


# Criminological Profile of Personality of a Professional Criminal: Code-bound Thief as a Problem of Sustainable Development of Society

Andrey A. Baybarin <sup>1</sup> and Gennady P. Starinov <sup>2</sup>

<sup>1</sup> Department of Criminal Law, Faculty of Law, Southwest State University, 50 Let Oktyabrya Street 94, Kursk, Russia

<sup>2</sup> Department of Public and Private Law, Faculty of Social and Humanitarian Studies, Komsomolsk-na-Amure State University, Lenin's Street 27, Komsomolsk-on-Amur, Russia

**Keywords:** Organized Crime, Professional Criminal, Criminogenic Environment, Criminal Subculture, Criminal Value Orientations, Criminal Ideology, Special Subject of Crime.

**Abstract:** The article analyzes the main criminological characteristics of professional criminals - leaders of the criminal community. The need to establish the causes and conditions for the emergence and development of criminal qualities that form the prerequisites for committing a crime determines the analysis of the mechanism of an individual's criminal behavior. The works of Kh.A. Asatryan, M.P. Klymionov, V.M. Anisimov, V.A. Vladimirov, A.M. Lazarev and others examined the characterization of the personality of a criminal engaged in organized criminal activity. They examined the spectrum of psychological qualities of a leader's personality required for organizing and directing one or another type of criminal activity. They made out the complex of criminological characteristics of organized crime in business operation. They differentiated the organized criminals' composition by nationality. They indicated a problem of the positive perception of the criminal subculture by young people. In order to counter the negative impact of the criminal "world" on the emerging personality of a young man, they made some proposals to the current legislation. One can use the research materials to form a criminological policy of modern society. The author has developed a legislative initiative to implement it through amendments to the Code of Administrative Violations regarding administrative offenses that encroach on public order and public safety.

## 1 INTRODUCTION

According to the "Strategy for Economic Security of the Russian Federation for the period until 2030", the creation of effective criminological tools to prevent a professional crime at the present stage of development of our society is one of the strategic directions for ensuring national security (Consultant Plus, 2017).


The personality of a criminal is an integral element of criminological research. The detailed study of the personality of a criminal is required first because of the fact that any commission with elements of a crime largely depends on the personalization of a particular criminal individual.


The need to establish the causes and conditions for the emergence and development of criminal qualities that form the prerequisites for committing a crime determines the further analysis of the mechanism of an individual's criminal behavior.

## 2 METHODS

The environment exerts a strong influence on the formation of the initial deviant behavior of a particular person, which includes:

1) "External environment" formed from the political, material and spiritual conditions of the individual;

<sup>a</sup> <https://orcid.org/0000-0001-9183-3101>

<sup>b</sup> <https://orcid.org/0000-0001-7748-8954>

2) "Internal environment" as a form of immediate social environment formed by the totality of criminal elements that promote the ideology of a criminal image.

The criminogenic environment, which has been forming in the field of professional criminal activity throughout the development of our society, has implemented criminal moral standards, a criminal subculture, the communications that ultimately continued to improve the hierarchical criminal structure, which ultimately negatively affected the psychology and moral world of a specific individual.

The criminal environment has the greatest impact on a particular person in places where the criminal elements are concentrated (prison, pretrial detention facilities, penal colony settlement) obliging to fulfill all its requirements under the threat of inevitable punishment (Kleymionov, 2011).

In our opinion, it seems advisable to consider the criminological portrait of a professional criminal who expresses his motivational activity in a categorically negative attitude to the legal norms and values of our society.

### 3 RESULTS

The personality of a professional criminal, the so-called code-bound thief, contains criminal properties at all stages of unlawful acts in full contact with criminal communities that have a negative social orientation not only in Russia but also abroad.

A huge number of ethnic organized criminal communities – Georgian, Ingush, Chechen, and Azerbaijani – are engaged in crimes in Russia. The criminal activity of the Chinese and Tajik diasporas is intensifying, ultimately creating a threat to the national security of our society.

The multinational composition of professional criminals – code-bound thieves allows concluding about the international interaction of "criminal world" (Table 1).

Table 1: The National Composition of Professional Criminals.

	Number of people	Share of the total number, %	Number of people	Share of the total number, %
Russians	1550	33	51	12
Georgians	1295	28	255	58
Armenians	913	20	33	8
Azerbaijanis	179	4	15	4
Jews	173	4	7	2
Yezidis	130	3	26	6
Ukrainians	113	3	5	2
Tatars	59	2	5	2
Greeks	43	1	5	2
Uzbeks	36	1	3	1
Abkhazians	35	1	8	2
Chechens	33	1	8	2
Belarusians	31	1	2	1
Ossetians	26	1	3	1
Germans	12	1	1	1
Ingush	10	1	3	1
Kazakhs	8	1	3	1
Talysh	6	1	1	1
Moldovans	6	1	2	1
Lezgins	5	1	1	1
Kyrgyz	4	1	2	1
Bashkirs	4	1	2	1
Avars	4	1	1	1
Balkarians	1	1	1	1
Dargins	1	1	1	1

Source: the author compiled the table based on the data from the site of Prime Crime Information Agency (Prime Crime-1 IA, 2020).

A diverse range of criminal activities determines a wide range of psychological qualities of a leader's personality, which are necessary to lead various types of criminal activity.

Typical personality characteristics inherent with code-bound thieves committing common crimes and leaders of organized crime groups operating in the field of criminal business operation differ a little (Asatryan, 2014). A leader of the criminal community, organizing crimes in economic activity, is a highly educated criminal, unconventionally approached to the search for new opportunities for criminal business operation.

The business qualities inherent with a professional criminal - a code-bound thief include: initiative in making a certain decision; decisiveness in making high-risk decisions; ability to influence people used in the criminal business process; high level of professional training; charismatic abilities that allow to manage a criminal society.

Criminal professional training of professional criminals creates the conditions for the preparation

and commission of a crime, using the opportunities for latent receipt of criminal profit in the process of committing illegal actions (Samsonov and Sergeev, 2014). They have extensive connections that go far beyond criminal contacts, including corrupt law enforcement officials.

A criminal offender connects crimes of a corruption nature with the deliberate use of his official authority in order to obtain material and other advantages, for personal criminal enrichment or for third parties performing managerial functions in a commercial or other organization and receiving illegal remuneration (Onufrienko, 2014).

Such people, having a certain legal status, both in government and in business, and in business operation, are usually pragmatic and are striving for specific criminal results, often using the capabilities of representatives of the "thieves' world" - professional criminals (Izvestia, 2018).

The public danger of a corrupt criminal also comes out in legal discrediting of law through lobbying of criminal bills and interference in law enforcement, artificially blocking social projects in the interests of code-bound thieves.

Professional criminals strive for personal independence in any circumstances, realizing their high level through domination in the criminal and business operational environment.

The most authoritative in the criminal community leaders of the "criminal world" define the status of a professional criminal as a code-bound thief at their gathering.

All the business qualities of a professional criminal ultimately form the criminal value orientations and distorted moral foundations of behavior for direct perpetrators of criminal activity, and ultimately increase the social danger of a particular code-bound thief (Kudryavtseva, 2005).

"A large part of the population is involved in this system and to the point organized crime, controlled by professional criminals, is an alternative society with its highly profitable economy, social and spiritual spheres, its systems of governance, security, the formation of the young generation, the courts, its domestic and foreign policies" (Nomokonov, 2010).

Organized crime comes out in the complex of its criminological characteristics in business operation:

1) The criminalization of economic relations expressed in the merger of economic and ordinary criminal activity;

2) The active manifestation of corruption components, which are a prerequisite, on the one hand, and one of the manifestations of organized crime, on the other hand, a means of disguising it;

3) The formation of a reserve of organized criminal communities from among who serving criminal sentences in places of deprivation of liberty;

4) The elimination of most forms of social control because of political instability of society, aggravation of interethnic, ethnic, religious conflicts;

5) The deformation of the moral position of the population, affecting the criminal potential;

6) Gaps in the criminal, criminal procedure, criminal executive and administrative legislation;

7) The weakening of the role of state bodies of legislative and executive power in the legal regulation of business operation, in the formation of civilized market relations.

A specific feature of professional crime is a high degree of criminal latency that causes enormous damage to society.

The latency of professional crime is a big social problem, a detailed study of which allows revealing of crime statistics close to the truth based on:

1) The real development of methods for the prevention of crimes in the field of business operation;

2) Identifying the causes and conditions conducive to the commission of economic crimes, and their timely elimination;

3) The implementation of the principle of the inevitability of punishment for committing unlawful acts and evening-out the educational impact of criminal law;

4) The ability to predict economic crime and develop comprehensive programs for its prevention;

5) Reducing of such a negative phenomenon as the self-determination of economic crime, that is the preventive effect on its self-reproduction due to the growth of recidivism.

An analysis of criminological policy in Russia allows concluding that the fact that our society allows professional criminals to manage youth policy unpunishably and legally in order to prepare for them a new generation of perpetrators of criminal intentions also facilitate the spread of criminal ideology and the strengthening of the positions of organized criminal groups (TASS, 2016).

In this case, the criminal subculture, being an integral part of the ideological values of the criminal community, creates the prerequisites for a negative impact on the younger generation, which is the basis for the further development of our society (Vologdina et al., 2020).

Creating a positive perception of the criminal lifestyle of professional criminals in the youth environment makes it possible to legalize the cultural

phenomena studied in criminology as a criminal subculture (Kleytmionov, 2018).

The implementation of distorted value orientations of youth, based on a positive perception of the criminal subculture, is gradually becoming an integral part of the personality of offenders, displacing elements of legal consciousness (Anisimkov and Koroliova, 2007).

The low level of social well-being of the mainstream youth environment allows professional criminals to stupefy young people with “thieves' romance”, followed by involving juveniles in criminal activity (NEWSru.com, 2016).

## 4 DISCUSSION

The idea of ways to violate the law sequentially comes to citizens of our society as an inevitable attribute of business activity. For example, Russian code-bound thieves legalized the site "Prime Crime", having registered it as a mass media outlet, all materials of which are protected by copyright (Prime Crime-2 Information Agency, 2020).

Public ideologists of the thieves' movement have gathered a huge amount of material on propagating the history of the “thieves' world” based on the formation of an allegedly positive image of criminal authorities (Beloglazov, 2006).

The imperfection of the legislation and the inefficiency of the criminological policy of the state in the sphere of the lawful behavior of an individual makes the basis for the further spread of criminal ideology among young people (Tseveleva et al., 2020).

## 5 CONCLUSIONS

In order to negatively perceive the criminal “world” at the stage of personality formation and counteract the formation of professional criminal communities, include the article 20.3.1 in chapter 20 of the Code of Administrative Offenses of the Russian Federation (Administrative Offenses encroaching on public order and public safety). Name it "Advocacy of the ideology of criminal subculture and the criminal way of life among juveniles".

«A public demonstration of the symbols of belonging to the criminal world, the performance of a song repertoire praising the social significance of the criminal environment, the public use of slang phrases of the criminal world, the creation of sites and groups

on social networks with the aim of spreading and propagating criminal ideology among juveniles».

The proposed legislative initiative will be one of the forms for the implementation of Federal Law No. 436-FZ dated 12/29/2010 “On the Protection of Children from Information Harmful to Their Health and Development”. It will be the form of legal consolidation of the constitutional principles for the protection of childhood, proposed for public discussion by the President of the Russian Federation.

It will be the legal consolidation in normative acts of the instructions of the President of the Russian Federation expressed in the Address to the Federal Assembly on 15.01.2020. It will be the legal basis for the implementation of Recommendation No. CM / Rec (2018) 7 of the Council of Ministers of the Council of Europe “On the observance, protection and implementation of the rights of children in the digital environment”, which stipulates the need to identify the relevant crimes committed in the digital environment and criminal liability for them (ConsultantPlus-1, 2019; State Duma, 2020; President of Russia, 2020; Recommendation, 2018).

Fixing the unlawful ideological activity of the leaders of the criminal “world” within the framework of administrative legislation will create legal prerequisites in the process of subsequent criminal liability under paragraph 1 of Article 210 of the Criminal Code of the Russian Federation for “...occupying a higher position in the criminal hierarchy”. It will allow the law enforcement authorities to classify this category of persons as the “special subject of crime”, since the signs themselves directly follow from the content of the article, although not directly indicated in it (ConsultantPlus, 2020; ConsultantPlus-2, 2019).

This will primarily relate to the fact that the criminalization of criminal policy to increase responsibility for the creation and leadership of the criminal community has forced authoritative code-bound thieves to implement a set of preventive counteractions aimed at practical imparting to the conspiracy of a criminal organization.

Their counter-actions include the development of measures for career-oriented nomination of their legal representatives in business structures and state authorities in order to create corrupt schemes.

In particular, summarizing the multifaceted opinions of specialists regarding the definition of the status of a special subject, Yu.V. Tarasova (2004) concretizes the fact that there is no single understanding on this issue in the theory of criminal law.

For example, A.M. Lazarev, G.N. Borzenkov (1981), defines a special subject as the person who has both common features and additional qualities.

V.A. Vladimirov, G.A. Levitsky (1964) concretize a special subject as the one who has the specific features listed in the disposition of the article.

Accordingly, when classifying the characteristics of a special subject, we propose to take into account the characteristics of the legal status of the subject depending on the role that he plays in the commission of the crime: organizer / leader (DeKeseredy and Dragiewicz, 2012).

In this case, enumeration for the meaning of the features of a special subject is as follows:

1) Optional features forming the components of crime

2) Acting as qualifying features

3) The implication for the individualization of punishment, aggravating criminal liability.

Controlling common criminal and economic crime in the course of their criminal activity, professional criminals participate in criminal business operations actively, making fabulous profits from the criminal arms trade, trafficking and sale of drugs, sale of innards, organizing of the sex-work sector and the total control of the smuggling of goods across the border (Gondolf, 2012).

Professional criminals are legal co-founders of a significant part of the economic sphere of business, continuing further work on the legalization of capital acquired by illegal means, trying to take control of the economy of the city, region, concentrating tax-free money in the criminal community. It means that they are the most active participants in the formation of the "shadow" economies and constitute a real threat to the national security of the country.

We believe that the knowledge of the personality of a criminal - the code-bound thief, who, being the most important link in the entire mechanism of criminal behavior of criminal communities creates problems for the stabilization of our society, makes the base for the effective counteraction against professional crime.

## REFERENCES

- Anisimkov, V.M. and Koroliova, E.V. (2007). Criminal Subculture: A Brief History of the Matter, Its Impact on the Formation of the Offender's Personality. *Bulletin of the Vladimir Law Institute*, 3(4): 142-146.
- Asatryan, Kh.A. (2014). Characterization of the Personality of a Criminal Engaged in Organized Criminal Activity. *Criminological Magazine of the Baikal State University of Economics and Law*, 3: 40-48.
- Beloglazov, E.G. (2006). Modeling of a Criminal Environment Management System. *Bulletin of the Moscow University of the Ministry of Internal Affairs of the Russian Federation named after V.Ya. Kikotya*, pages 39-41.
- Consultant Plus (2017). Decree of the President of the Russian Federation dated May 13, 2017 N 208 "On the Strategy for Economic Security of the Russian Federation for the period until 2030". URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_216629/](http://www.consultant.ru/document/cons_doc_LAW_216629/) (data accessed: 15.05.2020).
- Consultant Plus (2020). Federal Law N 63-FZ dated 06/13/1996 "Criminal Code of the Russian Federation" (as amended on 02/18/2020). URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/ae9d07f27fd0e736d95f0da92e5d62311e7ea7f5/](http://www.consultant.ru/document/cons_doc_LAW_10699/ae9d07f27fd0e736d95f0da92e5d62311e7ea7f5/) (data accessed: 19.03.2020).
- ConsultantPlus-1 (2019). Federal Law N 436-FZ dated December 29, 2010 "On the Protection of Children from Information Harmful to Their Health and Development" (as amended on May 01, 2019). URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_108808/](http://www.consultant.ru/document/cons_doc_LAW_108808/) (data accessed: 20.05.2020).
- Consultant Plus-2 (2019). Federal Law dated 01.04.2019 N 46-FZ "On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation with Regard to Organized Crime Prevention". URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_3214\\_11/](http://www.consultant.ru/document/cons_doc_LAW_3214_11/) (data accessed: 19.03.2020).
- DeKeseredy, W. and Dragiewicz, M. (2012). *Critical criminology: Past, present, and future. Handbook of critical criminology*. Routledge. New York.
- Gondolf, E. (2012). *The future of batterer programs: Reassessing evidence-based practice*. Northeastern University Press. Boston.
- Kleymionov, M.P. (2018). *Personality of a Professional Criminal Personality of a Criminal and Its Criminological Study*. Russian Criminological Association Publ. Moscow.
- Kudryavtseva, V.N. (2005). *Criminology*. Norma. Moscow.
- Lazarev, A.M. (1981). *Subject of Crime*. RIO VUZI. Moscow.
- NEWSru.com (2016). The Human Rights Council told about the AUE youth group, which requires children in 18 regions of the Russian Federation to donate "money to the common fund for the prison camp". URL: <http://www.newsru.com/crime/13jul2016/unity.html> (data accessed: 27.07.2020).
- Nodelman, V. (2018). Portrait of a Corrupt Official: Energetic, Educated 40-year-old Family Man. *Izvestia*. URL: <https://iz.ru/821066/valeriia-nodelman/portret-korruptcionera-energichnyi-obrazovannyi-40-letnii-semianin> (data accessed: 09.04.2020).
- Nomokonov, V.A. (2010). *Transnational Organized Crime*. Far Eastern Federal University Publ. Vladivostok.
- Onufrienko, A.V. (2014). The Role of the Prosecution Authorities of the Russian Federation in the Fight

- against Corruption. *Bulletin of the Moscow Finance and Law University*, 4: 133-143.
- President of Russia (2020). The President's Message to the Federal Assembly. URL: <http://www.kremlin.ru/events/president/news/62582> (data accessed: 01.04.2020).
- Prime Crime-1 Information Agency (2020). People. URL: <https://www.primecrime.ru/characters/top/> (data accessed: 20.03.2020).
- Prime Crime-2 Information Agency (2020). About the project. URL: <https://www.primecrime.ru/about/> (data accessed: 10.03.2020).
- Recommendation (2018). Recommendation No. CM/Rec (2018)7 of the Cabinet of Ministers of the Council of Europe "On Observance, Protection and Implementation of the Rights of Children in the Digital Environment" (Adopted on 07/04/2018 at the 1321st meeting of representatives of ministers)". *Bulletin of the European Court of Human Rights*, 12: 112-126.
- Samsonov, V.A. and Sergeev, S.M. (2014). *Law Enforcement Counteraction to Ethnic Organized Criminal Groups*. East Siberian Institute of the Ministry of Internal Affairs of the Russian Federation Publ. Irkutsk.
- State Duma (2020). On the Amendment to the Constitution of the Russian Federation. URL: <http://duma.gov.ru/news/48045/> (data accessed: 29.03.2020).
- Tarasova, Yu.V. (2004). The Concept and Characteristics of a Special Subject of Crime. *Russian Investigator*, 10: 13-16.
- TASS (2016). HRC is concerned about the "thieves' movement" among children, considers it a threat to national security. URL: <http://tass.ru/obschestvo/2621038> (data accessed: 25.04.2020).
- Tseveleva, I.V., Starinov, G.P. and Pershina, E.Yu. (2020). Foresight System in the Structure of Criminological Forecasting of Corruption in the Business Environment in Multicultural Space of Russia. In *Smart Innovation, Systems and Technologies*, 172: 379-390.
- Vladimirov, V.A. and Levitsky, G.A. (1964). *Subject of Crime under Soviet Criminal Law. Lecture*. NIiRIO VSh MOOP RSFSR. Moscow.
- Vologdina, E.S., Kuzmina, O.A. and Matyuschko, A.V. (2020). Experience of Implementing State Policy on Life and Adaptation of Families of Agricultural Migrants from the European Part of Russia to the Far East in the 20-30s of the 20th Century. *Advances in Economics, Business and Management Research*, 128: 584-588.