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## **CRIMINALISTIC CHARACTERISTICS OF THE WAYS OF PIMPING, COMMITTED BY ORGANIZED GROUPS**

**Мрочко Р. КРИМІНАЛІСТИЧНА ХАРАКТЕРИСТИКА СПОСОБІВ СУТЕНЕРСТВА, УЧИНЮВАНИХ ОРГАНІЗОВАНИМИ ГРУПАМИ.** Висвітлено сучасні способи вчинення сутенерства. Визначено, що спосіб вчинення сутенерства є центральним елементом криміналістичної характеристики злочину. Серед типових способів підготовки до сутенерства найбільш розповсюдженими є наступні: підшукування приміщень, де будуть надаватися сексуальні послуги або збиратимуться члени злочинної групи та повії; пошук осіб, які утримують місця розпусти; підшукування жінок, які будуть займатися проституцією; налагодження системи зв'язку між співучасниками; складання «графіків» роботи; підбір клієнтів. Серед типових способів приховування сутенерства та втягнення особи у зайняття проституцією, найбільш розповсюдженими є: організація фірм під виглядом зайняття легальним бізнесом (ресторанним, готельним або з надання інших послуг); заява під час затримання (особливо зі сторони сутенера), що він не знайомий із повіями, вперше їх бачить; знищення «чорнової» бухгалтерії, використаних презервативів; вплив на сумлінних учасників процесу; використання корумпованих зв'язків в органах влади й управління.

**Ключові слова:** криміналістична характеристика, спосіб вчинення злочину, сутенерство, проституція.

**Formulation of the problem.** The increase in the degree of activity of criminal structures in society in relation to the creation or maintenance of places of deportation and pimping is due to a number of factors, one of which is an inadequate forensic analysis of the methods of committing these crimes. During the pre-trial investigation, investigators, using the knowledge of the forensic character of the crime, as well as the links between its elements, put forward standard investigative versions in real criminal proceedings, which allows to narrow the circle of suspects, places where it is necessary to carry out search activities, and also to combine materials of pre-trial investigations in the order of Part 1 of Art. 217 of the CPC of Ukraine, if there are sufficient grounds to consider that criminal offenses against which pre-trial investigations are carried out and for which no suspects are established, committed by one person (persons). The method of committing a crime is one of the most important elements of the forensic characteristics of pimping, since, given the current conditions and trends, it is possible to construct investigative versions, to specify the peculiarities of conducting separate investigative (search) actions. This, in its turn, allows us to further develop on this basis effective scientific and practical recommendations on the methodology for their investigation. Therefore, the chosen research topic is relevant and timely.

**Analysis of publications that initiated the solution to this problem.** The study of the way crime was committed by such well-known scientists as T. Avianyanov, V.P. Bakhin, R.S. Belkin, A.F. Volobuyev, AV Dulov, I.Sh.Gordania, G.G. Zuykov, A.V. Ishchenko, O.N. Kolesnichenko, V. S. Kuzmichov, E. D. Lukianchikov, M. I. Porubov, M. V. Saltevsky, O. G. Filippov, V. Yu. Shepitko, M. G. Shcherbakovskii, M. P. Yablokov and others. However, without degrading the values of these works, it should be noted that their work did not consider ways of committing as an element of forensic characteristics of pimping.

**The purpose** of this article is to study modern methods of committing pimps, committed by an organized group.

**Presenting main material.** The first theoretical studies of the method of committing a crime were carried out by A.I. Winberg and B.M. Chaver. They considered the way of committing a crime as a component of the subject of criminology, pointed to the possibility of using knowledge about him to find traces of crimes, the establishment of criminals and the disclosure of crimes committed by them. Of great importance was the knowledge of the typical methods of committing certain types of crimes and the development on this basis of techniques for in-

investigating specific types of crimes. Depending on the criminal-law qualification of crimes, scholars formulated several definitions of the way to commit an intentional crime. In the main methods of committing a crime, scientists considered as "actions aimed directly at achieving the criminal result", and included in the content of this notion of action to penetrate the offender to the place of commission of the crime, techniques used by the offender, the peculiarities of the object of the attack, the place, time and tools of the crime [1]. G.M. Mudyugin shared the forensic concepts of "way of committing" and "a way of concealing a crime", defining a method of committing, as a target aimed at achieving a criminal goal, a complex of actions committed by a criminal in a certain sequence, a method of concealment - as a set of actions aimed at concealing a crime against around them, and first of all, from the investigative bodies, in order to evade responsibility for the committed act [2, p. 65-66].

According to E.D. Kuranov, the method of committing a crime is a complex of actions for the preparation, commission and concealment of a crime, selected guilty in accordance with the intended purpose and those conditions in which the criminal intent is carried out [3, p. 165-167]. Some authors say that the method of crime is the character of the person's actions, which is manifested in a certain interrelated system of operations and methods of preparation, commission and concealment of a crime [4, p. 22]. His definition was formulated by G. G. Zuykov, saying that it is a system of actions in preparing, committing and concealing a crime determined by the conditions of the external environment and the psychophysical properties of a person that may be related to the choice of the use of the appropriate tools or means, places and time [5, p. 12].

S.M. Zavalov, already in the new millennium, using the traditional approach, considers the method of committing a crime as a triad of ways of cooking, committing and concealing a crime. He notes that they are a kind of human activity, which is characterized by socio-psychological qualities, orientation, sensorimotor features of the subject [6, p. 26]. And already V.V. Tyshchenko to the content of methods of committing a criminal offense refers to a complex of acts of the offender for the preparation, commission and concealment of the crime, determined by the purpose of the criminal act, the properties of the offender and the situation (objective and subjective factors), whose results are reflected in material and intellectual traces characterizing the psychic and physical features of the offender [7, p. 18]. In turn, V.A. Zhuravel points out that the functional aspect of the behavior of the offender is chosen to characterize the method of committing a crime as a system of actions, receptions, operations aimed at achieving a certain criminal result. Knowing the typical methods of careless killings can effectively apply one of the most effective and practical schemes for investigating them, which is presented by scientists in a sequence: from traces of a crime - to a method of committing a crime; from the method of committing a crime - to the person of the offender [6, p. 28]. In the context of this, it should be emphasized that the basic means for obtaining information about the methods of committing a crime is to review the place of the event, interrogations, forensic examinations.

As we see, most scholars are considering ways to commit a crime in a combination of its components. We fully support these positions and consider the method of committing crimes related to prostitution and pimping to be fully structured, covering the preparation for its commission, the direct way of committing and ways of concealing it. In turn, try to explore these elements. According to a number of authors, typical methods of preparing for a crime related to pimping can be called: search for premises where sex services will be provided, or members of a criminal group and prostitutes will be assembled (often they can use specially created firms). It may also be searched for people who hold debauchery places; searching for women who will be prostituted; the search for accomplices and the distribution of functions between them (who transport, who protects prostitutes and the territory who attracts new prostitutes or clients); establishing a system of communication between accomplices, drawing up "schedules" of work; placing ads in the media or the Internet, making business cards; the search for links between law enforcement officials or the "criminal roof", etc. [8, p. 300].

It seems appropriate to us to classify the crime preparation activity provided by O. Balanyuk, who distinguished the following groups:

- 1) preparatory actions to conceal personal involvement (elaboration of a plan for the creation of a false alibi, which includes a series of actions aimed at creating in certain persons a misconception about the true location of the offender at a particular time, preliminary agreement with false witnesses, etc. - selection, the acquisition of funds intended to destroy the traces of the offender, as well as the selection of funds designed to make it difficult to use the

search-and-find dog, etc.);

2) preparatory actions for concealing the crime as a whole and masking its particular circumstances (the production or drawing up of forged documents in order to conceal criminal financial and economic operations or the true circumstances of the event, planning and selection of funds and creating conditions for commissioning events, etc.);

3) preparatory actions to create conditions for evasion from responsibility and the continuation of criminal activity (the commission of actions aimed at creating an idea of guilt in the crime of other persons, or "objective" circumstances that led to criminal consequences [9, p. 195].

So, studying the related issues, M.V. Kuratchenko notes that the methods of training include: searching for or creating a place to provide intimate services; search for individuals who will provide intimate services; creation of a certain base of persons engaged in prostitution; inclining persons to provide intimate services (money reward, blackmail, compromise, use of official dependence); placement of information about services in mass media and on the Internet; making booklets and business cards; selection of accomplices of criminal activity (holders of places of deportation, drivers, guards); coordination of activities for the provision of intimate services and scouting; creating an electronic database of regular clients who receive intimate services [10].

Given the multiplicity and adjacency of these crimes, one can explain some differences in the results obtained by K. Y. Nazarenko, who investigates the problems of investigating crimes related to the creation or maintenance of places of deportation and assault, identified the following methods of preparation: crime planning; search for a room or other place for depravity; arrangement of a room or other place for depravity; selection of persons who agree to provide intimate services for remuneration; customer search; selection of accomplices of a crime; division of roles between accomplices [11].

Concerning the direct method of committing the crime under investigation, it should be noted that, according to A.A. Nebitov, a group and organized way is characteristic of these crimes because it is extremely difficult to commit such an offense to one person, since they involve systematic and diverse actions (for example, recruitment, guarding, transportation, material support for prostitutes, etc.), which requires division of functions. Therefore, effective coercion to engage in prostitution, involvement in it and pimping is possible in terms of complicity with the division of functions and roles. However, the duration of such associations depends on the presence of corrupt relationships in government, observance of secrecy rules and disciplines that contribute to avoidance measures guilty of criminal liability [12, p. 38].

E. V. Pryakhin identifies the following typical ways of directly committing a crime connected with pimping: actions connected with securing the prostitution of another person (customer search, provision of premises, transportation, receiving money for the provision of sex services, the transfer of part of the money to a prostitute); involvement of a person in prostitution; forcing a person to engage in prostitution. As practice shows, there are now quite a few cases of forcing a person to engage in prostitution. The main person is involved in prostitution in various ways [8, p. 300].

K. Y. Nazarenko notes that the methods of immediate commission are: a) the creation of a place for the provision of intimate services; b) creation of conditions for effective functioning of the place for deprivation in order to obtain significant profits; c) persuading individuals to provide intimate services (blackmail, compromise, use of official dependence, monetary rewards); coordination of the provision of intimate services and scouting; acquaintance and organization of meetings for the provision of intimate services; (e) Retaining a place for prosecution and eviction [11].

The last element of the method of committing a crime is a way of concealing it. Regarding this issue P.V. Malyshkin notes that prospects for concealing socially dangerous act of offender often forms the so-called "artificial" conditions for effective realization. As a result of his implementation of a set of actions to conceal the crime in the context of the crime reflected the main characteristics of the characteristics of the chosen method of crime. From the information received from the traces of which the person has deprived the city of events in the course of carrying out actions to conceal the crime, it becomes possible to determine the method of their commission, the actions of the offender, committed with this purpose, to recognize the method of concealment [13, p. 22]. In turn, Boris Rybnikov pointed out that studied category - a person's activity aimed at hiding it well-known facts and circumstances of the offense [14, p. 67].

Other authors define it as situational, recurring phenomenon, the determined number of objective and subjective factors, the most important of which is the intent and related motive and purpose [15, p. 31]. V.O. Konovalova, for his part, emphasizes that the psychological tension in concealing the crime and the presence of objective factors that create certain unforeseen obstacles, violate even carefully thought-out concealment logic and create for the perpetrator the possibility of assuming many failures, on the one hand, and obtaining important information for the investigator - on the other [16, p. 21]. In our opinion, the most concrete definition of this concept was given by M.V. Danshin, having determined that the method of concealing a crime is understood as based on the implementation of the system of objective and subjective factors of reality, the complex of actions or inaction of the person concealing the crime before, at the moment or after committing an offense [17, p. 10].

The analysis of criminal proceedings made it possible to establish that among the typical ways of concealing pimping and involving a person into prostitution, the following are the most common: organization of firms in the form of engaging in legal business (restaurant, hotel or other services); a statement during the detention (especially from the side of the pimp) that he is not familiar with the prostitutes, sees them for the first time; destruction of "rough" accounting, used condoms; influence on conscientious participants in the process; the use of corrupt connections in government and government, etc.

**Conclusions.** Summing up, we note that the way of committing pimps is the central element of the forensic characteristics of the crime. Among the most common ways to prepare for pimping, the following are the most common: looking for premises where sex services will be provided or members of a criminal group and prostitutes will be gathered; search for people who hold places of depravity; searching for women who will be prostituted; establishing a system of communication between accomplices; drawing up of "schedules" of work; selection of clients. Among the typical ways of concealing pimping and involving a person into prostitution, the most common are the following: organization of firms in the form of engaging in legal business (restaurant, hotel or other services); a statement during the detention (especially from the side of the pimp) that he is not familiar with the prostitutes, sees them for the first time; destruction of "rough" accounting, used condoms; influence on conscientious participants in the process; the use of corrupt connections in government and government, etc.

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#### **Summary**

The author has enlightened modern ways of committing a pimping. It is determined that the method of committing a pimping is a central element of the forensic description of the crime. Among the most common ways to prepare for pimping, the following are the most common: looking for premises where sex services will be provided or members of a criminal group and prostitutes will be gathered; search for people who hold places of depravity; searching for women who will be prostituted; establishing a system of communication between accomplices; drawing up of "schedules" of work; selection of clients. Among the typical ways of concealing pimping and involving a person into prostitution, the most common are: the organization of firms in the form of engaging in legal business (restaurant, hotel or other services); a statement during the detention (especially from the side of the pimp) that he is not familiar with the prostitutes, sees them for the first time; destruction of "rough" accounting, used condoms; influence on conscientious participants in the process; use of corrupt connections in government and government.

**Keywords:** *forensic characteristic, way of committing a crime, pimping, prostitution.*

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#### **CRIMINALISTIC CHARACTERISTICS OF THE PERSON WHO INVOLVES THE CHAIR OF OBJECTS OF THE CITIZEN'S REAL ESTATE**

**Птушкін Д. ОСОБА ЗЛОЧИНЦЯ ЯК ОБ'ЄКТ КРИМІНАЛІСТИЧНОГО ДОСЛІДЖЕННЯ (ЗА МАТЕРІАЛАМИ КРИМІНАЛЬНИХ ПРОВАДЖЕНЬ ПРО ШАХРАЙСТВА У СФЕРІ НЕРУХОМОГО МАЙНА ГРОМАДЯН).** Досліджено криміналістично-значущі особливості особи, що вчиняє шахрайства щодо об'єктів нерухомого майна. Розглянуто криміналістичний портрет злочинця на підставі соціально-демографічних, морально-психологічних, біологічних особливостей особи. Проводиться класифікація осіб, які вчиняють злочини щодо об'єктів нерухомого майна, на дві групи. Акцентовано, що здебільшого шахрайства, спрямовані на заволодіння нерухомим майном громадян, вчиняються у групі, із задіянням корумпованих державних службовців, ріелторів, адвокатів та осіб, які виконують управлінські функції в комерційних організаціях, нотаріусів. Відзначається поширеність участі у вчиненні даного злочину жінок, осіб із вищою освітою, обізнаних і грамотних, осіб, які є володіють прийомами спілкування, тактикою впливу на людей.

**Ключові слова:** *шахрайство, нерухомість, житло, особа злочинця, що вчиняє шахрайство щодо об'єктів нерухомого майна громадян.*

#### **Problem statement and its connection with important scientific and practical tasks.**

Any crime, as a socially dangerous act, can be characterized from different sides, including from the standpoint of studying the factors that influence the level of criminal behavior of the subject who acts unlawfully. The success of the investigation, in the first place, is ensured by timely detection of those involved in the crime of persons and the gathering of evidence that would prove their guilt. However, without the knowledge of law enforcement authorities about the main characteristics of persons who commit certain categories of crimes, it is not always possible to guarantee this success, since the investigation under such conditions is carried out in conditions of information deficiency.

**The analysis of recent researches and publications, in which the solution of this problem started,** indicates that the person of the offender is the object of attention of a number