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To a question about the personality of criminal commits crimes in illicit of valuable fish species

In the article is considered the question of identity of the offender commits a crime in trafficking of valuable fish species in the Caspian region of the Republic of Kazakhstan. The author analyzes the identity of the offender committing these types of crimes, in order to further explore the causes and conditions of crime. The study of the criminological characteristics makes it possible to study the causes of crimes involving illegal catch of valuable fish species, about crime in general, the role and place of the individual in the development of criminal behavior, the conditions under which it became possible to implement a criminal plan. And the author is considered operative-search characteristic that causes a lot of interest in the theory of operational and investigative activities. The theory of OIA interested criminal person as an object of a comprehensive study of its typical features, suitable for the use of their search for quality detection and detection of crimes related to the illegal catch of valuable fish species.

Key words: poaching, operative search activity, personality characteristics, criminal groups.

Protection of the environment and rational use of natural resources is one of the most important problems of modernity. Acquires increasing urgency measures to protect and science-based, rational use of land and its of bowels, water resource, plant and animal life, on conservation clean air and water, on ensuring reproduction of natural wealth.

Scientific and technical progress and intensification anthropogenic pressure on the natural environment will inevitably leads to an aggravation of the ecological situation: are being depleted natural resource stocks, polluted the environment, are lost natural relationship between man and nature, are lost aesthetic values, deteriorating physical and moral health of people, escalates the economic and political struggle for the raw material markets, the living space.

In modern conditions the illegal extraction of water animals is one of the most common crimes.

From illegal circulation is withdrawn illegally caught fish of valuable species, caviar, which does not meet the safety requirements for the life and health of citizens. Thus, illicit trafficking water animals not only brings irreparable damage to the economy and ecology of the country, but poses a threat to consumers of substandard products. Poaching has long been acquired the character of organized criminal activity, often carried out by officials using his official position, corrupt links, using modern fishing gears and other technical means.

At the core of a criminal act often in eternal striving a particular part of people to possession the values of material properties. That's why the crime is strong, because it always remains part of human development and is in conflict situations with the law [1].

Condition of combating fish poaching in the territory of the Republic of Kazakhstan today is inadequate. This circumstance is conditioned the study of statistics on crimes associated with these types of crimes, namely the Article 335» Illegal extraction of fish resources and other water animals or plants», where special necessary to pay attention to persons who commit them.

For example, in the Caspian areas of the republic, as well as other regions where prohibited or restricted fishing of valuable fish species, the majority of the population is unemployed and the main occupation of these persons is catching large amounts of fish, i.e. poaching, including valuable species. Also on the basis of the above, the persons engaged in such illegal fishing of valuable fish species are the latest equipping to catch fish and transportation on water, including such individuals as inherent in the organization of criminal acts and the latter circumstance is the existence of links among stakeholders, i.e., questions corruption character.

Criminological characteristics of crimes and those who committed them, contains a set of features, the analysis of which allows you to draw conclusions about the causes of crimes, crime in general, the role and place of the individual in the development of criminal behavior, the conditions under which it became possible to implement a criminal plan. Revealing the causes and conditions allowing in its turn, find the most effective ways to eliminate, to determine the main directions of preventive work [2].

Every science has to study crime and related phenomena from positions of «own interests», rather than by the way duplication. As rightly said V.Ph. Lugovik, each jurisprudence that explores an offense and crime has its specific subject matter. Each science studies only those aspects of the offense that are meaningful to meet its theoretical and practical problems [3].

For example, the identity of the perpetrator is studied criminal law, criminology, forensic science and the theory of operational and investigative activities.

In criminal law, the identity of the offender is referred to the offender. This setting is a necessary element of the offense, and is used to determine the presence of a crime and his skills (for example, the crime was committed repeatedly).

In criminology study of offender is subject to the identification of patterns of criminal behavior, their determination, causality and the development of science-based recommendations on the fight against crime [4]. This characteristic is called criminological characteristics of offender.

The identity of the criminal is also being studied, and the theory of operational and investigative activities. The theory of operational-search activities are interested in criminal identity as an object of complex study of its typical features, suitable for use search to identify the qualities and disclosure camouflaged crime.

A.V. Petukhov observes that the content of the operational-search characteristics of crimes can be neither universal nor abstract, nor in any other, but to define the tasks and scope of operational and investigative activities, as set includes his attributes is objectively directed, «attached» to the objectives and objectives pursued by the operatively-search activity [5].

In this connection it determines the operational-search characterization of crimes as a set of inherent to a particular type of crime characteristics that have the greatest importance for the effective solutions facing the operational units of the Interior tasks in the fight against crime with the use of operational and investigative powers, means and methods.

It should be noted that the personality — not a set of separate, isolated properties and qualities of the interconnected system, with its own hierarchy and the specific interaction of the various elements, it has a certain structure. In this structure, the importance given to the study of social, psychological, moral, psychological, and other qualities of the person who examines such subjects as civics, psychiatrists, psychologists and others. However, criminologists are not saying that under the criminological characteristics they understand the totality of the various aspects of psychological, psychiatric, and other characteristics of the offender. Because these symptoms are studied in order to determine why the man was on the path of crime, and what to do to correct it, that is, those set information (data), which operates criminology called criminological characteristics.

Personality in the criminal world — is the main and most important link in the whole mechanism of criminal behavior. The successful identification and prevention of crime is possible only if all the attention will be focused on the identity of the offender as a person is a carrier of the reasons for their occurrence.

For these purposes, our work requires the need for the study of offender commits a crime in the illegal production and sale of valuable fish species and make appropriate proposals to the legislation of the Republic of Kazakhstan.

To determine the characteristics of the identity of the offender is necessary to study all the properties of the individual offender in the general social level, that is considered in conjunction all the sociological, psychological, intellectual and other property. Therefore the problem identity of the perpetrator is one of the leading and at the same time the most difficult problems of criminology [6].

For the criminological characteristics of the identity of the perpetrator, it is necessary to unite all the properties of identity of the perpetrator in the general social level, that is considered in conjunction all sociological, psychological, intellectual and other property.

Socio-demographic parameters, primarily include such key positions as sex, age.

Our research and statistics show that among the fish poachers significantly more men (90 %) than women. Women are mainly engaged in sales of finished products of valuable species of fish, eggs and meat is fish, is it all production is sold under the counter in a variety of tricks, secretive.

National characteristics are not traced. The analysis shows that the structure of organized crime groups (both at the grassroots and at higher levels tested) included representatives of all major ethnic groups living in the region.

Age characteristics of offenders allows to draw conclusions about criminal activity and characteristics of the criminal conduct of different age groups. According to the practice of interviewing employees of the

Ministry of Internal Affairs of the Republic of Kazakhstan and the study of criminal cases shows that poachers among persons aged 14–17 years is 1.5 %, 18–24 years — 16 %. Most criminal population group, revealed in statistics are the persons aged 30–49 years: their share in the proceeds of crime up to 57 % under the age of 50 years — 6.5 %. Thus, the vast majority of the crime (70 %) made by persons most mature age groups.

Most of those convicted (71 %) had at least secondary education, working constituted 40.3 % of the convicts, employees — 5.5 %, employees of private enterprises — 2.7 % -0.3 %, students, unemployed and not studying — 26.3 %, and other — 19 %.

The social status of those involved in illegal fishing of valuable fish species, shows that the unemployed make up — 80 %; employees (private enterprises) — 10 %; civil servants — 6 %; students (secondary and higher education) — 3 %, and retirees — 0.5 %.

The main part of those involved in illegal fishing of valuable fish species are in rural areas is 60 % and 40 % of urban residents.

Is necessary to also be noted that, among those involved in illegal fishing of valuable fish species previously convicted for similar crimes (60–70 %) or brought to administrative responsibility (45–50 %). This suggests that among these individuals is inherent professionalism in the illegal catch of fish, the ability to cleverly conceal the crime, etc. 40–45 % of detainees had been convicted of other crimes — theft, vandalism, robbery.

Having a family and children, increasing the number of social functions in humans, the range of duties, responsibilities. Almost all the perpetrators justify their criminal behavior inability to legally obtain the social position which they believe they deserve. Most of them do not realize that their children follow in the footsteps of their parents, will go on a criminal path. This creates additional difficulties in juvenile crime.

For this category of persons characterized by a family. The absence of the family was recorded in only a quarter of offenders.

When considering the characteristics of the persons involved in illegal fishing of valuable fish species, it occupies an important place to study motive of illegal behavior, psychological personality characteristics. All environmental crimes represent an extreme form of negative attitudes towards the environment, and on its objective side may be deliberate and careless.

As for crimes related to the illegal fishing of valuable fish species, it is only done intentionally. «Poacher always deliberately violates the established legal regime of social protection of the natural environment, and this is its social danger» [7; 6, 7].

The poachers are not only aware of the unlawfulness and the harmfulness of their actions, but also consciously desire the result of the offensive, with the result as much as possible due to exceptional greed.

The main motive, according to some scientists are the gain, the goal pecuniary interest that allow us to consider poaching as «a way to extract unearned income, a way to gain that gives persons involved in this significant profits» [8; 86].

A number of experts as the most typical signs of identity poachers include a psychological property as excitement, as the review of the phenomenon in this context enables a deeper understanding of the specificity of several psychology studied category of offenders. Under the excitement is commonly understood as «the excitement caused by the hot passion than ever, enthusiasm, fervor» [9; 27]. The property, a sense of excitement from the more or less common to all involved in active recreation nature (hunting, mushroom picking, fishing, etc.). As correctly noted V.V.Guchkov: «Characteristic, that being, in the power of passion, many law-abiding anglers are able to consciously take the risk of being subjected to discipline, for example, for exceeding established norms of fishing because of the inability to resist the continuation of fishing with a strong biting» [10; 91].

Excitement poacher is based on greed, the desire for profit, and the combination of a predatory relation to nature, it becomes clear poachers willingness to take risks with any complications.

With that said, and the study of offender commits a crime connected with the illegal catch of valuable fish species, it is necessary to take into account the typical characteristics of these persons, and should at the same time to determine the characteristics distinguishing the persons involved in the illegal catch of valuable fish species and their differentiation according to certain groups. Without taking into account this position, we believe that the effectiveness of measures to combat illegal fishing of valuable fish species, without taking into account the personality of each offender will not be successful enough.

As pointed R.S.Belkin and A.I.Winberg 'classification is one of the means of knowledge, helping to examine individual objects and phenomena, to identify patterns of their development, to identify ways to use them» [11; 53].

A view to determining the criterion of criminal activity can be taken as a basis for proposals A.Pleshakov that poachers classifies into three types:

- 1) sequentially criminogenic;
- 2) situational criminogenic;
- 3) situational [12; 13].

Crimes poachers of the first type, which can be called stable-criminogenic, is an extension of the usual behavior for them, due to persistent anti-social views and attitudes. Actively and purposefully create a favorable environment for crime. The illegal catch of valuable fish species (poaching) for this type of offender is the main source of livelihood.

S.E.Erkenov, argues that poaching by their nature refer to those acts in which the anti-social setting in the minds of people is most stable [13; 157]. One may agree with the viewpoint of A.I.Gurov, who offers this type of call — professional criminals [14; 243].

Taking into account the high latency of the illegal catch of valuable fish species is necessary to note the social danger of persons engaged in poaching. In our opinion, a person who takes a long time illegal catch of valuable fish species (poaching) is constantly improving their criminal skills. So they worked out better ways to fish production, its processing and the establishment of sales channels, obtained by criminal means. The accumulation of material resources leads to better technical equipment used in illegal fishing (modern means of water, means of communication). With the rise of criminal skills, increasing damage to the environment, as well as increased skills conceal traces of the crime.

For example: 1 May 2014. At about 16:30 hours, during the raid actions by employees of the environmental police of DIA on the beach, in the countryside p.Atash, Tupkaragan area for illegal fishing of sturgeon subgenus Tupkaragan area residents detained citizen Mr. S., born in 1970 and c Mr. B., born in 1977, who found and seized the boat duralumin «Progress-4» outboard «Yamaha 40», 100 meters networks, 1 water pump, 1 battery, a satellite navigation device «Garmin «31,7kg. sturgeon and 1 sea perch weighing 2.2 kg. The total weight of illegally caught fish was 33.9 kg [15].

The second type is, situational criminogenic. According to A.Pleshakova, it refers to this type of about 60 percent of all the poachers, which leads to crime surrounding microenvironment, the accumulated negative experiences of life that determine legally and morally situation. Poaching for such persons is an additional source of revenue, and their actions as a whole can be called criminal and professional, different frequency and intensity [12; 7]. This type can result in the following example: May 21, 2014 by employees OBPPRZ (water police), and DPP ALM DVD in a joint raid events in Atyrau village. Zhumysker-2 stopped car «VAZ-211 243» led by a resident Isatay District c. M., born in 1990 During the search of the car in the trunk found and seized 28 kg of smuggled sturgeon [16].

The third type is a situational type who commit crimes, as a rule, under the influence of the situation. This may be a glitch or a sudden need for extra cash to get that at the moment the easiest way by poaching. The offense may be committed under the influence of others, including conditions of service, related or otherwise dependent [17; 40, 41].

This type have certain skills in the organization of fishing, but these skills are in contrast to the first group does not use as a professional skill to provide a permanent source of income. The boundaries between the first and second groups relative. And often the person in the second group in the first pass. More effects, we believe the impact on the fragile citizens provides the results of the police department to identify, disclose and bring to justice those involved in poaching. Demonstrating the inevitability of punishment.

For example: May 27, 2014 during the raid actions by employees of the environmental police Internal Affairs in Aktau 28th district, near the house number 37, was detained gr.M., born in 1966, is illegally traded caviar. During the inspection of the car «Golf» were seized 6 cans of black caviar [18].

The study identified the following motives illegal fishing. Shortcuts can be organized into the following groups:

- to ensure that current nutrition for herself and friends (without intent to sell);
- for harvesting as a food for a long time for yourself and loved ones (without intent to sell);
- as a leisure during the outdoor recreation (without intent to sell);
- for gifts and other personal purposes (without intent to sell);
- as a criminal fishing, in order to obtain illegal profits.

Pointing to the fact that people working in the ordinary roles in «fish roots» business, the unemployed, we should say that it is this fact often makes people do this difficult and sometimes dangerous work. For rural residents of Aktobe region living in coastal areas are simply forced to poach, because the island is absolutely no production, and therefore, there is no way to make the existence of the other way as using the resources of the sea.

The situation is similar for many residents of Mangistau region living in the coastal areas of the Caspian Sea, in connection with which, in practice, the state of preservation of biological resources has undergone mass criminalization.

The needs and interests strongly influence the motivational sphere of personality, that is, the «sum of its motives, which are formed and developed in the course of her life» [19; 204]. According to V.Luneev, motivational sphere is the «center» of the internal structure of personality, integrating its activity [20; 107].

How to determine the G.M.Minkovsky, «determination of behavior, realizing the position of the individual, an abnormality the society, mediated by internal incentive principles, respectively, the degree of effectiveness of the prevention of this behavior depends on the accuracy of» anchor «to the formulation and implementation options for socially dangerous motivation» [21; 24]. Motivation is linked with all the elements of criminal behavior.

The nature of the motivation the following types of poachers:

- Perpetrators of poaching for the purpose of selfish gain;
- Perpetrators of poaching needs or sports and entertainment motives.

Features criminal psychology defined its legal consciousness, attitude to the law, the law enforcement bodies, to commit a crime. Personality poacher is characterized not only indifferent, dismissive attitude to the public interests, ignoring the environmental legislation, but also internally negative attitude to the legal regulations. Typical position of self-justification, the search arguments on the «forced» to commit crimes of circumstances, is also typical position of not believing in the inevitability of responsibility and punishment.

These personality traits often have, ultimately, self-serving orientation (in the past — the plan at any price, now-profit, as well as awards, bonuses, promotions, etc.).

Malfeasance committed by negligence, as a rule, persons who are peculiar carelessness, disregard the laws governing the protection of the environment; incompetence and poor professional skills, and others.

For the individual officers of offenders who commit either deliberate and reckless crime, characteristic appearance, fairly steady aura of law-abiding members of society, which in many ways does not cause a negative reaction. This is difficult and, as a rule, the timely prevention of crimes.

Social status are the following categories of persons who commit illegal extraction of fish:

1) Individuals:

- episodically commit crimes;
- Committed a crime as a group of fishing and alone;
- United in organized criminal groups and communities;

2) public officials:

- Heads of government agencies responsible for issuing licenses for the production of biological resources;
- Heads of government departments and services in charge exportation of natural resources;
- Officials overseeing the execution of fishery protection legislation.

Officials crimes committed in the area of illegal fishing of valuable fish species are different, as a rule, high social risk, often causing huge environmental damage.

For example: May 16, 2014 in Atyrau p.Zarosly in temporary mobile checkpoints Department of the Interior, established on the highway «Atyrau» the traffic police Department of Internal Affairs in cooperation with the staff of Atyrau water police Internal Affairs was stopped car «Toyota Landkruzer» running gr. William, born in 1968, worked as an inspector Zhaiyk Caspian basin Interregional Inspectorate of Fisheries. During the search inside the car it was found 4.5 kg of smuggled sturgeon [22].

The negative impact on the wrongful conduct environmental officials to focus on the alleged depreciation of production due to failure to timely environmental measures, ignoring the harmful side effects of environmentally significant activities, and others.

Under the influence of the «shadow economy» and the formation of significant amounts of uncontrolled money supply is constantly expanding the range of persons wishing to engage in a profitable types of illegal environmental activities — illegal fishing. More than 80 % of malicious poaching for a long time engaged in

fishing for sturgeon, beluga, stellate sturgeon, are regular consumers (buyers) caviar poaching selling products for a sustainable, waste sales system.

Currently, factors affecting the high latency of fish poaching organization and professionalism are many poachers, a high level of technical equipment and corrupt connections in the state executive and law enforcement. Created a criminal organization with international connections, which is present in the structure of the entire chain from catching, processing, transportation and sale of fish. Therefore there is nothing surprising in the fact that, objectively developing and meetings should be opposition from the state, fish poaching has become clearly defined characteristics of organized crime.

According to various experts, if present in the aggregate, organized poaching, is not uniform in its structure. Depending on the profitability of the criminal fishing activities to combat it and other circumstances, criminal gangs of poachers can vary considerably in the degree of organization. Let us try to describe them briefly.

1. Stable group of members who share a conspiracy to commit one or a series of crimes, for example, during the holiday period, spawning fish and others.

2. Organized groups formed for a relatively long period of time, plan their activities, including the identification of market channels and poaching, communication systems, security, etc.

3. Highly organized criminal groups (criminal groups), the characteristic features of which are: permanent nature of criminal activity; construction of internal hierarchy, a clear division of responsibilities between the parties (links of), rather strict discipline; control of a particular territory; inter-regional ties through marketing; adjusted system of security measures, including intelligence and counterintelligence, establishing corrupt relations in nature protection, law enforcement and other government bodies, the presence of militant leaders for protection, distribution channels, the implementation of punitive measures; the presence of a monetary fund (common fund) to bribe the relevant officials [23–25].

Organized groups and their activities in the field of «fish» of business in Kazakhstan highly secretive. Characteristics of members of these groups are involved in this criminal business, consistent with the general parameters of the subject of organized criminal activity. Each member of the organized criminal group has its own characteristics.

As pointed I.Sh. Borchashvili organized group structure — the union of several persons to commit crimes. According to the degree of organization is more disciplined than a criminal group association, but much less to organize than a criminal organization, as its activity is subject to a team leader. The level of interconnection within the group — interpersonal [26].

Next I.Sh. Borchashvili gives the concept of criminal organizations (organizations). Organized crime groups in order to survive in competition with other criminal groups, and to expand its sphere of influence, or combined with each other or merge into the structure of a powerful criminal group. Thus, an organized criminal group is a subdivision of a criminal community (criminal organization).

Criminal association (criminal organization) — the structure of the union, but not individuals and organized criminal groups, rallies for committing grave and especially grave crimes. The degree of organization with high submission of a single criminal center — hierarchical [26].

The characteristics of such phenomena has been given attention in the work of A.N Trainina, who defined a criminal organization as «a long-term cohesive complicity, as if ready to commit human machine socially dangerous acts.» N.D.Dopes characterized an organized criminal group as a gang of thieves, amounted to commit crimes. M.I.Kovalev has allocated structural feature of the criminal community — its stability, that is, more or less long existence, the presence of all its members to make a determination, as a rule, not one but several crimes [27; 36].

Among the fish poachers many individuals with strong leadership abilities, a large enterprise and initiative. These qualities, combined with a negative distorted values, moral and legal views usually distinguish the leaders of criminal groups and criminal organizations.

Personality organizer and leader of a criminal group has the following special features:

Organizational abilities;

- * the existence of broad business ties and economic opportunities;
- * knowledge of criminal traditions;
- * disguise lifestyle;
- * the ability to «tune» their behavior to law-abiding;
- * the ability to find connections with corrupt officials of the state apparatus;
- * the availability of certain knowledge in the field of economics and law;

* experience in criminal activity, and others.

For artists and supporters following features:

* venality;

* subservience;

* lucre;

* the desire to involve the sphere of criminal transactions, more contingent workers [6].

Poachers this role, characterized by the fact that some of them voluntarily enter into criminal groups for profit. And the other part — is to enlist the organizer or leader of the group by means of blackmail, bribery.

The above studies have built around the structure of organized criminal groups who commit illegal fishing of valuable fish species.

The executors of the crimes most often were: the fishermen, poachers, manufacturers of fish products (black, red caviar, meat valuable fish species), drivers of vehicles. In the role of accomplices stand face to ensure the smooth performers offenses: workers conservation inspections, their leaders; law enforcement officials.

The organizer of crimes related to the illegal fishing of valuable fish species is a member of the organization of a criminal group, «supervising» this trend of illicit enrichment. In addition, the organizer with his criminal group, as a rule, is part of a large criminal group as a separate unit.

Organized crime in general and in the field of fish poaching, is closely associated with corruption crimes. Because of the high profitability of this type of criminal activity, many employees of state agencies — government, management, law enforcement, regulatory, entering into a criminal conspiracy with the poachers. Provide them with cover against law enforcement and environmental agencies, the necessary documentation and the like, thereby contributing to the existence and development of the water of poaching.

Of particular interest are persons who directly organized the illegal catch of valuable fish species, the total number of suspects held in criminal matters (the study), they account for about 10–12 %. The vast majority of it is about 90 % of these persons are not directly involved in fishing, fish products are not produced, providing itself the free movement of the points of production and distribution, performing overall control of the criminal activity. It is these individuals connect all parts of the criminal chain together. Organize market finished fish products, solve transport issues, settle matters with inspectors Fisheries Service, establish collection points caught fish, organize place of manufacture and processing of caviar production, supervise the safety of products on the whole route of the catch, manufacture and marketing of fish products, and sometimes even a temporary storage place. The study of criminal cases and materials operational accounting cases shows that all these persons were members of organized crime groups.

It is also necessary to note the level of technical equipment of criminal gangs. The results show that during the search of a residence of a number of persons or their immediate arrest at the time of the catch of valuable fish species, while the outer is not catchiness and the lack of luxury, each of the defendants had a well-equipped boats such as small craft «Baida», on some of the which had two powerful «Yamaha — 200», the latest satellite phones GPS. This circumstance is all motivated by the fact that with such a lifestyle need reliable equipment provided a good catch of valuable fish species and reliable operative communication is paramount.

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Analysis of the organized crime groups, poaching, the scale of their activities, practice of untouchability by the relevant services suggests that the operation of a source of income (fish, caviar, secondary products) are not carried out independently.

Managers of organized crime groups directly in the field of surgical devices are rare. In most cases they do not take part in the fishing of valuable fish species, carrying out a «strategic» planning of their structures.

In conclusion we can draw the following conclusions:

– the vast majority of those involved in poaching, are aged 30–49, mostly (99 %) — are men;

– currently, there is penetration processes poachers or poaching members of the organized group in the bodies of fish protection, to use performance management for criminal purposes;

– the role played by taking care of the material content of the family or the pursuit of profit, the envy of those who profit from the unjust ways.

The study of the individual persons involved in illegal fishing of valuable fish species is an important feature in the study of the topic. However, in the study of statistical data shows that often the person involved in this illegal fishing are residents of the coastal regions of the Ural-Kaspian coast for this purpose requires the need to study the causes and conditions of committing crimes in this category.

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