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**Research of professional perpetrator identity as one of the areas  
of preventive measures and criminal professionalism**

In this article the author shows the problems of studying the peculiarities of professional criminal's personality in preventing the professional crime. The article highlights the personality characteristics of professional criminals. The problem of crime is one of the most important. A common understanding of social danger of professional crime has not been reached in science, law and practice up to the present time. Consequently constructive control programme with professional crime was not developed for the long-term perspective. Studying the professional identity of the offender, causes and mechanism of his behavior makes the most efficient to carry out preventive effect on the personality.

*Key words:* criminal professionalism, the identity of the offender, professional crime, crime prevention, preventive measure, professional criminal's personality, prevention purposes.

Lucrative crime in the world and Kazakhstan actually is dominant. Its dynamics identifies primary trends and issues in crime in general. Greed ultimately underlies the majority of violent crimes. It is the backbone of the organized crime.

Struggle against lucrative crime in the world and in Kazakhstan prejudge the main criminological strategy. However lucrative crime to the full extent and diversity has never been tracked, was not analyzed and predicted [1; 241].

Despite a certain amount of scientific research professional crime of the past years, today there is a slight decrease of attention to this issue. This is manifested primarily in insufficient research on how to deal with professional crime. Professional crime is still considered to be one of the least studied species of crime.

It should be noted that information about criminal acts committed by professional criminals are not reflected in official static information of law enforcement agencies, and the survey results of professional criminals are often inaccurate and do not always inspire confidence.

Professional thieves' contingent is diverse. In many regions of Kazakhstan criminal environment, thieves' morality increasingly find its followers among different social groups, especially among young people.

This negative process is largely due to the "unique" criminological situation caused by socio-economic and moral conditions of social life.

Professional crime is not a simple aggregate of criminal groups and their crimes. It is a living criminal body, the viability of which does not depend on the criminal punitive practices and the socio-economic, moral, political-ideological and legal status of the company.

Professional crime should be understood as the activities of criminals of a special type, who chose criminal activities as their main occupation and source of income, and on a regular basis commit identical crimes with the use of special skills and knowledge.

The study of criminal behavior is necessary not only because it is part of the problem of the criminal's personality, but also as a source involved in the formation of this identity [2; 43]

The main category in the study of the subject of criminal behavior is his personality. Crime always has two roots: one lies in the criminal's personality and convolves of the features of his constitution, and the other is from the external facts to the individual, with the influence pushed it to crime. No one criminal cannot be explained solely by external reasons, ignoring features committed his personality [3; 7].

In general, a fairly exhaustive determination is the identity of the criminal as a person who has committed a crime due to its inherent anti-social attitudes, negative attitudes towards the public interest and public choice dangerous ways to implement his plan or no demonstration of necessary activity in preventing negative result.

Social programs of personality correction and to organize an effective fight against crime you cannot built without knowledge of the personal characteristics of the professional criminals, their activities. Studying the professional identity of the criminal allows to evaluate the effectiveness of crime prevention and fight against criminals.

Deciding the issue on the concept of the criminal personality and its characteristics, it is necessary to emphasize the main point: the human person, including criminal personality, is the product of certain social influences, connections and relationships. At any natural basis of different social conditions (upbringing, education, environment, lifestyle, etc.) are able to develop as a moral positive and negative moral image of the personality, and therefore, ultimately, these conditions determine its social nature.

Science and practice did not reveal the so-called «criminal predisposition» of the person. Biological character has such marked definite imprint on the human's personality as age, gender, and individual physical and psychological characteristics. Social context and meaning of these signs play crucial role.

Research of peculiarities of the moral formation of the personality give grounds to conclude that the biological properties of individual should not be considered as causes of criminal behavior of a person; most is that they sometimes play the role of the conditions that facilitate or impede the proper moral formation of the individual. Special aspects of age, sex, physical or mental development, if they are correctly taken into account in the organization of educational work can play a positive role in the formation of identity.

The criminal's personality is the link, where results of the influence of external social factors are concentrated, and generating this type of crime in general.

In the behavior of the criminal (in the period of forming criminal intent and commit a crime) always involve two social factors: specific life situation, which plays the role of cause of crime, and antisocial personality and its qualities, formed under the influence of the social environment. However, the interaction of these factors due to mental activity of the brain.

Identity is a multifaceted concept. It is an individual expression of socially significant properties, individual form of existence of social relations, the measure of human's sociability [4; 37–42].

The criminal's personality is a combination of socially significant negative properties developed in the process of diverse and systematic interactions with other people.

While studying peculiarities of the professional criminal's personality, you should keep in mind that most of them came to crime at an early age. This is to some extent determines their way of life in general, commit crimes as a characteristic trait of this lifestyle. Noted that individuals who join the criminal activity in youth, becoming professionals commit the most serious crimes. Each time they appear less desire to correct and change their behavior.

In our country there are objective factors shaping the high level of anxiety personality: a significant stratification of the society in connection with different level of material wealth, volume and quality of social services; social tensions between people; the loss by people, especially young, the usual life orientation and ideological values, some weakening of kinship, family, industrial and other relations, social control; a gradual increase in the number of those who in modern production cannot find place [5; 174].

Typical professional crime is the presence in its element a significant proportion of recidivists.

The recent increase in the number of people who have committed crimes (2010 — 287 681 people, 2013 — 359 844 people), and judge (2010 — 30 696, 2013 — 33 836), and especially juvenile offenders (2010 — 5 311, 2013 — 5 879), shows the progression (quantitative and qualitative) of the process of criminalization of the population.

It is obvious that the offender is a professional is a person anti-social type. This is a group of the most dangerous and active criminals, consciously oppose the society, actively denying some of its social norms. They are characterized by a constant readiness to commit crimes, the ability to perform them under the influence of the smallest external causes. Deep warp sphere of interests and needs, negativity, extreme individualism is typical for such professionals.

Professional criminals are characterized by a focus on the possession of material resources as the most significant value. Most of them have high self-esteem, developed ambition, hostility to others, the desire to maintain the authority in their environment at any cost. Many of them are confident in the safety of criminal activity, its impunity.

Personal sense of professional criminal activity lies in the fact that person realizing it strives to provide own material needs. That is why criminal activity as a source of material existence becomes a mandatory criminal professionalism. At the same time professional criminal can fully exist at the expense of proceeds from crime, and can only partially satisfy own material needs through this income [6; 189]. Of course, at the expense of crimes other person's needs can be satisfied. The meaning of any professional activity consists in the possibility of material existence by it. So authors who do not consider satisfaction in the process of criminal activity needs of immaterial character as a feature of professional crime are right.

It should be pointed out that for these reasons, professional criminals frequently acquisitive crime (theft, fraud, non-violent robberies and etc.). Of course, these individuals can make selfish and violent crimes, but greed is the driving motivation, and the violence is mostly just a means of committing the acts.

Determining the negative trends of the modern professional crime: 1. adverse dynamics of group crime; 2. a significant increase among professional criminals from numbers of previously convicted felonious crimes; 3. increase of specific weight among professional criminals of previously convicted perpetrators re property crimes of complicity; 4. active involvement in a number of criminal professionals highly educated professionals in the field of new technologies, culture and art. For this category of crimes characteristic hyperliterate that allows to speak about a sustainable professionalism with criminological properties of relapse. 5. to increase the time gap between the crime and subsequent punishment for it. On average, according to experts, one recidivist among professional thieves and fraudsters commit to 140 crimes per year, are not subject to criminal liability. 6. professional crime rejuvenated. The stability of criminal activity became characteristic of juvenile offenders.

It should be noted that these trends indicate the expanded reproduction of professional crime, increasing its public danger.

Professional crime has a long history in the criminal environment has accumulated and continues to accumulate the experience of committing specific acts are developed, strengthened and developed the traditions, skills and justifying their belief system is formed a subculture. Introduced new ways of committing crimes, are widely used technical innovations, modern means of communication, the information contained in various sources.

Criminal groups have formed the «industry» theft than largely due to the poor detection of this type of crime: burglaries she was not more than 40 %, and generally less than 50 %.

People without fixed occupation, including the unemployed, mainly constitute the category of perpetrators of crimes against property and ordinary acquisitive crime. Professional criminals constitute a significant part of people without any specific activity among this category of criminals.

It is also necessary to take into account the close relationship of this type of crime with drunkenness and alcoholism, maintenance of parasitic lifestyle [7; 555, 556].

The crime for certain segments of the society becomes the standard of life. Particularly deformation of value orientations manifested acutely in the youth environment.

Recently there is a tendency to a certain «rejuvenation» of the participants of the theft. Such situation is connected with the general tendency of changing age composition of working in relevant industries.

The moral position of professional criminals is characterized by a distinct consumer orientation, when the amount of wealth and opportunities is considered as the only criterion and content success in life. These individuals recognize the validity (or even preferable) use by fraudulent ways of acquiring wealth.

Participants of theft usually do not participate in public life, they are away from all the staff, although sometimes, especially if they are members of embezzlement on a large scale, try to hide it by ostentatious activity.

Among persons committing theft, robbery, robbery, part of women is not large. However, women are of more persistent antisocial orientation. Only among scam — unlike other categories of property criminals — this indicator is relatively high (about one third). Fraudsters also characterized by relatively higher educational level compared to other property criminals. At the same time, among them a high proportion of persons who were not working and not studying (about half), as well as repeat offenders.

Among the characteristics of professional criminals' age occupies an important place. A definite relationship of age to the nature of crimes and criminal activity of offenders was repeatedly noted in the scientific literature.

Studies have shown that age-related features of criminals professionals have a significant impact on motivational and target side of their criminal activities, ways of committing crimes on the level of their preparedness to commit a crime, role in the group of criminals, etc.

For professional criminals, the most typical age is between 18 and 49 years. Most criminal activity occurs in age from 30 to 49 years. The smallest share among the criminals are people older than 50 years. High age limit at the attainment of crimes specific to professional and recurrent criminality.

According to official statistics, the average age of the thieves who committed theft of personal property of citizens amounted to 29 years, that is below the average age of all identified offenders (32,6%) and only male active population (34,8%). Among those convicted for stealing, buying and reselling of cultural values of 96% faces up to 30 years; convicted for theft and assault with penetration of housing — 70%. Even among thieves-in-law in the middle ages did not exceed 35 years. Rejuvenation of selfish criminals is a clear indicator of social disorientation part of the youth. The vast majority of so-called leaders of the criminal world first crime committed as a juvenile.

Part of criminological analysis of personality of professional offender is to identify the educational level of such people. Most typical of them is the presence of secondary education (about 80%).

People who commit extortion have the following level: secondary education — 62%, incomplete secondary — 22%, incomplete higher — 9%, higher — 7%.

In general educational level of professional criminals is high enough (only one-fifth of them has less than secondary education). This circumstance is explained by the fact that a successful criminal activity requires advance preparation, constant control over the situation, its intellectual training.

Marital status of professional criminals allows to trace the formation of many personal characteristics, values and motivation of criminal behavior. Personality formation begins in the core of a small social group — a family. In most cases, the family has a positive impact on the perpetrators of the crime, contributes to their correction and rehabilitation. However, it is necessary to differentiate between the assessment of the impact of family on the identity of the offender, and first of all juvenile offender. Adverse family conditions (incomplete family, illegal and immoral life members, disregard for social values, the atmosphere of greed and self-interest) are typical for a significant number of professional criminals [8; 91].

Family is the main link of the chain that leads to criminal behavior. Alienated by parent family, an individual almost always falls under the strong influence of antisocial group, whose members commit crimes. Under the influence of the group formed install and values, including ways to resolve situations and problems.

Relationship with previously convicted people influence on the formation of antisocial attitudes of professional criminals. One or both parents of the significant part of such criminals were convicted, also were convicted other family members. Previously convicted, and often professional criminals were their teachers in many cases. In contact with them were purchased criminal skills, traditions and laws of a crime life was mastered. This indicates about a serious danger of the influence of professional criminals on young people.

Also for the formation of the professional criminal's personality his presence in prison has great importance. The informal environment of prisoners is mainly the social base in which is formed the environment of criminal professionalism. In turn, criminal professionalism manages informal environment of the convicted, gives it a denominated negative, considers the environment as the most acceptable for its reproduction. However, the activities of criminal professionalism is not limited to places of deprivation of liberty. Therefore, the environment of criminal professionalism should be considered as an independent socio-psychological phenomena, forming professional criminals [9; 30–44].

Moral-psychological characteristics of thieves, robbers, shop breakers, swindlers inherent unilateral primitive-consumer orientation and greed in the majority of cases. These individuals not only lose respect for legal norms on the protection of property, life and health of citizens, but have no great fear of punishment, hoping that they will not be prosecuted for their crimes. The predominant part of the burglaries, thefts, robberies, committed for the first time, inhere situational-selfish motivation in combination with answerless, the frivolity, the influence of intoxication. Often selfish motivation is intertwined with hooligan motives and group solidarity.

The development of the traits and personality orientations, motives, typical to make self-serving and selfish and violent crimes usually occurs within a few years as a result of specific defects of upbringing and

life situation of the individual in a particular environment, including as a result of intensive negative influence of active media attitudes, habits, traditions greed and parasitism. Defects of education and the negative influence can act as in the domestic-living environment and in the workplace, studies [10; 260–264].

Criminal professionalism is sustained, thoughtful, organizational arranged social parasitism of specific individuals, giving the opportunity to prepare, commit and cover up vestiges of crime, as a rule, to avoid criminal liability and to have a constant income. Traditional manifestations of professional crime are pocket and flat burglary, theft of vehicles, theft of safes, fraud, theft of antiques, hired killings, racketeering and other acts related to the professional training of the offender. In turn, professional criminals are distinguished by the narrower professions majors.

As a rule, professional criminals realize their first crime or offense in juvenile, juvenile's age, for example, so-called kleptomaniac.

Describing general moral-psychological appearance of subjects in this category, it should be noted that among professional criminals, no doubt, there is considerable differentiation [11; 217]. Thief profession at the present time is presented as a wide range of criminal areas than previously, associated with the accumulation of knowledge and skills of committing and concealing crimes.

Professional crime does not constantly strive to high income. The purpose of professional criminals is to commit a crime, a real prerequisite for income, and live, as a rule, illegally or conspiracy to criminally obtained income. Professional crime, as economic one, can be both of single, group and organized character. Professional crime counteracts the state not directly as organized, but indirectly, as economic [12].

The professional personality of the criminal is a complete set of his interconnected socially significant negative properties, which in interaction with external conditions and circumstances cause re-commit crimes.

Professional criminals are characterized by strain moral and legal consciousness. Most of them inherent in poverty or distortion of value orientations, frank selfishness, intelligent and strong-willed passivity, a large dependence on external situations, the inability (and often unwillingness) to dedicate their behavior to socially useful purposes, no personal long-term plans, weakness, imbalance, lightheadedness, frustration, excessive exposure to negative influences and so on. They are also characterized by avidity, acquisitiveness, greed, cruelty, spite, envy, non-self-criticism, constant self-justification, fatalism (belief in luck, lucky strike).

Speaking of socially significant activities of professional criminals, it should be noted that many of them early became familiar with the work. More than 90% of future professional criminals have started to work under the age of 18 years, working mainly unskilled and hard work. They started to work early and they discontinue their jobs early. Professional criminals are distinguished by the presence of persistent anti-social orientation.

The most common motivations make professional criminals to pull crimes are greed (25.1%) and the negative influence of others (7%).

The hallmark of professional criminals is the regular expulsion of their illegal income in the so-called thieves common cash fund, where in turn they can get subsidies, when they get into difficult situations, including when serving sentence in prison [13; 47–50].

Thus, professional criminals are characterized by persistent criminal mercenary, selfish and violent direction. These individuals claim to the benefits and to the extent that lie beyond their capabilities. This problem is solved by the election of illegal ways to meet their own desires. These people noted the clear predominance of material and limited spiritual needs.

Creation of negative social environment, criminalization of society are the main and the most significant harm from professional crime, which is becoming one of the strongest elements of self-determination of crime in general.

There are about 10 thieves in law in our republic. Now the thieves in law older than 50 years age are not many, but the thieves' law, which was across the country during the Soviet period is long gone. Criminal law is a criminal subculture that emerged in the mid 30-ies. Criminal law was formed in the entire Soviet Union. Currently, there is a transformation of the underworld. Society has completely changed and crime too. It is not necessary to sit in prison, to know language, to be called a thief in law. Instead of thieves, there appeared a new mafia system, where money, intelligence, ability to pay, and etc. are important. The changes allow the thieves environment to adapt resiliently to the rapidly changing socio-economic conditions.

It is more correct to name what is happening now professional crime, which is now, of course, has revived. Professional crime is strong, exists in parallel and gradually takes the form of mafia clans.

The social environment of professional crime has increased significantly. Today, it presents not only the «thieves in law», but also representatives of other criminal entities, arising from the crime, teen-hooligan

youth groups, actively assert themselves in the second half of the 80-ies of the last century, criminal groups of athletes blackmailers, corruption communities, ethnic and national communities, representatives of near and far abroad, etc.

Trends of professional crime in Kazakhstan currently are unfavorable. Improvement of works to struggle against these facts refers to the priority tasks of the state.

The prevention purposes are achieved by such legal institutions, as the respite of the sentence of imprisonment, replacing the penal punishment by the measures of administrative sanctions, probation. Presumably, as the practice of sentencing will be improved, by strictly differentiated approach to sentencing, i.e. by the combination of the stringent measures against the extremely dangerous criminals with the punishments, which are not related to imprisonment against the persons, who could be reclaimed without isolation from the society, and the system of bodies and institutions executing these punishments will be strengthened, gain the experience, and the efficiency of these institutions will grow even more.

Alaukhanov, E.O. and Zaripov, Z.S. note, that one of the main trends in preventing recidivism is the use of imprisonment only, when it is impossible to do without it [14; 11].

Studying the professional identity of the offender, causes and mechanism of his behavior makes the most efficient to carry out preventive effect on the personality already formed stable antisocial orientation, to provide ongoing preventive effects on professional criminals.

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### Кәсіби қылмыскер тұлғасын зерттеу кәсіби қылмыстың алдын алудың әдісі ретінде

Мақалада кәсіби қылмыстарды алдын алуда кәсіби қылмыскердің тұлғалық ерекшеліктері зерттелген, кәсіби қылмыскерлердің тұлғалық сипаттамалары айқындалған. Бұлар қылмыстармен күресудің мәселесінде алаңдатарлық жағдайлардың бірі болып саналады. Қазіргі уақытқа дейін ғылымда да, заңнамада да және тәжірибеде де кәсіби қылмыстылықтың қоғамдық қауіптілігінің ортақ мағынасы ашылмаған. Кәсіби қылмыстылықпен ұзақ уақытқа күресудің құрылымдық бағдарламасы жасалмаған. Кәсіби қылмыскер тұлғасын зерттеу, оның тәртібінің себептері мен механизмдерін зерттеу тұлғаға деген алдын ала әсерді тиімді қолдануға мүмкіндік береді.

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## Изучение личности профессионального преступника как один из профилактических методов криминального профессионализма

В данной статье автором указаны проблемы изучения особенностей личности профессионального преступника при предупреждении профессиональной преступности. Освещены личностные характеристики профессиональных преступников. До настоящего времени ни в науке, ни в законодательстве и ни в практике не достигнуто единого понимания общественной опасности профессиональной преступности. Как следствие, не разработана конструктивная программа борьбы с профессиональной преступностью на длительную перспективу. Определено, что изучение личности профессионального преступника, причин и механизма его поведения позволяет наиболее эффективно осуществлять профилактическое воздействие на личность.

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