

PSYCHOLOGICAL FEATURES OF PROFESSIONAL CRIMINALS AND RECIDIVISTS

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In modern legal reality, an antisocial act of a person that encroaches on the relations that have developed in society and poses a danger to social development, ie a crime, becomes a way of life for a certain category of persons. As in any activity, the constant honing of their skills contributes to the development of professional qualities, and in criminal activity there is the concept of «professional criminals» who for several years master criminal skills, improve the way of committing a crime and become professionals in their socially dangerous sphere. Undoubtedly, such a course of events and the existence of such persons undermines public security and control over the state-legal and social reality, and this is the relevance of this research topic. The study of the psychological characteristics of such persons is a very important component in preventing and counteracting criminals. From the point of view of psychology, a professional criminal is a recidivist, ie a persistent criminal, accustomed to a socially dangerous form of behavior. The criminal behavior of a recidivist shows the peculiarities of the interaction of his conscious and subconscious mechanisms of self-regulation. Defects of self-regulation in combination with antisocial value orientations, situational average dependence – the main psychological characteristics of the recidivist. Recidivism is a manifestation of persistent antisocial and criminal behavior of this category of persons. The behavior of a recidivist contradicts common sense, which is why there is a phenomenon of antisocial uncontrolled behavior, which is very stable. For recidivists, a characteristic feature of their behavior is indifference to possible punishment and public condemnation [3, p. 62]. Recidivism is interdependent with various mental anomalies (psychopathy, alcohol and drug abuse). It is necessary to say a few words about illegal armed associations of recidivists, which are characterized by increased public danger, as in such criminal associations the criminal qualification of their members is improved, which allows to commit various crimes quite successfully. To support the leaders of such criminal associations, special funds are created, and severe penalties are imposed for refusing to contribute to such funds. All this speaks of the great social danger of such criminal associations [2, p.219]. A new crime is committed by a recidivist at the usual level – due to the preference for a criminal type of behavior. And life in places of imprisonment, where he is usually provided with the highest status, a privileged position, not only does not frighten, but even attracts him. In the Soviet period, the concept

of a professional criminal was studied extremely actively. Thus, IM Yakimov, characterizing the criminals of the 1920s, referred to the professional type of «criminal who often commits crimes that provide him with a livelihood and provide a steady income, and due to his experience in committing the chosen type of crime such a criminal confidently counts on impunity for their own actions» [7, p. 31]. Studying the behavior of professional criminals, scientists were guided by the fact that the professionalization of a person who set out to commit crimes is not influenced by social factors (common causes of crimes), but is a natural improvement of any long-term activities to achieve the ultimate goal (namely obtaining non-labor income with the least risk for themselves) [5, p. 84]. In the 1920s, scientists distinguished professional criminals from other categories by more sophisticated ways of committing crimes. If in pre-revolutionary times professional criminals were identified with the so-called ordinary criminals, in the 1920s they were separated into an independent category of criminals. However, the difference between professional and habitual types was insignificant, conditional. It consisted only in the fact that, according to IM Yakimov, «a professional criminal works as a master, a specialist, an ordinary criminal is still not smart enough and brave, uses only a convenient opportunity. Professional criminals become mostly ordinary criminals, which is a preparatory stage through which professionals pass» [7, p. 34]. According to BS Utevsky (shared by MM Gernet, IM Yakimov and others), professional criminals, forming the core of criminals, committed a huge number of crimes that were disclosed, an even greater number of those that were not disclosed, and probably the largest number of crimes that did not even become known to the search and inquiry authorities «[8, p. 94]. In this regard, it is interesting to suggest that scholars introduce an article in the General Part of the Criminal Code, which would establish the characteristics of a professional criminal, so that the criminal liability of this category of persons acquires clear legal regulations [4, p.76]. The next cycle of scientific research on professional crime began in the late twentieth century, when a number of signs of criminal professionalism singled out NF Kuznetsova in the monograph «Crime and Crime». According to her, a professional criminal is endowed with the following characteristics: 1) crimes for him as a business, he specializes in one type of crime, ie criminal activity is for him the main or only source of livelihood; 2) acts skillfully, carefully plans the crime, technically equips it, uses certain «tools» (tools and means, special techniques); 3) hone their knowledge, experience, art; 4) turns criminal activity into a career, subordinates everything to it, including philosophy and worldview; 5) identifies himself with the underworld [1, p. 205]. Later, researchers chose as a basis these signs of professional crime. In the early 1990s, in connection with the increasing relevance of the study, AI Alekseev, Yu. I. Bytko, Yu. A. Vakutin, BF Vodolazky, and YI Gilinsky devoted their works to the problems of combating professional crime., E. FI. Popov, Yu. V. Solopanov, O.O. Taibakov, V.V. Tulegenov. **Conclusions.** Persistent criminal behavior

looks like any other professional activity. Therefore, it seems quite appropriate to defend in criminology by most scholars the interpretation of the concept of «professional crime» as a set of crimes committed skillfully by persons who have chosen criminal activity as their profession. Having analyzed all the above, we can say that in modern realities, counteracting the activities of professional criminals and the emergence of new persons engaged in illegal activities is an important aspect in the normal functioning of the state and a secure society.

References:

1. Gurov AI Professional crime: past and present / AI Gurov. – М. : Юрид. лит., 1990. – 304 p.
2. Drill DA The doctrine of crime and measures to combat it / DA Drill. – СПб., 1912. – 568 с
3. Grodzinsky MM Recidivism and habitual crime / MM Grodzinsky // Law and life. – 1923. – P. 62–63
4. Lysov MD Logico-structural analysis of concepts and signs of crimes in the current Criminal Code of the Russian Federation / MD Lysov // State and law. – 1997. – № 12. – P. 74–78.
5. Kurinov BA Scientific bases of qualification of crimes / BA Kurinov. – М., 1976. – 182 p.
6. Kolomytsev NA Recidivism and its relationship with other dangerous encroachments / NA Kolomytsev, LN Odintsova // Legal Thought. – 2015. – № 3 (89). – P. 85–90.
7. Yakimov IN Forensics. Guide to criminal technique / IN Yakimov. – М., 1925. – 496 p. 21.
8. Utevsky BS Recidivism and professional crime / BS Utevsky // Problems of crime: collection. scientific tr. ; under ed. EG Shirvindta et al. – М., 1928. – P. 91–98.

ОСОБЛИВОСТІ РЕГУЛЮВАННЯ СПАДКОВИХ ВІДНОСИН ПРАВИ США

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Характеризуючи інститут спадкування в цивільному праві слід відразу ж зауважити, що правова природа спадкування у різних правових системах трактується неоднаково. В даній публікації ми намага-