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CRIMINOLOGICAL CHARACTERISTICS OF THE PERSON OF THE CRIMINAL AND THE PERSON OF THE VICTIM OF DOMESTIC VIOLENCE

Abstract. The scientific article is devoted to the study of the forensic characteristics of the person of the offender and the person of the victim of domestic violence. The criminological features of the structure of the offender's personality, as well as the features of the victim, as an element of the forensic characteristics of domestic violence are considered. The issues related to the characteristics of perpetrators of domestic violence and victims of domestic violence were analyzed.

Keywords: domestic violence, forensic characteristics, identity of the offender, identity of the victim.

Relevance of the study. Domestic violence is a pressing problem today and a negative manifestation of public life, threatening the security of both the family and society as a whole. All this is connected with such phenomena as the increase in the number of divorces, neglect and homelessness of children, the formation of a violent mentality of the nation, begging, loss of universal values and mutual understanding.

Resent publications review. Issues related to the characteristics of perpetrators of domestic violence were considered in the works of the following scientists: Y. Antonyan, O. Radzevilova, I. Kotyuk, M. Bazhanov, O. Bandurka, N. Malikhina, A. Blaga, I. Bogatyrev, A. Vardanyan, V. Galagan, O. Boyko, V. Vasilevich, V. Vitvitskaya, O. Dzhuzha, O. Kolb, V. Bakhin, V. Bernaz, V. Veselsky, K. Chaplinsky, A. Volobuev, V. Goncharenko, V. Zhuravel, N. Klimenko, I. Kohutych, O. Kolesnichenko, V. Kolmakov, V. Konovalova, E. Lukyanchikov, V. Malyarenko, M. Saltevsy, M. Segai, V. Tishchenko, P. Tsymbal. However, a number of problematic issues were left out of their attention, including the problems of the practice of investigating domestic violence, which arose in the context of the application of the new criminal procedure legislation. It is necessary to single out the structural elements of the forensic characteristics of domestic violence in order to effectively pre-trial investigation of such criminal offenses.

The article's objective is to study the forensic characteristics of the offender and the victim of domestic violence.

Discussion. M. Yenikeev notes that the identity of the offender - is a set of typological qualities of the individual, which led to his criminal act [1, p. 47]. A person who commits domestic violence is defined as a person who commits intentional acts of violence of a physical, sexual, psychological or economic nature against a member(s) of his family. Accordingly, the criminological characteristics of such a person is a criminological description of a set of socially significant features of a person endowed with such qualities in view of his interaction with external conditions and circumstances, which ultimately leads to acts of violence against a family member(s) [2, p. 84].

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Issues related to the characteristics of perpetrators of domestic violence were considered

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in the works of the following scientists: Y. Antonyan, O. Radzevilova, M. Bazhanov, O. Bandurka, N. Malykhina, A. Blaga, I. Bogatyrev, A. Vardanyan, O. Boyko, V. Vasilevich, V. Vitvitska, O. Dzhuzha, O. Kolb.

Researchers have tried to identify the criminological features of the identity of a perpetrator of domestic violence, so that it is possible to identify his typical criminological portrait and, consequently, to develop recommendations for improving activities to combat domestic violence. Scientific studies have shown that participants in criminal conflicts who resolve them through violence are characterized by a low cultural and educational level. According to the level of education, the majority of persons (49.3 %) had completed general secondary education, 23.4% – secondary special education, 3.9% – higher and basic secondary education, incomplete higher education – 1.3%. The majority of persons (90.9 %) had a permanent place of residence, where they committed domestic violence against their spouses, ex-spouses, and persons with whom they had a family or close relationship [3, p. 67].

To date, most scientists distinguish the following groups of criminals: social, psychological and biological. They are also significant for the structure of the offender's personality, and provide an opportunity to identify its typical features: biological (sex, age), social (place of residence, education, marital status, type of activity, general level of culture, upbringing), psychological (emotional state, temperament), intelligence, presence or absence of mental disorders).

Scientists have concluded that the subjects of this type of crime have common features. These are mostly males, adults, with secondary education, who do not work, are officially unmarried (but are in a family relationship with the victim).

The results of the generalization of criminal cases show that in 77 % of cases the perpetrators were in a family or marital relationship with the victims, in 23 % the motives for committing domestic violence were jealousy, in 9 % hooliganism.

Based on the research of scientists, the knowledge gained in the process will help not only to make a portrait of the criminal, but also to highlight the links between his personality traits and external factors that contribute to the commission of this type of crime.

According to the Law of Ukraine "On Prevention and Counteraction to Domestic Violence", adopted in 2017, the Criminal Code of Ukraine introduced the article of Art. 126-1 of the Criminal Code of Ukraine on Domestic Violence. This article establishes criminal liability for intentional systematic commission of physical, psychological or economic violence [4; p. 58]. A victim of domestic violence is a family member who has suffered physical, sexual, psychological or economic violence from another family member. A victim of violence is any member of the family who has suffered material or non-material damage through the actions of another member of that family, ie his or her constitutional rights and freedoms have been violated. According to police statistics, about 90 % of victims of domestic violence are women. There are many examples of why women who suffer from marital violence do not divorce their abuser:

- lack (or confidence in the absence) of alternatives in the field of employment and sources of income (often all cash is controlled by the husband). This problem is especially significant for women with children – lack of housing or other accommodation where a woman could move and pick up her children;
- social, cultural and family traditions that declare marriage the highest value and call for the preservation of the family at all costs;
- the presence of people who convince the woman (or maintain her confidence) that she herself is guilty of violence and that can stop it, fully complying with the requirements of the partner;
- immobilization as a result of psychological and/or physical trauma (traumatized persons are often unable to mobilize their own resources needed to end a destructive marital relationship and start a new life for themselves and their children, especially immediately after the trauma) [5; p. 36].

I. Petin highlighted that the victim's behavior is determined by the system of self-punishment, which is controlled by the subconscious. The main element of self-punishment in this case is guilt. The perception of victims of criminal violence as the embodiment of the inevitability of punishment for behavior in general is extremely important criminological and criminal law significance for the prevention of violent crime [6, p. 267].

A very important and criminological significant factor is the nature of the relationship between victims and criminals, their social and domestic ties at the time of the crime. In addition, it was found that the closer the relationship (degree of kinship, intensity of

development, duration, etc.) between the victim and the offender, the higher the likelihood of becoming a victim of violence [7, p. 137].

Among the essential data for the forensic characteristics of the victim in general, scientists distinguish two groups of information:

1. Information about their own qualities inherent in the victim as a person who is endowed with a certain set of physical and socio-psychological traits;

2. Information on the peculiarities of behavior, connections and relationships of the victim with the offender and other persons, his place in the system of the immediate social environment, which may determine the specifics of the crime (method, time, place, tools and means, other circumstances of its commission) [8, p. 52].

V. Shepitko notes that the study of the victim's identity should include:

1. Information of a questionnaire nature (sex, age, place of birth, work or study, experience, profession (specialty), marital status, presence of relatives);

2. Socio-psychological data (type of temperament, character traits, emotional manifestations, features of interaction (communication) in the team);

3. Peculiarities of behavior - before a criminal event, at the time of the crime, after its commission;

4. Independent characteristics (by place of work or study, place of residence, according to the testimony of relatives, friends or immediate surroundings);

5. Social connections (circle of friends, close acquaintances, peculiarities of leisure time, presence or absence of joint business, commercial activity, specifics of group behavior, desire to join certain microgroups);

6. Data on socially useful activities, its features;

7. Financial situation (availability of property, including real estate, cash deposits, source of enrichment, presence or absence of debt obligations, obtaining loans and the ability to repay them);

8. Criminal experience (presence or absence of convictions, connections with criminal groups, friendly relations with persons who have been prosecuted);

9. Causes of victim behavior (performance of certain professional functions; social deformation of personality), etc. [9, pp. 164-165].

Domestic violence occurs in all sectors of society, regardless of religion, race, sexual preference, professional or educational level. Those who commit violence try to gain power and control over close partners. To know the genesis of any criminal encroachment, especially domestic violence, it is not enough to study the identity of the offender, because in some cases depends largely on the behavior of the victim. In this regard, only taking into account the identity and behavior of the victim can solve a number of issues, in particular: to most fully clarify the elements of criminal behavior, to reveal the forms of conflict behavior of the victim and the offender.

Conclusions. Thus, it should be noted that domestic violence occurs in all sectors of society, regardless of religion, race, sexual preferences, professional and educational level. Those who commit violence try to gain power and control over close partners. To know the genesis of any criminal encroachment, especially domestic violence, it is not enough to limit the study of the identity of the offender, because in some cases depends largely on the behavior of the victim. In this regard, only taking into account the identity and behavior of the victim can solve a number of issues, in particular: to most fully clarify the elements of criminal behavior, to reveal forms of conflict behavior of the victim and the offender, to determine a typical criminological portrait of the offender and, consequently, to develop recommendations for improving activities to combat domestic violence.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Юлія ГРИШКО

КРИМІНАЛІСТИЧНА ХАРАКТЕРИСТИКА ОСОБИ ЗЛОЧИНЦЯ ТА ОСОБИ ПОТЕРПІЛОГО ДОМАШНЬОГО НАСИЛЬСТВА

Анотація. Наукова стаття присвячена дослідженню криміналістичної характеристики особи злочинця та особи потерпілого домашнього насильства. Розглянуто кримінологічні ознаки структури особи злочинця, а також особливості постраждалого, як елемент криміналістичної характеристики домашнього насильства. Проаналізовано питання пов'язані з характеристикою осіб, які вчиняють домашнє насильство та жертву домашнього насильства.

Ключові слова: домашнє насильство, криміналістична характеристика, особа злочинця, особа потерпілого.

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ESTABLISHMENT OF QUALIFICATION FEATURES OF SHORT-BLADE COLD WEAPONS AND CONSTRUCTIVELY SIMILAR PRODUCTS

Abstract. The conducted scientific work is devoted to the study of qualification features of short-bladed melee weapons and structurally similar products. On the basis of a careful study of the opinions of weapons scientists, information and reference literature, a thorough analysis of expert practice, certain discrepancies in the assessment of research objects, their structural elements, etc. were identified. Modern and sustainable approaches to the definition of cold steel in terms of reflection of qualifications and their consideration in the process of short-bladed cold steel are studied. Examples from our own expert practice and illustrative material of short-bladed melee weapons were used to illustrate the study.

Key words: cold steel, short - bladed cold steel, qualification features

Relevance of the study. Among the forensic examinations of weapons assigned by pre-trial investigation bodies and courts to the divisions of the Expert Service of the Ministry of Internal Affairs of Ukraine, almost a quarter are forensic examinations appointed as part of the investigation of crimes under Part 2 of Art. 263 of the Criminal Code of Ukraine by expert

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