangers.

Most of the victims included in the first group (91.6%) had secondary vocational education. They are characterized by weak social security and a lack of a constant source of income (Cowburn et al. 2014). 91.6% were unemployed, 8.4% were students. Only 18.2% of them were married, 81.8% were not married. 73.3% of the victims were citizens of the Russian Federation, 26.6% had citizenship of a foreign state.

A number of factors encouraged victims to engage in prostitution or to sell their labor on the "construction market" for nothing. Social inability, lack of prospects for material growth and lack of life experience, allowed victims to be involved in the criminal business, once they were subjected to physical and mental violence, were forced to obey the will of the criminals, and could not resist them (Tjaden & Nancy, 2006). Due to their nature, the victims did not show tricks, did not try to falsely leave the place of "imprisonment", and also were afraid of being subjected to beatings, bullying, and violence (Ioannou & Oostinga, 2015).

So, those who did not work R., E., A., with secondary general education, were not married, aged 16 to 20 years, in order to receive material compensation, they regularly engaged in prostitution. No attempts were made to find

work, except for finding places where you could regularly provide sexual services for money.

Participants in the criminal group B., V. and R., having distributed roles among themselves, at various times made contact with the girls. During sexual intercourse, they were euthanized with the medicine “clonidine”, abducted and transported to a previously prepared room. There, they were offered criminals to continue to engage in sexual services, but under their control and for the rewards that they will give them. The girls rejected this offer, but were brutally beaten, intimidated, raped. As a result of the suppression of the will to resist, they began to be transported to various apartments in order to provide sex services to clients (Criminal case, 2012).

Second group of victims

The second group of victims consists of the persons through whom the criminals intended:

- get a share in the business;
- take possession of the business;
- become owners of residential or industrial premises, land, apartments, motor vehicles;
- receive money for the release of the person stolen by them.

This group of victims includes victims whom the criminals did not plan to exploit. They turned out to be such as a result of crimes stipulated by Articles 126 of the Criminal Code of the Russian Federation “Abduction of a Person”, 127 of the Criminal Code of the Russian Federation “Illegal Deprivation of Liberty” and 128 of the Criminal Code of the Russian Federation “Illegal Hospitalization in a Medical Organization Providing Psychiatric Care in Inpatient Conditions”.

Most of them are males - 68.8% (women accounted for 31.2%). They have material resources, are engaged in entrepreneurial activities or own real estate. 80.3% were between the ages of 25 and 45. In contrast to the victims of the previous group, the share of people over 46 here is 19.7%.

79.6% of them were engaged in socially useful work (40.3% - workers, 31.5% - employees, 7.8% - students), the victims themselves or their relatives had a stable financial situation. 58.8% of the victims were married, 22.4% lived in a civil marriage, 18.8% were single or unmarried. 22.1% had higher education, 72.4% had

secondary vocational education, 5.5% had primary education.

Citizens of the Russian Federation were 90.9% of the victims, 7.8% were citizens of a foreign state, 1.3% of persons did not have citizenship. Foreign citizens and stateless persons were on the territory of Russia on commercial matters, in search of work, did business or studied at Russian universities.

An analysis of criminal cases involving crimes of personal freedom suggests that it was the stable financial situation of the victims or their relatives that caused them to commit crimes (Alexander & Klein, 2009, p. 16). Note that the friendly relations of the criminal and the victim did not stop the illegal activity. So, S., being on friendly terms with K.'s family, knowing their way of life, financial situation, ways of receiving money, from selfish motives, committed the abduction of their 19-year-old son. After a short period of time, S. fictitious money was demanded from his fictitious name for his release (Criminal case, 2017).

The study showed that the number of victims of the second group is about ten times higher than the number of victims of crimes of the first group associated with the subsequent exploitation of the victims.

Victims of the second group most often become persons with material values, which explains the mercenary orientation of these crimes. Depending on the source of the material resources of the victims can be divided into groups:

- a) borrowed and evading payment of money;
- b) engaged in entrepreneurial, commercial activity or receiving income from the rental of premises;
- c) having values obtained by criminal means;
- d) having income from illegal commercial activities;
- e) others (Fazio, 2012).

Attention should be paid to two circumstances that we have established that complicate the process of investigating the crimes under consideration.

The first. There were cases in which victims engaged in illegal commercial activities were not interested in identifying such circumstances, and concealed certain facts of criminal attacks committed against them.

Second. A number of victims were subjected to fraudulent actions by competitors, extortion, illegal imprisonment, with the aim of obtaining a ransom. From the materials of criminal cases, the relationship of these illegal acts was seen, but it was very difficult to prove it (Garakani & Billick, 2008, p. 1490).

The group of unemployed victims includes victims whose material well-being is high. They owned apartments, private houses and other property. These persons fell into the field of activity of criminals when trying to make various transactions with property: renting out, selling, etc.

17.5% of all victims of crimes that infringe on personal freedom are relatives of victims of the analyzed crimes. Feeling a sense of fear for the victim, relatives are afraid to seek help from law enforcement agencies, they are afraid of harming the victim. Sometimes the demands of criminals are presented to relatives directly through the abducted person.

Conclusion

Our study allows us to claim the presence of characteristic signs of criminals and victims in cases of crimes aimed at personal freedom.

The given personality traits of a modern criminal who encroach on public relations, ensuring the inviolability of the personal (physical) freedom, allow us to bring up the following typical portrait. He is a man aged 18 to 49 years old, having a general secondary education, not working, not having a permanent job and income, single, characterized by a persistent antisocial attitude, having various special skills, focused on a criminal lifestyle, committing crimes with a mercenary motive and preferring a group form of violent encroachment. Their common personal traits are egoism, disregard for others, lack of positive social guidelines, the use of sophisticated methods of committing crimes.

The moral and psychological characteristics of the personality of victims of attacks on personal freedom allows us to distinguish the following signs: credulity, naivety, passivity, greed, weakness, a tendency to abuse alcohol, a tendency to use drugs, and a low cultural and educational level.

Signs of victims of crimes of personal freedom contribute to the establishment of patterns of criminal activity, the prediction of certain facts of

crimes, the nomination of versions, as well as the formation of guidelines for their investigation.

Knowing the typical personality traits of victims allows you to effectively use the capabilities of investigative and operational units to disclose and investigate these crimes, as quickly as possible to solve the problems of criminal proceedings and identify the perpetrators.

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